



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1045

Introduced 1/9/2025, 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 2025 and amends the State Appellate Defender Act to add provisions concerning the restoration of the death penalty. Amends the General Provisions, Downstate Police, Downstate Firefighter, Chicago Police, Chicago Firefighter, Illinois Municipal Retirement Fund (IMRF), State Employees, and State Universities Articles of the Illinois Pension Code. With regard to police officers, firefighters, and similar public safety employees, 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. Amends the State Finance Act to make conforming changes. Amends the Public Safety Employee Benefits Act concerning health insurance plans of police officers and firefighters. Makes other conforming changes. Amends the State Mandates Act to require implementation of the amendatory changes to the Illinois Pension Code without reimbursement. Makes other changes. Effective immediately.

LRB104 03165 RLC 13186 b

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 Section 1-1. Short title. This Article may be cited as the
6 Capital Crimes Litigation Act of 2025. References in this
7 Article to "this Act" mean this Article.

8 Section 1-5. Appointment of trial counsel in death penalty
9 cases. If an indigent defendant is charged with an offense for
10 which a sentence of death is authorized, and the State's
11 Attorney has not, at or before arraignment, filed a
12 certificate indicating he or she will not seek the death
13 penalty or stated on the record in open court that the death
14 penalty will not be sought, the trial court shall immediately
15 appoint the Public Defender, or any other qualified attorney
16 or attorneys as the Illinois Supreme Court shall by rule
17 provide, to represent the defendant as trial counsel. If the
18 Public Defender is appointed, he or she shall immediately
19 assign the attorney or attorneys who are public defenders to
20 represent the defendant. The counsel shall meet the
21 qualifications as the Supreme Court shall by rule provide. At
22 the request of court appointed counsel in a case in which the

1 death penalty is sought, attorneys employed by the State
2 Appellate Defender may enter an appearance for the limited
3 purpose of assisting counsel appointed under this Section.

4 Section 1-10. Court appointed trial counsel; compensation
5 and expenses.

6 (a) This Section applies only to compensation and expenses
7 of trial counsel appointed by the court as set forth in Section
8 1-5, other than public defenders, for the period after
9 arraignment and so long as the State's Attorney has not, at any
10 time, filed a certificate indicating he or she will not seek
11 the death penalty or stated on the record in open court that
12 the death penalty will not be sought.

13 (a-5) Litigation budget.

14 (1) In a case in which the State has filed a statement
15 of intent to seek the death penalty, the court shall
16 require appointed counsel, including those appointed in
17 Cook County, after counsel has had adequate time to review
18 the case and prior to engaging trial assistance, to submit
19 a proposed estimated litigation budget for court approval,
20 that will be subject to modification in light of facts and
21 developments that emerge as the case proceeds. Case
22 budgets should be submitted ex parte and filed and
23 maintained under seal in order to protect the defendant's
24 right to effective assistance of counsel, right not to
25 incriminate him or herself and all applicable privileges.

1 Case budgets shall be reviewed and approved by the judge
2 assigned to try the case. As provided under subsection (c)
3 of this Section, petitions for compensation shall be
4 reviewed by both the trial judge and the presiding judge
5 or the presiding judge's designee.

6 (2) The litigation budget shall serve purposes
7 comparable to those of private retainer agreements by
8 confirming both the court's and the attorney's
9 expectations regarding fees and expenses. Consideration
10 should be given to employing an ex parte pretrial
11 conference in order to facilitate reaching agreement on a
12 litigation budget at the earliest opportunity.

13 (3) The budget shall be incorporated into a sealed
14 initial pretrial order that reflects the understandings of
15 the court and counsel regarding all matters affecting
16 counsel compensation and reimbursement and payments for
17 investigative, expert and other services, including, but
18 not limited to, the following matters:

19 (A) the hourly rate at which counsel will be
20 compensated;

21 (B) the hourly rate at which private
22 investigators, other than investigators employed by
23 the Office of the State Appellate Defender, will be
24 compensated; and

25 (C) the best preliminary estimate that can be made
26 of the cost of all services, including, but not

1 limited to, counsel, expert, and investigative
2 services that are likely to be needed through the
3 guilt and penalty phases of the trial. The court shall
4 have discretion to require that budgets be prepared
5 for shorter intervals of time.

6 (4) Appointed counsel may obtain, subject to later
7 review, investigative, expert, or other services without
8 prior authorization if necessary for an adequate defense.
9 If the services are obtained, the presiding judge or the
10 presiding judge's designee shall consider in an ex parte
11 proceeding that timely procurement of necessary services
12 could not await prior authorization. If an ex parte
13 hearing is requested by defense counsel or deemed
14 necessary by the trial judge prior to modifying a budget,
15 the ex parte hearing shall be before the presiding judge
16 or the presiding judge's designee. The judge may then
17 authorize the services nunc pro tunc. If the presiding
18 judge or the presiding judge's designee finds that the
19 services were not reasonable, payment may be denied.

20 (5) An approved budget shall guide counsel's use of
21 time and resources by indicating the services for which
22 compensation is authorized. The case budget shall be
23 re-evaluated when justified by changed or unexpected
24 circumstances and shall be modified by the court when
25 reasonable and necessary for an adequate defense. If an ex
26 parte hearing is requested by defense counsel or deemed

1 necessary by the trial judge prior to modifying a budget,
2 the ex parte hearing shall be before the presiding judge
3 or the presiding judge's designee.

4 (b) Appointed trial counsel shall be compensated upon
5 presentment and certification by the circuit court of a claim
6 for services detailing the date, activity, and time duration
7 for which compensation is sought. Compensation for appointed
8 trial counsel may be paid at a reasonable rate not to exceed
9 \$125 per hour. The court shall not authorize payment of bills
10 that are not properly itemized. A request for payment shall be
11 presented under seal and reviewed ex parte with a court
12 reporter present. Every January 20, the statutory rate
13 prescribed in this subsection shall be automatically increased
14 or decreased, as applicable, by a percentage equal to the
15 percentage change in the consumer price index-u during the
16 preceding 12-month calendar year. "Consumer price index-u"
17 means the index published by the Bureau of Labor Statistics of
18 the United States Department of Labor that measures the
19 average change in prices of goods and services purchased by
20 all urban consumers, United States city average, all items,
21 1982-84=100. The new rate resulting from each annual
22 adjustment shall be determined by the State Treasurer and made
23 available to the chief judge of each judicial circuit.

24 (c) Appointed trial counsel may also petition the court
25 for certification of expenses for reasonable and necessary
26 capital litigation expenses including, but not limited to,

1 investigatory and other assistance, expert, forensic, and
2 other witnesses, and mitigation specialists. Each provider of
3 proposed services must specify the best preliminary estimate
4 that can be made in light of information received in the case
5 at that point, and the provider must sign this estimate under
6 the provisions of Section 1-109 of the Code of Civil
7 Procedure. A provider of proposed services must also specify:
8 (1) his or her hourly rate; (2) the hourly rate of anyone else
9 in his or her employ for whom reimbursement is sought; and (3)
10 the hourly rate of any person or entity that may be
11 subcontracted to perform these services. Counsel may not
12 petition for certification of expenses that may have been
13 provided or compensated by the State Appellate Defender under
14 item (c)(5.1) of Section 10 of the State Appellate Defender
15 Act. The petitions shall be filed under seal and considered ex
16 parte but with a court reporter present for all ex parte
17 conferences. If the requests are submitted after services have
18 been rendered, the requests shall be supported by an invoice
19 describing the services rendered, the dates the services were
20 performed and the amount of time spent. These petitions shall
21 be reviewed by both the trial judge and the presiding judge of
22 the circuit court or the presiding judge's designee. The
23 petitions and orders shall be kept under seal and shall be
24 exempt from Freedom of Information requests until the
25 conclusion of the trial, even if the prosecution chooses not
26 to pursue the death penalty prior to trial or sentencing. If an

1 ex parte hearing is requested by defense counsel or deemed
2 necessary by the trial judge, the hearing shall be before the
3 presiding judge or the presiding judge's designee.

4 (d) Appointed trial counsel shall petition the court for
5 certification of compensation and expenses under this Section
6 periodically during the course of counsel's representation.
7 The petitions shall be supported by itemized bills showing the
8 date, the amount of time spent, the work done, and the total
9 being charged for each entry. The court shall not authorize
10 payment of bills that are not properly itemized. The court
11 must certify reasonable and necessary expenses of the
12 petitioner for travel and per diem (lodging, meals, and
13 incidental expenses). These expenses must be paid at the rate
14 as promulgated by the United States General Services
15 Administration for these expenses for the date and location in
16 which they were incurred, unless extraordinary reasons are
17 shown for the difference. The petitions shall be filed under
18 seal and considered ex parte but with a court reporter present
19 for all ex parte conferences. The petitions shall be reviewed
20 by both the trial judge and the presiding judge of the circuit
21 court or the presiding judge's designee. If an ex parte
22 hearing is requested by defense counsel or deemed necessary by
23 the trial judge, the ex parte hearing shall be before the
24 presiding judge or the presiding judge's designee. If the
25 court determines that the compensation and expenses should be
26 paid from the Capital Litigation Trust Fund, the court shall

1 certify, on a form created by the State Treasurer, that all or
2 a designated portion of the amount requested is reasonable,
3 necessary, and appropriate for payment from the Trust Fund.
4 The form must also be signed by lead trial counsel under the
5 provisions of Section 1-109 of the Code of Civil Procedure
6 verifying that the amount requested is reasonable, necessary,
7 and appropriate. Bills submitted for payment by any individual
8 or entity seeking payment from the Capital Litigation Trust
9 Fund must also be accompanied by a form created by the State
10 Treasurer and signed by the individual or responsible agent of
11 the entity under the provisions of Section 1-109 of the Code of
12 Civil Procedure that the amount requested is accurate and
13 truthful and reflects time spent or expenses incurred.
14 Certification of compensation and expenses by a court in any
15 county other than Cook County shall be delivered by the court
16 to the State Treasurer and must be paid by the State Treasurer
17 directly from the Capital Litigation Trust Fund if there are
18 sufficient moneys in the Trust Fund to pay the compensation
19 and expenses. If the State Treasurer finds within 14 days of
20 his or her receipt of a certification that the compensation
21 and expenses to be paid are unreasonable, unnecessary, or
22 inappropriate, he or she may return the certification to the
23 court setting forth in detail the objection or objections with
24 a request for the court to review the objection or objections
25 before resubmitting the certification. The State Treasurer
26 must send the claimant a copy of the objection or objections.

1 The State Treasurer may only seek a review of a specific
2 objection once. The claimant has 7 days from his or her receipt
3 of the objections to file a response with the court. With or
4 without further hearing, the court must promptly rule on the
5 objections. The petitions and orders shall be kept under seal
6 and shall be exempt from Freedom of Information requests until
7 the conclusion of the trial and appeal of the case, even if the
8 prosecution chooses not to pursue the death penalty prior to
9 trial or sentencing. Certification of compensation and
10 expenses by a court in Cook County shall be delivered by the
11 court to the county treasurer and paid by the county treasurer
12 from moneys granted to the county from the Capital Litigation
13 Trust Fund.

14 Section 1-15. Capital Litigation Trust Fund.

15 (a) The Capital Litigation Trust Fund is created as a
16 special fund in the State treasury. The Trust Fund shall be
17 administered by the State Treasurer to provide moneys for the
18 appropriations to be made, grants to be awarded, and
19 compensation and expenses to be paid under this Act. All
20 interest earned from the investment or deposit of moneys
21 accumulated in the Trust Fund shall, under Section 4.1 of the
22 State Finance Act, be deposited into the Trust Fund.

23 (b) Moneys deposited into the Trust Fund shall not be
24 considered general revenue of the State of Illinois.

25 (c) Moneys deposited into the Trust Fund shall be used

1 exclusively for the purposes of providing funding for the
2 prosecution and defense of capital cases and for providing
3 funding for post-conviction proceedings in capital cases under
4 Article 122 of the Code of Criminal Procedure of 1963 and in
5 relation to petitions filed under Section 2-1401 of the Code
6 of Civil Procedure in relation to capital cases as provided in
7 this Act and shall not be appropriated, loaned, or in any
8 manner transferred to the General Revenue Fund of the State of
9 Illinois.

10 (d) Every fiscal year the State Treasurer shall transfer
11 from the General Revenue Fund to the Capital Litigation Trust
12 Fund an amount equal to the full amount of moneys appropriated
13 by the General Assembly (both by original and supplemental
14 appropriation), less any unexpended balance from the previous
15 fiscal year, from the Capital Litigation Trust Fund for the
16 specific purpose of making funding available for the
17 prosecution and defense of capital cases and for the
18 litigation expenses associated with post-conviction
19 proceedings in capital cases under Article 122 of the Code of
20 Criminal Procedure of 1963 and in relation to petitions filed
21 under Section 2-1401 of the Code of Civil Procedure in
22 relation to capital cases. The Public Defender and State's
23 Attorney in Cook County, the State Appellate Defender, the
24 State's Attorneys Appellate Prosecutor, and the Attorney
25 General shall make annual requests for appropriations from the
26 Trust Fund.

1 (1) The Public Defender in Cook County shall request
2 appropriations to the State Treasurer for expenses
3 incurred by the Public Defender and for funding for
4 private appointed defense counsel in Cook County.

5 (2) The State's Attorney in Cook County shall request
6 an appropriation to the State Treasurer for expenses
7 incurred by the State's Attorney.

8 (3) The State Appellate Defender shall request a
9 direct appropriation from the Trust Fund for expenses
10 incurred by the State Appellate Defender in providing
11 assistance to trial attorneys under item (c)(5.1) of
12 Section 10 of the State Appellate Defender Act and for
13 expenses incurred by the State Appellate Defender in
14 representing petitioners in capital cases in
15 post-conviction proceedings under Article 122 of the Code
16 of Criminal Procedure of 1963 and in relation to petitions
17 filed under Section 2-1401 of the Code of Civil Procedure
18 in relation to capital cases and for the representation of
19 those petitioners by attorneys approved by or contracted
20 with the State Appellate Defender and an appropriation to
21 the State Treasurer for payments from the Trust Fund for
22 the defense of cases in counties other than Cook County.

23 (4) The State's Attorneys Appellate Prosecutor shall
24 request a direct appropriation from the Trust Fund to pay
25 expenses incurred by the State's Attorneys Appellate
26 Prosecutor and an appropriation to the State Treasurer for

1 payments from the Trust Fund for expenses incurred by
2 State's Attorneys in counties other than Cook County.

3 (5) The Attorney General shall request a direct
4 appropriation from the Trust Fund to pay expenses incurred
5 by the Attorney General in assisting the State's Attorneys
6 in counties other than Cook County and to pay for expenses
7 incurred by the Attorney General when the Attorney General
8 is ordered by the presiding judge of the Criminal Division
9 of the Circuit Court of Cook County to prosecute or
10 supervise the prosecution of Cook County cases and for
11 expenses incurred by the Attorney General in representing
12 the State in post-conviction proceedings in capital cases
13 under Article 122 of the Code of Criminal Procedure of
14 1963 and in relation to petitions filed under Section
15 2-1401 of the Code of Civil Procedure in relation to
16 capital cases. The Public Defender and State's Attorney in
17 Cook County, the State Appellate Defender, the State's
18 Attorneys Appellate Prosecutor, and the Attorney General
19 may each request supplemental appropriations from the
20 Trust Fund during the fiscal year.

21 (e) Moneys in the Trust Fund shall be expended only as
22 follows:

23 (1) To pay the State Treasurer's costs to administer
24 the Trust Fund. The amount for this purpose may not exceed
25 5% in any one fiscal year of the amount otherwise
26 appropriated from the Trust Fund in the same fiscal year.

1 (2) To pay the capital litigation expenses of trial
2 defense and post-conviction proceedings in capital cases
3 under Article 122 of the Code of Criminal Procedure of
4 1963 and in relation to petitions filed under Section
5 2-1401 of the Code of Civil Procedure in relation to
6 capital cases including, but not limited to, DNA testing,
7 including DNA testing under Section 116-3 of the Code of
8 Criminal Procedure of 1963, analysis, and expert
9 testimony, investigatory and other assistance, expert,
10 forensic, and other witnesses, and mitigation specialists,
11 and grants and aid provided to public defenders, appellate
12 defenders, and any attorney approved by or contracted with
13 the State Appellate Defender representing petitioners in
14 post-conviction proceedings in capital cases under Article
15 122 of the Code of Criminal Procedure of 1963 and in
16 relation to petitions filed under Section 2-1401 of the
17 Code of Civil Procedure in relation to capital cases or
18 assistance to attorneys who have been appointed by the
19 court to represent defendants who are charged with capital
20 crimes. Reasonable and necessary capital litigation
21 expenses include travel and per diem (lodging, meals, and
22 incidental expenses).

23 (3) To pay the compensation of trial attorneys, other
24 than public defenders or appellate defenders, who have
25 been appointed by the court to represent defendants who
26 are charged with capital crimes or attorneys approved by

1 or contracted with the State Appellate Defender to
2 represent petitioners in post-conviction proceedings in
3 capital cases under Article 122 of the Code of Criminal
4 Procedure of 1963 and in relation to petitions filed under
5 Section 2-1401 of the Code of Civil Procedure in relation
6 to capital cases.

7 (4) To provide State's Attorneys with funding for
8 capital litigation expenses and for expenses of
9 representing the State in post-conviction proceedings in
10 capital cases under Article 122 of the Code of Criminal
11 Procedure of 1963 and in relation to petitions filed under
12 Section 2-1401 of the Code of Civil Procedure in relation
13 to capital cases including, but not limited to,
14 investigatory and other assistance and expert, forensic,
15 and other witnesses necessary to prosecute capital cases.
16 State's Attorneys in any county other than Cook County
17 seeking funding for capital litigation expenses and for
18 expenses of representing the State in post-conviction
19 proceedings in capital cases under Article 122 of the Code
20 of Criminal Procedure of 1963 and in relation to petitions
21 filed under Section 2-1401 of the Code of Civil Procedure
22 in relation to capital cases including, but not limited
23 to, investigatory and other assistance and expert,
24 forensic, or other witnesses under this Section may
25 request that the State's Attorneys Appellate Prosecutor or
26 the Attorney General, as the case may be, certify the

1 expenses as reasonable, necessary, and appropriate for
2 payment from the Trust Fund, on a form created by the State
3 Treasurer. Upon certification of the expenses and delivery
4 of the certification to the State Treasurer, the Treasurer
5 shall pay the expenses directly from the Capital
6 Litigation Trust Fund if there are sufficient moneys in
7 the Trust Fund to pay the expenses.

8 (5) To provide financial support through the Attorney
9 General under the Attorney General Act for the several
10 county State's Attorneys outside of Cook County, but shall
11 not be used to increase personnel for the Attorney
12 General's Office, except when the Attorney General is
13 ordered by the presiding judge of the Criminal Division of
14 the Circuit Court of Cook County to prosecute or supervise
15 the prosecution of Cook County cases.

16 (6) To provide financial support through the State's
17 Attorneys Appellate Prosecutor under the State's Attorneys
18 Appellate Prosecutor's Act for the several county State's
19 Attorneys outside of Cook County, but shall not be used to
20 increase personnel for the State's Attorneys Appellate
21 Prosecutor.

22 (7) To provide financial support to the State
23 Appellate Defender under the State Appellate Defender Act.
24 Moneys expended from the Trust Fund shall be in addition
25 to county funding for Public Defenders and State's
26 Attorneys, and shall not be used to supplant or reduce

1 ordinary and customary county funding.

2 (f) Moneys in the Trust Fund shall be appropriated to the
3 State Appellate Defender, the State's Attorneys Appellate
4 Prosecutor, the Attorney General, and the State Treasurer. The
5 State Appellate Defender shall receive an appropriation from
6 the Trust Fund to enable it to provide assistance to appointed
7 defense counsel and attorneys approved by or contracted with
8 the State Appellate Defender to represent petitioners in
9 post-conviction proceedings in capital cases under Article 122
10 of the Code of Criminal Procedure of 1963 and in relation to
11 petitions filed under Section 2-1401 of the Code of Civil
12 Procedure in relation to capital cases throughout the State
13 and to Public Defenders in counties other than Cook. The
14 State's Attorneys Appellate Prosecutor and the Attorney
15 General shall receive appropriations from the Trust Fund to
16 enable them to provide assistance to State's Attorneys in
17 counties other than Cook County and when the Attorney General
18 is ordered by the presiding judge of the Criminal Division of
19 the Circuit Court of Cook County to prosecute or supervise the
20 prosecution of Cook County cases. Moneys shall be appropriated
21 to the State Treasurer to enable the Treasurer: (i) to make
22 grants to Cook County; (ii) to pay the expenses of Public
23 Defenders, the State Appellate Defender, the Attorney General,
24 the Office of the State's Attorneys Appellate Prosecutor, and
25 State's Attorneys in counties other than Cook County; (iii) to
26 pay the expenses and compensation of appointed defense counsel

1 and attorneys approved by or contracted with the State
2 Appellate Defender to represent petitioners in post-conviction
3 proceedings in capital cases under Article 122 of the Code of
4 Criminal Procedure of 1963 and in relation to petitions filed
5 under Section 2-1401 of the Code of Civil Procedure in
6 relation to capital cases in counties other than Cook County;
7 and (iv) to pay the costs of administering the Trust Fund. All
8 expenditures and grants made from the Trust Fund shall be
9 subject to audit by the Auditor General.

10 (g) For Cook County, grants from the Trust Fund shall be
11 made and administered as follows:

12 (1) For each State fiscal year, the State's Attorney
13 and Public Defender must each make a separate application
14 to the State Treasurer for capital litigation grants.

15 (2) The State Treasurer shall establish rules and
16 procedures for grant applications. The rules shall require
17 the Cook County Treasurer as the grant recipient to report
18 on a periodic basis to the State Treasurer how much of the
19 grant has been expended, how much of the grant is
20 remaining, and the purposes for which the grant has been
21 used. The rules may also require the Cook County Treasurer
22 to certify on a periodic basis that expenditures of the
23 funds have been made for expenses that are reasonable,
24 necessary, and appropriate for payment from the Trust
25 Fund.

26 (3) The State Treasurer shall make the grants to the

1 Cook County Treasurer as soon as possible after the
2 beginning of the State fiscal year.

3 (4) The State's Attorney or Public Defender may apply
4 for supplemental grants during the fiscal year.

5 (5) Grant moneys shall be paid to the Cook County
6 Treasurer in block grants and held in separate accounts
7 for the State's Attorney, the Public Defender, and court
8 appointed defense counsel other than the Cook County
9 Public Defender, respectively, for the designated fiscal
10 year, and are not subject to county appropriation.

11 (6) Expenditure of grant moneys under this subsection
12 (g) is subject to audit by the Auditor General.

13 (7) The Cook County Treasurer shall immediately make
14 payment from the appropriate separate account in the
15 county treasury for capital litigation expenses to the
16 State's Attorney, Public Defender, or court appointed
17 defense counsel other than the Public Defender, as the
18 case may be, upon order of the State's Attorney, Public
19 Defender or the court, respectively.

20 (h) If a defendant in a capital case in Cook County is
21 represented by court appointed counsel other than the Cook
22 County Public Defender, the appointed counsel shall petition
23 the court for an order directing the Cook County Treasurer to
24 pay the court appointed counsel's reasonable and necessary
25 compensation and capital litigation expenses from grant moneys
26 provided from the Trust Fund. The petitions shall be supported

1 by itemized bills showing the date, the amount of time spent,
2 the work done, and the total being charged for each entry. The
3 court shall not authorize payment of bills that are not
4 properly itemized. The petitions shall be filed under seal and
5 considered ex parte but with a court reporter present for all
6 ex parte conferences. The petitions shall be reviewed by both
7 the trial judge and the presiding judge of the circuit court or
8 the presiding judge's designee. The petitions and orders shall
9 be kept under seal and shall be exempt from Freedom of
10 Information requests until the conclusion of the trial and
11 appeal of the case, even if the prosecution chooses not to
12 pursue the death penalty prior to trial or sentencing. Orders
13 denying petitions for compensation or expenses are final.
14 Counsel may not petition for expenses that may have been
15 provided or compensated by the State Appellate Defender under
16 item (c)(5.1) of Section 10 of the State Appellate Defender
17 Act.

18 (i) In counties other than Cook County, and when the
19 Attorney General is ordered by the presiding judge of the
20 Criminal Division of the Circuit Court of Cook County to
21 prosecute or supervise the prosecution of Cook County cases,
22 and excluding capital litigation expenses or services that may
23 have been provided by the State Appellate Defender under item
24 (c)(5.1) of Section 10 of the State Appellate Defender Act:

25 (1) Upon certification by the circuit court, on a form
26 created by the State Treasurer, that all or a portion of

1 the expenses are reasonable, necessary, and appropriate
2 for payment from the Trust Fund and the court's delivery
3 of the certification to the Treasurer, the Treasurer shall
4 pay the certified expenses of Public Defenders and the
5 State Appellate Defender from the money appropriated to
6 the Treasurer for capital litigation expenses of Public
7 Defenders and post-conviction proceeding expenses in
8 capital cases of the State Appellate Defender and expenses
9 in relation to petitions filed under Section 2-1401 of the
10 Code of Civil Procedure in relation to capital cases in
11 any county other than Cook County, if there are sufficient
12 moneys in the Trust Fund to pay the expenses.

13 (2) If a defendant in a capital case is represented by
14 court appointed counsel other than the Public Defender,
15 the appointed counsel shall petition the court to certify
16 compensation and capital litigation expenses including,
17 but not limited to, investigatory and other assistance,
18 expert, forensic, and other witnesses, and mitigation
19 specialists as reasonable, necessary, and appropriate for
20 payment from the Trust Fund. If a petitioner in a capital
21 case who has filed a petition for post-conviction relief
22 under Article 122 of the Code of Criminal Procedure of
23 1963 or a petition under Section 2-1401 of the Code of
24 Civil Procedure in relation to capital cases is
25 represented by an attorney approved by or contracted with
26 the State Appellate Defender other than the State

1 Appellate Defender, that attorney shall petition the court
2 to certify compensation and litigation expenses of
3 post-conviction proceedings under Article 122 of the Code
4 of Criminal Procedure of 1963 or in relation to petitions
5 filed under Section 2-1401 of the Code of Civil Procedure
6 in relation to capital cases. Upon certification on a form
7 created by the State Treasurer of all or a portion of the
8 compensation and expenses certified as reasonable,
9 necessary, and appropriate for payment from the Trust Fund
10 and the court's delivery of the certification to the
11 Treasurer, the State Treasurer shall pay the certified
12 compensation and expenses from the money appropriated to
13 the Treasurer for that purpose, if there are sufficient
14 moneys in the Trust Fund to make those payments.

15 (3) A petition for capital litigation expenses or
16 post-conviction proceeding expenses or expenses incurred
17 in filing a petition under Section 2-1401 of the Code of
18 Civil Procedure in relation to capital cases under this
19 subsection shall be considered under seal and reviewed ex
20 parte with a court reporter present. Orders denying
21 petitions for compensation or expenses are final.

22 (j) If the Trust Fund is discontinued or dissolved by an
23 Act of the General Assembly or by operation of law, any balance
24 remaining in the Trust Fund shall be returned to the General
25 Revenue Fund after deduction of administrative costs, any
26 other provision of this Act to the contrary notwithstanding.

1 Section 1-95. The State Finance Act is amended by adding
2 Section 5.1031 as follows:

3 (30 ILCS 105/5.1031 new)

4 Sec. 5.1031. The Capital Litigation Trust Fund.

5 (30 ILCS 105/5.790 rep.)

6 Section 1-100. The State Finance Act is amended by
7 repealing Section 5.790.

8 Section 1-110. The Code of Criminal Procedure of 1963 is
9 amended by changing Sections 113-3 and 119-1 as follows:

10 (725 ILCS 5/113-3) (from Ch. 38, par. 113-3)

11 Sec. 113-3. (a) Every person charged with an offense shall
12 be allowed counsel before pleading to the charge. If the
13 defendant desires counsel and has been unable to obtain same
14 before arraignment the court shall recess court or continue
15 the cause for a reasonable time to permit defendant to obtain
16 counsel and consult with him before pleading to the charge. If
17 the accused is a dissolved corporation, and is not represented
18 by counsel, the court may, in the interest of justice, appoint
19 as counsel a licensed attorney of this State.

20 (b) In all cases, except where the penalty is a fine only,
21 if the court determines that the defendant is indigent and

1 desires counsel, the Public Defender shall be appointed as
2 counsel. If there is no Public Defender in the county or if the
3 defendant requests counsel other than the Public Defender and
4 the court finds that the rights of the defendant will be
5 prejudiced by the appointment of the Public Defender, the
6 court shall appoint as counsel a licensed attorney at law of
7 this State, except that in a county having a population of
8 2,000,000 or more the Public Defender shall be appointed as
9 counsel in all misdemeanor cases where the defendant is
10 indigent and desires counsel unless the case involves multiple
11 defendants, in which case the court may appoint counsel other
12 than the Public Defender for the additional defendants. The
13 court shall require an affidavit signed by any defendant who
14 requests court-appointed counsel. Such affidavit shall be in
15 the form established by the Supreme Court containing
16 sufficient information to ascertain the assets and liabilities
17 of that defendant. The Court may direct the Clerk of the
18 Circuit Court to assist the defendant in the completion of the
19 affidavit. Any person who knowingly files such affidavit
20 containing false information concerning his assets and
21 liabilities shall be liable to the county where the case, in
22 which such false affidavit is filed, is pending for the
23 reasonable value of the services rendered by the public
24 defender or other court-appointed counsel in the case to the
25 extent that such services were unjustly or falsely procured.

26 (c) Upon the filing with the court of a verified statement

1 of services rendered the court shall order the county
2 treasurer of the county of trial to pay counsel other than the
3 Public Defender a reasonable fee. The court shall consider all
4 relevant circumstances, including but not limited to the time
5 spent while court is in session, other time spent in
6 representing the defendant, and expenses reasonably incurred
7 by counsel. In counties with a population greater than
8 2,000,000, the court shall order the county treasurer of the
9 county of trial to pay counsel other than the Public Defender a
10 reasonable fee stated in the order and based upon a rate of
11 compensation of not more than \$40 for each hour spent while
12 court is in session and not more than \$30 for each hour
13 otherwise spent representing a defendant, and such
14 compensation shall not exceed \$150 for each defendant
15 represented in misdemeanor cases and \$1250 in felony cases, in
16 addition to expenses reasonably incurred as hereinafter in
17 this Section provided, except that, in extraordinary
18 circumstances, payment in excess of the limits herein stated
19 may be made if the trial court certifies that such payment is
20 necessary to provide fair compensation for protracted
21 representation. A trial court may entertain the filing of this
22 verified statement before the termination of the cause, and
23 may order the provisional payment of sums during the pendency
24 of the cause.

25 (d) In capital cases, in addition to counsel, if the court
26 determines that the defendant is indigent the court may, upon

1 the filing with the court of a verified statement of services
2 rendered, order the county Treasurer of the county of trial to
3 pay necessary expert witnesses for defendant reasonable
4 compensation stated in the order not to exceed \$250 for each
5 defendant.

6 (e) If the court in any county having a population greater
7 than 2,000,000 determines that the defendant is indigent the
8 court may, upon the filing with the court of a verified
9 statement of such expenses, order the county treasurer of the
10 county of trial, in such counties having a population greater
11 than 2,000,000 to pay the general expenses of the trial
12 incurred by the defendant not to exceed \$50 for each
13 defendant.

14 (f) The provisions of this Section relating to appointment
15 of counsel, compensation of counsel, and payment of expenses
16 in capital cases apply except when the compensation and
17 expenses are being provided under the Capital Crimes
18 Litigation Act of 2025.

19 (Source: P.A. 91-589, eff. 1-1-00.)

20 (725 ILCS 5/119-1)

21 Sec. 119-1. Death penalty restored ~~abolished~~.

22 (a) (Blank). ~~Beginning on the effective date of this~~
23 ~~amendatory Act of the 96th General Assembly, notwithstanding~~
24 ~~any other law to the contrary, the death penalty is abolished~~
25 ~~and a sentence to death may not be imposed.~~

1 (b) All unobligated and unexpended moneys remaining in ~~the~~
2 ~~Capital Litigation Trust Fund on the effective date of this~~
3 ~~amendatory Act of the 96th General Assembly shall be~~
4 ~~transferred into~~ the Death Penalty Abolition Fund on the
5 effective date of this amendatory Act of the 104th General
6 Assembly shall be transferred into the Capital Litigation
7 Trust Fund , ~~a special fund in the State treasury, to be~~
8 ~~expended by the Illinois Criminal Justice Information~~
9 ~~Authority, for services for families of victims of homicide or~~
10 ~~murder and for training of law enforcement personnel.~~

11 (Source: P.A. 96-1543, eff. 7-1-11.)

12 Section 1-115. The State Appellate Defender Act is amended
13 by changing Section 10 as follows:

14 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

15 Sec. 10. Powers and duties of State Appellate Defender.

16 (a) The State Appellate Defender shall represent indigent
17 persons on appeal in criminal and delinquent minor
18 proceedings, when appointed to do so by a court under a Supreme
19 Court Rule or law of this State.

20 (b) The State Appellate Defender shall submit a budget for
21 the approval of the State Appellate Defender Commission.

22 (c) The State Appellate Defender may:

23 (1) maintain a panel of private attorneys available to
24 serve as counsel on a case basis;

1 (2) establish programs, alone or in conjunction with
2 law schools, for the purpose of utilizing volunteer law
3 students as legal assistants;

4 (3) cooperate and consult with state agencies,
5 professional associations, and other groups concerning the
6 causes of criminal conduct, the rehabilitation and
7 correction of persons charged with and convicted of crime,
8 the administration of criminal justice, and, in counties
9 of less than 1,000,000 population, study, design, develop
10 and implement model systems for the delivery of trial
11 level defender services, and make an annual report to the
12 General Assembly;

13 (4) hire investigators to provide investigative
14 services to appointed counsel and county public defenders;

15 (5) (blank);

16 (5.1) in cases in which a death sentence is an
17 authorized disposition, provide trial counsel with legal
18 assistance and the assistance of expert witnesses,
19 investigators, and mitigation specialists from funds
20 appropriated to the State Appellate Defender specifically
21 for that purpose by the General Assembly. The Office of
22 State Appellate Defender shall not be appointed to serve
23 as trial counsel in capital cases;

24 (5.5) provide training to county public defenders;

25 (5.7) provide county public defenders with the
26 assistance of expert witnesses and investigators from

1 funds appropriated to the State Appellate Defender
2 specifically for that purpose by the General Assembly. The
3 Office of the State Appellate Defender shall not be
4 appointed to act as trial counsel;

5 (6) develop a Juvenile Defender Resource Center to:
6 (i) study, design, develop, and implement model systems
7 for the delivery of trial level defender services for
8 juveniles in the justice system; (ii) in cases in which a
9 sentence of incarceration or an adult sentence, or both,
10 is an authorized disposition, provide trial counsel with
11 legal advice and the assistance of expert witnesses and
12 investigators from funds appropriated to the Office of the
13 State Appellate Defender by the General Assembly
14 specifically for that purpose; (iii) develop and provide
15 training to public defenders on juvenile justice issues,
16 utilizing resources including the State and local bar
17 associations, the Illinois Public Defender Association,
18 law schools, the Midwest Juvenile Defender Center, and pro
19 bono efforts by law firms; and (iv) make an annual report
20 to the General Assembly.

21 Investigators employed by the Capital Trial Assistance
22 Unit and Capital Post Conviction Unit of the State Appellate
23 Defender shall be authorized to inquire through the Illinois
24 State Police or local law enforcement with the Law Enforcement
25 Agencies Data System (LEADS) under Section 2605-375 of the
26 Illinois State Police Law of the Civil Administrative Code of

1 Illinois to ascertain whether their potential witnesses have a
2 criminal background, including, but not limited to: (i)
3 warrants; (ii) arrests; (iii) convictions; and (iv) officer
4 safety information. This authorization applies only to
5 information held on the State level and shall be used only to
6 protect the personal safety of the investigators. Any
7 information that is obtained through this inquiry may not be
8 disclosed by the investigators.

9 (c-5) For each State fiscal year, the State Appellate
10 Defender shall request a direct appropriation from the Capital
11 Litigation Trust Fund for expenses incurred by the State
12 Appellate Defender in providing assistance to trial attorneys
13 under paragraph (5.1) of subsection (c) of this Section and
14 for expenses incurred by the State Appellate Defender in
15 representing petitioners in capital cases in post-conviction
16 proceedings under Article 122 of the Code of Criminal
17 Procedure of 1963 and in relation to petitions filed under
18 Section 2-1401 of the Code of Civil Procedure in relation to
19 capital cases and for the representation of those petitioners
20 by attorneys approved by or contracted with the State
21 Appellate Defender and an appropriation to the State Treasurer
22 for payments from the Trust Fund for the defense of cases in
23 counties other than Cook County. The State Appellate Defender
24 may appear before the General Assembly at other times during
25 the State's fiscal year to request supplemental appropriations
26 from the Trust Fund to the State Treasurer.

1 (d) (Blank).

2 (e) The requirement for reporting to the General Assembly
3 shall be satisfied by filing copies of the report as required
4 by Section 3.1 of the General Assembly Organization Act and
5 filing such additional copies with the State Government Report
6 Distribution Center for the General Assembly as is required
7 under paragraph (t) of Section 7 of the State Library Act.

8 (Source: P.A. 99-78, eff. 7-20-15; 100-1148, eff. 12-10-18.)

9 Article 2.

10 (5 ILCS 845/Act rep.)

11 Section 2-1. The Statewide Use of Force Standardization
12 Act is repealed.

13 (730 ILCS 205/Act rep.)

14 Section 2-5. The No Representation Without Population Act
15 is repealed.

16 (730 ILCS 210/Act rep.)

17 Section 2-10. The Reporting of Deaths in Custody Act is
18 repealed.

19 (5 ILCS 70/1.43 rep.)

20 Section 2-20. The Statute on Statutes is amended by
21 repealing Section 1.43.

1 (5 ILCS 100/5-45.35 rep.)

2 Section 2-22. The Illinois Administrative Procedure Act is
3 amended by repealing Section 5-45.35 as added by Public Act
4 102-1104.

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

7 (5 ILCS 140/2.15)

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

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

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

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

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

20 (e) Notwithstanding the requirements of subsection (a), a
21 law enforcement agency may not publish booking photographs,
22 commonly known as "mugshots", on its social networking website
23 in connection with civil offenses, petty offenses, business
24 offenses, Class C misdemeanors, and Class B misdemeanors
25 unless the booking photograph is posted to the social
26 networking website to assist in the search for a missing

1 person or to assist in the search for a fugitive, person of
2 interest, or individual wanted in relation to a crime other
3 than a petty offense, business offense, Class C misdemeanor,
4 or Class B misdemeanor. As used in this subsection, "social
5 networking website" has the meaning provided in Section 10 of
6 the Right to Privacy in the Workplace Act.

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

9 Section 2-30. The State Records Act is amended by changing
10 Section 4a as follows:

11 (5 ILCS 160/4a)

12 Sec. 4a. Arrest records and reports.

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

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

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

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

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

24 (5) (Blank).

1 (5.1) If the individual is incarcerated, the amount of
2 any bail or bond.

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

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

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

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

18 (3) compromise the security of any correctional
19 facility.

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

1 picture news for public showing.

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

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

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

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

1 (Source: P.A. 101-433, eff. 8-20-19; 101-652, eff. 1-1-23;
2 102-1104, eff. 1-1-23.)

3 Section 2-35. The Illinois Public Labor Relations Act is
4 amended by changing Section 14 as follows:

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

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

8 (a) In the case of collective bargaining agreements
9 involving units of security employees of a public employer,
10 Peace Officer Units, or units of fire fighters or paramedics,
11 and in the case of disputes under Section 18, unless the
12 parties mutually agree to some other time limit, mediation
13 shall commence 30 days prior to the expiration date of such
14 agreement or at such later time as the mediation services
15 chosen under subsection (b) of Section 12 can be provided to
16 the parties. In the case of negotiations for an initial
17 collective bargaining agreement, mediation shall commence upon
18 15 days notice from either party or at such later time as the
19 mediation services chosen pursuant to subsection (b) of
20 Section 12 can be provided to the parties. In mediation under
21 this Section, if either party requests the use of mediation
22 services from the Federal Mediation and Conciliation Service,
23 the other party shall either join in such request or bear the
24 additional cost of mediation services from another source. The

1 mediator shall have a duty to keep the Board informed on the
2 progress of the mediation. If any dispute has not been
3 resolved within 15 days after the first meeting of the parties
4 and the mediator, or within such other time limit as may be
5 mutually agreed upon by the parties, either the exclusive
6 representative or employer may request of the other, in
7 writing, arbitration, and shall submit a copy of the request
8 to the Board.

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

15 (c) Within 7 days after the request of either party, the
16 parties shall request a panel of impartial arbitrators from
17 which they shall select the neutral chairman according to the
18 procedures provided in this Section. If the parties have
19 agreed to a contract that contains a grievance resolution
20 procedure as provided in Section 8, the chairman shall be
21 selected using their agreed contract procedure unless they
22 mutually agree to another procedure. If the parties fail to
23 notify the Board of their selection of neutral chairman within
24 7 days after receipt of the list of impartial arbitrators, the
25 Board shall appoint, at random, a neutral chairman from the
26 list. In the absence of an agreed contract procedure for

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

21 (d) The chairman shall call a hearing to begin within 15
22 days and give reasonable notice of the time and place of the
23 hearing. The hearing shall be held at the offices of the Board
24 or at such other location as the Board deems appropriate. The
25 chairman shall preside over the hearing and shall take
26 testimony. Any oral or documentary evidence and other data

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

21 (e) The arbitration panel may administer oaths, require
22 the attendance of witnesses, and the production of such books,
23 papers, contracts, agreements and documents as may be deemed
24 by it material to a just determination of the issues in
25 dispute, and for such purpose may issue subpoenas. If any
26 person refuses to obey a subpoena, or refuses to be sworn or to

1 testify, or if any witness, party or attorney is guilty of any
2 contempt while in attendance at any hearing, the arbitration
3 panel may, or the attorney general if requested shall, invoke
4 the aid of any circuit court within the jurisdiction in which
5 the hearing is being held, which court shall issue an
6 appropriate order. Any failure to obey the order may be
7 punished by the court as contempt.

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

17 (g) At or before the conclusion of the hearing held
18 pursuant to subsection (d), the arbitration panel shall
19 identify the economic issues in dispute, and direct each of
20 the parties to submit, within such time limit as the panel
21 shall prescribe, to the arbitration panel and to each other
22 its last offer of settlement on each economic issue. The
23 determination of the arbitration panel as to the issues in
24 dispute and as to which of these issues are economic shall be
25 conclusive. The arbitration panel, within 30 days after the
26 conclusion of the hearing, or such further additional periods

1 to which the parties may agree, shall make written findings of
2 fact and promulgate a written opinion and shall mail or
3 otherwise deliver a true copy thereof to the parties and their
4 representatives and to the Board. As to each economic issue,
5 the arbitration panel shall adopt the last offer of settlement
6 which, in the opinion of the arbitration panel, more nearly
7 complies with the applicable factors prescribed in subsection
8 (h). The findings, opinions and order as to all other issues
9 shall be based upon the applicable factors prescribed in
10 subsection (h).

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

19 (1) The lawful authority of the employer.

20 (2) Stipulations of the parties.

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

24 (4) Comparison of the wages, hours and conditions of
25 employment of the employees involved in the arbitration
26 proceeding with the wages, hours and conditions of

1 employment of other employees performing similar services
2 and with other employees generally:

3 (A) In public employment in comparable
4 communities.

5 (B) In private employment in comparable
6 communities.

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

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

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

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

23 (i) In the case of peace officers, the arbitration
24 decision shall be limited to wages, hours, and conditions of
25 employment (which may include residency requirements in
26 municipalities with a population under 1,000,000, ~~100,000~~, but

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

19 In the case of fire fighter, and fire department or fire
20 district paramedic matters, the arbitration decision shall be
21 limited to wages, hours, and conditions of employment
22 (including manning and also including residency requirements
23 in municipalities with a population under 1,000,000, but those
24 residency requirements shall not allow residency outside of
25 Illinois) and shall not include the following matters: i)
26 residency requirements in municipalities with a population of

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

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

23 To preserve historical bargaining rights, this subsection
24 shall not apply to any provision of a fire fighter collective
25 bargaining agreement in effect and applicable on the effective
26 date of this Act; provided, however, nothing herein shall

1 preclude arbitration with respect to any such provision.

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

23 (k) Orders of the arbitration panel shall be reviewable,
24 upon appropriate petition by either the public employer or the
25 exclusive bargaining representative, by the circuit court for
26 the county in which the dispute arose or in which a majority of

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

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

25 (m) Security officers of public employers, and Peace
26 Officers, Fire Fighters and fire department and fire

1 protection district paramedics, covered by this Section may
2 not withhold services, nor may public employers lock out or
3 prevent such employees from performing services at any time.

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

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

1 Section. The voting requirements of this subsection shall
2 apply to all disputes submitted to arbitration pursuant to
3 this Section notwithstanding any contrary voting requirements
4 contained in any existing collective bargaining agreement
5 between the parties.

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

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

19 ~~The amendatory changes to this Section made by Public Act~~
20 ~~101-652 take effect July 1, 2022.~~

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

22 Section 2-40. The Community Partnership for Deflection and
23 Substance Use Disorder Treatment Act is amended by changing
24 Sections 1, 5, 10, 15, 20, 25, 30, and 35 as follows:

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

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

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

6 (50 ILCS 71/5) (was 5 ILCS 820/5)

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

1 government agencies to develop and implement collaborative
2 deflection programs in Illinois that offer immediate pathways
3 to substance use treatment and other services as an
4 alternative to traditional case processing and involvement in
5 the criminal justice system, ~~and to unnecessary admission to~~
6 ~~emergency departments.~~

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

8 (50 ILCS 71/10) (was 5 ILCS 820/10)

9 Sec. 10. Definitions. In this Act:

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

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

23 ~~"Other first responder" means and includes emergency~~
24 ~~medical services providers that are public units of~~
25 ~~government, fire departments and districts, and officials and~~

1 ~~responders representing and employed by these entities.~~

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

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

24 (2) a self-referral deflection response initiated by
25 an individual by contacting a peace officer, law
26 enforcement agency, other first responder, or local

1 government agency in the acknowledgment of their substance
2 use or disorder;

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

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

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

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

25 "Law enforcement agency" means a municipal police
26 department or county sheriff's office of this State, the

1 Illinois State Police, or other law enforcement agency whose
2 officers, by statute, are granted and authorized to exercise
3 powers similar to those conferred upon any peace officer
4 employed by a law enforcement agency of this State.

5 "Licensed treatment provider" means an organization
6 licensed by the Department of Human Services to perform an
7 activity or service, or a coordinated range of those
8 activities or services, as the Department of Human Services
9 may establish by rule, such as 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 to assess
15 or treat substance use disorder or to families of those
16 persons.

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

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

26 "Substance use disorder" means a pattern of use of alcohol

1 or other drugs leading to clinical or functional impairment,
2 in accordance with the definition in the Diagnostic and
3 Statistical Manual of Mental Disorders (DSM-5), or in any
4 subsequent editions.

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

13 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
14 103-361, eff. 1-1-24.)

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

16 Sec. 15. Authorization.

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

25 (b) The deflection program may involve a post-overdose

1 deflection response, a self-referral deflection response, a
2 pre-arrest diversion response, an active outreach deflection
3 response, an officer ~~or other first responder~~ prevention
4 deflection response, or an officer intervention deflection
5 response, or any combination of those.

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

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

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

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

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

1 the Illinois Criminal Justice Information Authority in
2 paragraph (2) of subsection (a) of Section 25 of this Act.

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

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

11 (50 ILCS 71/20) (was 5 ILCS 820/20)

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

25 A deflection program organized and operating under this

1 Act may accept, receive, and disburse, in furtherance of its
2 duties and functions, any funds, grants, and services made
3 available by the State and its agencies, the federal
4 government and its agencies, units of local government, and
5 private or civic sources.

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

7 (50 ILCS 71/25) (was 5 ILCS 820/25)

8 Sec. 25. Reporting and evaluation.

9 (a) The Illinois Criminal Justice Information Authority,
10 in conjunction with an association representing police chiefs
11 and the Department of Human Services' Division of Substance
12 Use Prevention and Recovery, shall within 6 months of the
13 effective date of this Act:

14 (1) develop a set of minimum data to be collected from
15 each deflection program and reported annually, beginning
16 one year after the effective date of this Act, by the
17 Illinois Criminal Justice Information Authority,
18 including, but not limited to, demographic information on
19 program participants, number of law enforcement encounters
20 that result in a treatment referral, and time from law
21 enforcement encounter to treatment engagement; and

22 (2) develop a performance measurement system,
23 including key performance indicators for deflection
24 programs including, but not limited to, rate of treatment
25 engagement at 30 days from the point of initial contact.

1 Each program that receives funding for services under
2 Section 35 of this Act shall include the performance
3 measurement system in its local plan and report data
4 quarterly to the Illinois Criminal Justice Information
5 Authority for the purpose of evaluation of deflection
6 programs in aggregate.

7 (b) The Illinois Criminal Justice Information Authority
8 shall make statistical data collected under subsection (a) of
9 this Section available to the Department of Human Services,
10 Division of Substance Use Prevention and Recovery for
11 inclusion in planning efforts for services to persons with
12 criminal justice or law enforcement involvement.

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

14 (50 ILCS 71/30) (was 5 ILCS 820/30)

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

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

23 (50 ILCS 71/35) (was 5 ILCS 820/35)

24 Sec. 35. Funding.

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

7 (a.1) (Blank). ~~Up to 10 percent of appropriated funds may~~
8 ~~be expended on activities related to knowledge dissemination,~~
9 ~~training, technical assistance, or other similar activities~~
10 ~~intended to increase practitioner and public awareness of~~
11 ~~deflection and/or to support its implementation. The Illinois~~
12 ~~Criminal Justice Information Authority may adopt guidelines~~
13 ~~and requirements to direct the distribution of funds for these~~
14 ~~activities.~~

15 (b) The ~~For all appropriated funds not distributed under~~
16 ~~subsection (a.1),~~ the Illinois Criminal Justice Information
17 Authority may adopt guidelines and requirements to direct the
18 distribution of funds for expenses related to deflection
19 programs. Funding shall be made available to support both new
20 and existing deflection programs in a broad spectrum of
21 geographic regions in this State, including urban, suburban,
22 and rural communities. ~~Funding for deflection programs shall~~
23 ~~be prioritized for communities that have been impacted by the~~
24 ~~war on drugs, communities that have a police/community~~
25 ~~relations issue, and communities that have a disproportionate~~
26 ~~lack of access to mental health and drug treatment.~~ Activities

1 eligible for funding under this Act may include, but are not
2 limited to, the following:

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

9 (2) case management including case management provided
10 prior to assessment, diagnosis, and engagement in
11 treatment, as well as assistance navigating and gaining
12 access to various treatment modalities and support
13 services;

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

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

20 (5) program evaluation activities;

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

26 (7) (blank); ~~treatment necessary to prevent gaps in~~

1 ~~service delivery between linkage and coverage by other~~
2 ~~funding sources when otherwise non-reimbursable;~~ and

3 (8) wraparound participant funds to be used to
4 incentivize participation and meet participant needs.
5 Eligible items include, but are not limited to, clothing,
6 transportation, application fees, emergency shelter,
7 utilities, toiletries, medical supplies, haircuts, and
8 snacks. Food and drink is allowed if it is necessary for
9 the program's success where it incentivizes participation
10 in case management or addresses an emergency need as a
11 bridge to self-sufficiency when other sources of emergency
12 food are not available.

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

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

24 (50 ILCS 71/21 rep.)

25 Section 2-45. The Community Partnership for Deflection and

1 Substance Use Disorder Treatment Act is amended by repealing
2 Section 21.

3 (15 ILCS 205/10 rep.)

4 Section 2-50. The Attorney General Act is amended by
5 repealing Section 10.

6 Section 2-55. The Department of State Police Law of the
7 Civil Administrative Code of Illinois is amended by changing
8 Section 2605-302 as follows:

9 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

10 Sec. 2605-302. Arrest reports.

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

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

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

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

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

22 (5) (Blank).

23 (5.1) If the individual is incarcerated, the amount of

1 any bail or bond.

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 2-60. 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 2-65. 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 2-70. 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 2-72. 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 2-75. The Public Officer Prohibited Activities Act
9 is amended by repealing Section 4.1.

10 Section 2-80. 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) (Blank).

4 (5.1) If the individual is incarcerated, the amount of
5 any bail or bond.

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

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

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

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

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

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

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

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

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

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

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

18 (50 ILCS 205/25 rep.)

19 Section 2-85. The Local Records Act is amended by
20 repealing Section 25.

21 Section 2-90. The Illinois Police Training Act is amended
22 by changing Sections 6.2 and 10.17 as follows:

23 (50 ILCS 705/6.2)

1 Sec. 6.2. Officer professional conduct database. In order
2 to ensure the continuing effectiveness of this Section, it is
3 set forth in full and reenacted by this amendatory Act of the
4 102nd General Assembly. This reenactment is intended as a
5 continuation of this Section. This reenactment is not intended
6 to supersede any amendment to this Section that may be made by
7 any other Public Act of the 102nd General Assembly.

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

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

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

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

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

26 (c) The Board shall maintain a database readily available

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

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

10 (50 ILCS 705/10.17)

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

13 (a) The Illinois Law Enforcement Training Standards Board
14 shall develop and approve a standard curriculum for certified
15 training programs in crisis intervention, ~~including a~~
16 ~~specialty certification course of at least 40 hours,~~
17 addressing specialized policing responses to people with
18 mental illnesses. The Board shall conduct Crisis Intervention
19 Team (CIT) training programs that train officers to identify
20 signs and symptoms of mental illness, to de-escalate
21 situations involving individuals who appear to have a mental
22 illness, and connect that person in crisis to treatment.
23 ~~Crisis Intervention Team (CIT) training programs shall be a~~
24 ~~collaboration between law enforcement professionals, mental~~
25 ~~health providers, families, and consumer advocates and must~~

1 ~~minimally include the following components: (1) basic~~
2 ~~information about mental illnesses and how to recognize them;~~
3 ~~(2) information about mental health laws and resources; (3)~~
4 ~~learning from family members of individuals with mental~~
5 ~~illness and their experiences; and (4) verbal de-escalation~~
6 ~~training and role plays.~~ Officers who have successfully
7 completed this program shall be issued a certificate attesting
8 to their attendance of a Crisis Intervention Team (CIT)
9 training program.

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

22 The amendatory changes to this Section made by Public Act
23 101-652 shall take effect January 1, 2022.

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

1 Section 2-95. The Illinois Police Training Act is amended
2 by repealing Section 10.6.

3 Section 2-100. The Law Enforcement Officer-Worn Body
4 Camera Act is amended by changing Sections 10-10, 10-15,
5 10-20, and 10-25 as follows:

6 (50 ILCS 706/10-10)

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

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

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

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

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

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

23 ~~"Community caretaking function" excludes law~~
24 ~~enforcement related encounters or activities.~~

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

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

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

14 "Law enforcement agency" means all State agencies with law
15 enforcement officers, county sheriff's offices, municipal,
16 special district, college, or unit of local government police
17 departments.

18 "Law enforcement-related encounters or activities"
19 include, but are not limited to, traffic stops, pedestrian
20 stops, arrests, searches, interrogations, investigations,
21 pursuits, crowd control, traffic control, non-community
22 caretaking interactions with an individual while on patrol, or
23 any other instance in which the officer is enforcing the laws
24 of the municipality, county, or State. "Law
25 enforcement-related encounter or activities" does not include
26 when the officer is completing paperwork alone, ~~is~~

1 ~~participating in training in a classroom setting,~~ or is only
2 in the presence of another law enforcement officer.

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

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

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

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

14 "Recording" means the process of capturing data or
15 information stored on a recording medium as required under
16 this Act.

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

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

23 (50 ILCS 706/10-15)

24 Sec. 10-15. Applicability. Any law enforcement agency
25 which employs the use of officer-worn body cameras is subject

1 to the provisions of this Act, whether or not the agency
2 receives or has received monies from the Law Enforcement
3 Camera Grant Fund. ~~(a) All law enforcement agencies must~~
4 ~~employ the use of officer-worn body cameras in accordance with~~
5 ~~the provisions of this Act, whether or not the agency receives~~
6 ~~or has received monies from the Law Enforcement Camera Grant~~
7 ~~Fund.~~

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

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

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

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

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

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

26 ~~(b 5) If a law enforcement agency that serves a~~

1 ~~municipality with a population of at least 100,000 but not~~
2 ~~more than 500,000 or a law enforcement agency that serves a~~
3 ~~county with a population of at least 100,000 but not more than~~
4 ~~500,000 has ordered by October 1, 2022 or purchased by that~~
5 ~~date officer worn body cameras for use by the law enforcement~~
6 ~~agency, then the law enforcement agency may implement the use~~
7 ~~of body cameras for all of its law enforcement officers by no~~
8 ~~later than July 1, 2023. Records of purchase within this~~
9 ~~timeline shall be submitted to the Illinois Law Enforcement~~
10 ~~Training Standards Board by January 1, 2023.~~

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

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

19 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
20 102-1104, eff. 12-6-22.)

21 (50 ILCS 706/10-20)

22 Sec. 10-20. Requirements.

23 (a) The Board shall develop basic guidelines for the use
24 of officer-worn body cameras by law enforcement agencies. The
25 guidelines developed by the Board shall be the basis for the

1 written policy which must be adopted by each law enforcement
2 agency which employs the use of officer-worn body cameras. The
3 written policy adopted by the law enforcement agency must
4 include, at a minimum, all of the following:

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

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

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

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

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

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

5 (4) Cameras must be turned off when:

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

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

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

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

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

1 the victim or witness.

2 (4.5) Cameras may be turned off when the officer is
3 engaged in community caretaking functions. However, the
4 camera must be turned on when the officer has reason to
5 believe that the person on whose behalf the officer is
6 performing a community caretaking function has committed
7 or is in the process of committing a crime. If exigent
8 circumstances exist which prevent the camera from being
9 turned on, the camera must be turned on as soon as
10 practicable.

11 (5) The officer must provide notice of recording to
12 any person if the person has a reasonable expectation of
13 privacy and proof of notice must be evident in the
14 recording. If exigent circumstances exist which prevent
15 the officer from providing notice, notice must be provided
16 as soon as practicable.

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

1 supervisor discloses that fact in the report or
2 documentation.

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

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

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

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

23 ~~(B) The recording officer's assigned field~~
24 ~~training officer may access and review recordings for~~
25 ~~training purposes. Any detective or investigator~~
26 ~~directly involved in the investigation of a matter may~~

1 ~~access and review recordings which pertain to that~~
2 ~~investigation but may not have access to delete or~~
3 ~~alter such recordings.~~

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

8 (A) Under no circumstances shall any recording,
9 except for a non-law enforcement related activity or
10 encounter, made with an officer-worn body camera be
11 altered, erased, or destroyed prior to the expiration
12 of the 90-day storage period. In the event any
13 recording made with an officer-worn body camera is
14 altered, erased, or destroyed prior to the expiration
15 of the 90-day storage period, the law enforcement
16 agency shall maintain, for a period of one year, a
17 written record including (i) the name of the
18 individual who made such alteration, erasure, or
19 destruction, and (ii) the reason for any such
20 alteration, erasure, or destruction.

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

26 (i) a formal or informal complaint has been

1 filed;

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

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

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

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

13 (vi) the supervisor of the officer,
14 prosecutor, defendant, or court determines that
15 the encounter has evidentiary value in a criminal
16 prosecution; or

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

21 (C) Under no circumstances shall any recording
22 made with an officer-worn body camera relating to a
23 flagged encounter be altered or destroyed prior to 2
24 years after the recording was flagged. If the flagged
25 recording was used in a criminal, civil, or
26 administrative proceeding, the recording shall not be

1 destroyed except upon a final disposition and order
2 from the court.

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

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

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

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

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

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

1 (D) as corroboration of other evidence of
2 misconduct.

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

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

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

1 confidentiality of investigations, and protect the public
2 safety and order.

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

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

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

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

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

24 (3) upon request, the law enforcement agency shall
25 disclose, in accordance with the Freedom of Information
26 Act, the recording to the subject of the encounter

1 captured on the recording or to the subject's attorney, or
2 the officer or his or her legal representative.

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

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

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

22 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
23 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.
24 12-6-22.)

1 Sec. 10-25. Reporting.

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

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

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

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

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

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

16 (5.1) for each recording used in prosecutions of
17 conservation, criminal, or traffic offenses or municipal
18 ordinance violations:

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

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

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

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

1 annual report to the General Assembly and the Governor.

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

3 Section 2-103. The Law Enforcement Camera Grant Act is
4 amended by changing Section 10 as follows:

5 (50 ILCS 707/10)

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

8 (a) The Law Enforcement Camera Grant Fund is created as a
9 special fund in the State treasury. From appropriations to the
10 Board from the Fund, the Board must make grants to units of
11 local government in Illinois and Illinois public universities
12 for the purpose of (1) purchasing or leasing in-car video
13 cameras for use in law enforcement vehicles, (2) purchasing or
14 leasing officer-worn body cameras and associated technology
15 for law enforcement officers, and (3) training for law
16 enforcement officers in the operation of the cameras. ~~Grants~~
17 ~~under this Section may be used to offset data storage and~~
18 ~~related licensing costs for officer-worn body cameras.~~ For the
19 purposes of this Section, "purchasing or leasing" includes
20 providing funding to units of local government in advance that
21 can be used to obtain this equipment rather than only for
22 reimbursement of purchased equipment.

23 Moneys received for the purposes of this Section,
24 including, without limitation, fee receipts and gifts, grants,

1 and awards from any public or private entity, must be
2 deposited into the Fund. Any interest earned on moneys in the
3 Fund must be deposited into the Fund.

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

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

9 (c) (Blank).

10 (d) (Blank).

11 (e) (Blank).

12 (f) (Blank).

13 (g) (Blank).

14 (h) (Blank).

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

17 Section 2-105. The Uniform Crime Reporting Act is amended
18 by changing Sections 5-10, 5-12, and 5-20 as follows:

19 (50 ILCS 709/5-10)

20 Sec. 5-10. Central repository of crime statistics. The
21 Illinois State Police shall be a central repository and
22 custodian of crime statistics for the State and shall have all
23 the power necessary to carry out the purposes of this Act,
24 including the power to demand and receive cooperation in the

1 submission of crime statistics from all law enforcement
2 agencies. All data and information provided to the Illinois
3 State Police under this Act must be provided in a manner and
4 form prescribed by the Illinois State Police. On an annual
5 basis, the Illinois State Police shall make available
6 compilations of crime statistics ~~and monthly reporting~~
7 required to be reported by each law enforcement agency.

8 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
9 102-813, eff. 5-13-22.)

10 (50 ILCS 709/5-12)

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

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

23 (2) beginning January 1, 2017, a report on any
24 instance when a law enforcement officer discharges his or
25 her firearm causing a non-fatal injury to a person, during

1 the performance of his or her official duties or in the
2 line of duty;

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

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

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

22 (6) data on offenses and incidents reported by schools
23 to local law enforcement. The data shall include offenses
24 defined as an attack against school personnel,
25 intimidation offenses, drug incidents, and incidents
26 involving weapons.†

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

10 ~~(8) beginning on July 1, 2021, a report on use of~~
11 ~~force, including any action that resulted in the death or~~
12 ~~serious bodily injury of a person or the discharge of a~~
13 ~~firearm at or in the direction of a person. The report~~
14 ~~shall include information required by the Illinois State~~
15 ~~Police, pursuant to Section 5-11 of this Act.~~

16 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
17 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

18 (50 ILCS 709/5-20)

19 Sec. 5-20. Reporting compliance. The Illinois State Police
20 shall annually report to the Illinois Law Enforcement Training
21 Standards Board ~~and the Department of Revenue~~ any law
22 enforcement agency not in compliance with the reporting
23 requirements under this Act. A law enforcement agency's
24 compliance with the reporting requirements under this Act
25 shall be a factor considered by the Illinois Law Enforcement

1 Training Standards Board in awarding grant funding under the
2 Law Enforcement Camera Grant Act, ~~with preference to law~~
3 ~~enforcement agencies which are in compliance with reporting~~
4 ~~requirements under this Act.~~

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

7 (50 ILCS 709/5-11 rep.)

8 Section 2-110. The Uniform Crime Reporting Act is amended
9 by repealing Section 5-11.

10 Section 2-115. The Uniform Peace Officers' Disciplinary
11 Act is amended by changing Sections 3.2, 3.4, and 3.8 as
12 follows:

13 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

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

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

22 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

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

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

11 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

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

13 (a) No officer shall be interrogated without first being
14 advised in writing that admissions made in the course of the
15 interrogation may be used as evidence of misconduct or as the
16 basis for charges seeking suspension, removal, or discharge;
17 and without first being advised in writing that he or she has
18 the right to counsel of his or her choosing who may be present
19 to advise him or her at any stage of any interrogation.

20 (b) Anyone ~~It shall not be a requirement for a person~~
21 filing a complaint against a sworn peace officer must ~~to~~ have
22 the complaint supported by a sworn affidavit. Any complaint,
23 having been supported by a sworn affidavit, and having been
24 found, in total or in part, to contain knowingly false
25 material information, shall be presented to the appropriate

1 State's Attorney for a determination of prosecution. ~~or any~~
2 ~~other legal documentation. This ban on an affidavit~~
3 ~~requirement shall apply to any collective bargaining~~
4 ~~agreements entered after the effective date of this provision.~~
5 (Source: P.A. 101-652, eff. 7-1-21.)

6 Section 2-120. The Uniform Peace Officers' Disciplinary
7 Act is amended by adding Section 6.1 as follows:

8 (50 ILCS 725/6.1 new)

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

13 (50 ILCS 727/1-35 rep.)

14 Section 2-125. The Police and Community Relations
15 Improvement Act is amended by repealing Section 1-35.

16 Section 2-130. The Counties Code is amended by changing
17 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

18 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

19 Sec. 4-5001. Sheriffs; counties of first and second class.
20 The fees of sheriffs in counties of the first and second class,
21 except when increased by county ordinance under this Section,

1 shall be as follows:

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

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

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

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

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

12 For serving or attempting to serve a warrant of arrest,
13 \$8, to be paid upon conviction.

14 For returning a defendant from outside the State of
15 Illinois, upon conviction, the court shall assess, as court
16 costs, the cost of returning a defendant to the jurisdiction.

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

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

20 For advertising property for sale, \$5.

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

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

26 For summoning each juror, \$3 with 30¢ mileage each way in

1 all counties.

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

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

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

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

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

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

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

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

26 For preparing, executing and acknowledging a deed on

1 redemption from a court sale of real estate in counties of
2 first class, \$5; second class, \$5.

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

6 For making certificate of redemption, \$3.

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

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

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

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

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

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

26 The fees provided for transporting persons to the

1 penitentiary, reformatories, Illinois State Training School
2 for Boys, Illinois State Training School for Girls and
3 Reception Centers shall be paid for each trip so made. Mileage
4 as used in this Section means the shortest practical route,
5 between the place from which the person is to be transported,
6 to the penitentiary, reformatories, Illinois State Training
7 School for Boys, Illinois State Training School for Girls and
8 Reception Centers and all fees per mile shall be computed on
9 such basis.

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

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

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

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

1 judgment of a court:

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

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

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

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

22 In all cases where the judgment is settled by the parties,
23 replevied, stopped by injunction or paid, or where the
24 property levied upon is not actually sold, the sheriff shall
25 be allowed his fee for levying and mileage, together with half
26 the fee for all money collected by him which he would be

1 entitled to if the same was made by sale to enforce the
2 judgment. In no case shall the fee exceed the amount of money
3 arising from the sale.

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

10 (Source: P.A. 100-173, eff. 1-1-18; 100-863, eff. 8-14-18;
11 101-652, eff. 1-1-23.)

12 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

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

18 Fees for Sheriff

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

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

25 For serving or attempting to serve all other process, on

1 each defendant, \$35.

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

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

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

6 For summoning each juror, \$10.

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

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

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

16 For serving or attempting to serve notice of judgment,
17 \$35.

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

20 For executing order of court to seize personal property,
21 \$25.

22 For making certificate of levy on real estate and filing
23 or recording same, \$8, and the fee for filing or recording
24 shall be advanced by the plaintiff in attachment or by the
25 judgment creditor and taxed as costs. For taking possession of
26 or removing property levied on, the sheriff shall be allowed

1 to tax the necessary actual costs of such possession or
2 removal.

3 For advertising property for sale, \$20.

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

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

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

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

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

19 For taking special bail, \$5.

20 For returning each process, \$15.

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

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

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

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

1 the jail of another county, per mile for going only, 25¢.

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

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

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

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

13 For discharging such prisoners, \$3.

14 For conveying persons to the penitentiary, reformatories,
15 Illinois State Training School for Boys, Illinois State
16 Training School for Girls, Reception Centers and Illinois
17 Security Hospital, the following fees, payable out of the
18 State Treasury. When one person is conveyed, 20¢ per mile in
19 going to the penitentiary, reformatories, Illinois State
20 Training School for Boys, Illinois State Training School for
21 Girls, Reception Centers and Illinois Security Hospital from
22 the place of conviction; when 2 persons are conveyed at the
23 same time, 20¢ per mile for the first and 15¢ per mile for the
24 second person; when more than 2 persons are conveyed at the
25 same time as Stated above, the sheriff shall be allowed 20¢ per
26 mile for the first, 15¢ per mile for the second and 10¢ per

1 mile for each additional person.

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

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

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

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

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

25 In all cases where the judgment is settled by the parties,
26 replevied, stopped by injunction or paid, or where the

1 property levied upon is not actually sold, the sheriff shall
2 be allowed the fee for levying and mileage, together with half
3 the fee for all money collected by him or her which he or she
4 would be entitled to if the same were made by sale in the
5 enforcement of a judgment. In no case shall the fee exceed the
6 amount of money arising from the sale.

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

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

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

16 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

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

24 Fees for Sheriff

25 For serving or attempting to serve any summons on each

1 defendant, \$25.

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

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

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

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

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

12 For summoning each juror, \$4.

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

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

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

22 For serving or attempting to serve notice of judgment,
23 \$25.

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

26 For executing order of court to seize personal property,

1 \$25.

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

9 For advertising property for sale, \$3.

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

13 For preparing, executing and acknowledging deed on
14 redemption from a court sale of real estate, \$6; for
15 preparing, executing and acknowledging all other deeds on sale
16 of real estate, \$4.

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

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

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

25 For taking special bail, \$2.

26 For returning each process, \$5.

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

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

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

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

8 For committing to or discharging each prisoner from jail,
9 \$1.

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

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

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

19 For discharging such prisoners, \$1.

20 For conveying persons to the penitentiary, reformatories,
21 Illinois State Training School for Boys, Illinois State
22 Training School for Girls, Reception Centers and Illinois
23 Security Hospital, the following fees, payable out of the
24 State Treasury. When one person is conveyed, 15¢ per mile in
25 going to the penitentiary, reformatories, Illinois State
26 Training School for Boys, Illinois State Training School for

1 Girls, Reception Centers and Illinois Security Hospital from
2 the place of conviction; when 2 persons are conveyed at the
3 same time, 15¢ per mile for the first and 10¢ per mile for the
4 second person; when more than 2 persons are conveyed at the
5 same time as stated above, the sheriff shall be allowed 15¢ per
6 mile for the first, 10¢ per mile for the second and 5¢ per mile
7 for each additional person.

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

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

1 made by virtue of any judgment of a court:

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

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

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

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

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

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

16 (55 ILCS 5/3-4014 rep.)

17 (55 ILCS 5/3-6041 rep.)

18 Section 2-135. The Counties Code is amended by repealing
19 Sections 3-4014 and 3-6041.

20 (65 ILCS 5/11-5.1-2 rep.)

21 Section 2-140. The Illinois Municipal Code is amended by
22 repealing Section 11-5.1-2.

23 Section 2-145. The Illinois Municipal Code is amended by

1 adding Section 1-2-12.2 as follows:

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

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

7 Section 2-150. The Campus Security Enhancement Act of 2008
8 is amended by changing Section 15 as follows:

9 (110 ILCS 12/15)

10 Sec. 15. Arrest reports.

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

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

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

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

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

22 (5) (Blank).

23 (5.1) If the individual is incarcerated, the amount of

1 any bail or bond.

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 paragraphs
9 (3), (4), (5), and (6) of subsection (a), however, may be
10 withheld if it is determined that disclosure would:

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

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

17 (3) compromise the security of any correctional
18 facility.

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

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

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

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

10 Section 2-155. The Illinois Insurance Code is amended by
11 changing Sections 143.19, 143.19.1, and 205 as follows:

12 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

13 Sec. 143.19. Cancellation of automobile insurance policy;
14 grounds. After a policy of automobile insurance as defined in
15 Section 143.13(a) has been effective for 60 days, or if such
16 policy is a renewal policy, the insurer shall not exercise its
17 option to cancel such policy except for one or more of the
18 following reasons:

19 a. Nonpayment of premium;

20 b. The policy was obtained through a material
21 misrepresentation;

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

24 d. The named insured failed to disclose fully his

1 motor vehicle crashes and moving traffic violations for
2 the preceding 36 months if called for in the application;

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

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

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

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

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

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

23 5. has been convicted, or forfeited bail ~~had~~
24 ~~pretrial release revoked~~, during the 36 months
25 immediately preceding the notice of cancellation, for
26 any felony, criminal negligence resulting in death,

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

19 g. The insured automobile is:

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

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);

26 3. used in the business of transportation of

- 1 flammables or explosives;
- 2 4. an authorized emergency vehicle;
- 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 has not been
- 6 inspected or, if inspected, has failed to qualify.

7 Nothing in this Section shall apply to nonrenewal.

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

9 102-1104, eff. 1-1-23.)

10 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

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

12 After a policy of automobile insurance, as defined in Section

13 143.13, has been effective or renewed for 5 or more years, the

14 company shall not exercise its right of non-renewal unless:

15 a. The policy was obtained through a material

16 misrepresentation; or

17 b. Any insured violated any of the terms and

18 conditions of the policy; or

19 c. The named insured failed to disclose fully his

20 motor vehicle crashes and moving traffic violations for

21 the preceding 36 months, if such information is called for

22 in the application; or

23 d. Any insured made a false or fraudulent claim or

24 knowingly aided or abetted another in the presentation of

25 such a claim; or

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

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

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

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

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

19 5. Has been convicted or forfeited bail ~~pretrial~~
20 ~~release has been revoked~~, during the 36 months
21 immediately preceding the notice of non-renewal, for
22 any felony, criminal negligence resulting in death,
23 homicide or assault arising out of the operation of a
24 motor vehicle, operating a motor vehicle while in an
25 intoxicated condition or while under the influence of
26 drugs, being intoxicated while in or about an

1 automobile or while having custody of an automobile,
2 leaving the scene of a crash without stopping to
3 report, theft or unlawful taking of a motor vehicle,
4 making false statements in an application for an
5 operators or chauffeurs license, or has been convicted
6 or forfeited bail ~~pretrial release has been revoked~~
7 for 3 or more violations within the 12 months
8 immediately preceding the notice of non-renewal, of
9 any law, ordinance or regulation limiting the speed of
10 motor vehicles or any of the provisions of the motor
11 vehicle laws of any state, violation of which
12 constitutes a misdemeanor, whether or not the
13 violations were repetitions of the same offense or
14 different offenses; or

15 f. The insured automobile is:

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

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

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

24 4. An authorized emergency vehicle; or

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

1 6. Subject to an inspection law and it has not been
2 inspected or, if inspected, has failed to qualify; or
3 g. The notice of the intention not to renew is mailed
4 to the insured at least 60 days before the date of
5 nonrenewal as provided in Section 143.17.

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

7 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

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

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

13 (i) The reasonable expenses of the Illinois
14 Insurance Guaranty Fund, the Illinois Life and Health
15 Insurance Guaranty Association, and the Illinois
16 Health Maintenance Organization Guaranty Association
17 and of any similar organization in any other state,
18 including overhead, salaries, and other general
19 administrative expenses allocable to the receivership
20 (administrative and claims handling expenses and
21 expenses in connection with arrangements for ongoing
22 coverage), but excluding expenses incurred in the
23 performance of duties under Section 547 or similar
24 duties under the statute governing a similar
25 organization in another state. For property and

1 casualty insurance guaranty associations that guaranty
2 certain obligations of any member company as defined
3 by Section 534.5, expenses shall include, but not be
4 limited to, loss adjustment expenses, which shall
5 include adjusting and other expenses and defense and
6 cost containment expenses. The expenses of such
7 property and casualty guaranty associations, including
8 the Illinois Insurance Guaranty Fund, shall be
9 reimbursed as prescribed by Section 545, but shall be
10 subordinate to all other costs and expenses of
11 administration, including the expenses reimbursed
12 pursuant to subparagraph (ii) of this paragraph (a).

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

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

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

22 (3) any necessary filing fees;

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

24 (5) unsecured loans obtained by the receiver;

25 and

26 (6) expenses approved by the conservator or

1 rehabilitator of the insurer, if any, incurred in the
2 course of the conservation or rehabilitation that are
3 unpaid at the time of the entry of the order of
4 liquidation.

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

14 (b) Secured claims, including claims for taxes and
15 debts due the federal or any state or local government,
16 that are secured by liens perfected prior to the filing of
17 the complaint.

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

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

25 (e) Claims by policyholders, beneficiaries, and
26 insureds, the allowed values of which were determined by

1 estimation under paragraph (b) of subsection (4) of
2 Section 209.

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

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

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

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

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

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

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

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

24 (2) Within 120 days after the issuance of an Order of
25 Liquidation with a finding of insolvency against a domestic
26 company, the Director shall make application to the court

1 requesting authority to disburse funds to the Illinois
2 Insurance Guaranty Fund, the Illinois Life and Health
3 Insurance Guaranty Association, the Illinois Health
4 Maintenance Organization Guaranty Association, and similar
5 organizations in other states from time to time out of the
6 company's marshaled assets as funds become available in
7 amounts equal to disbursements made by the Illinois Insurance
8 Guaranty Fund, the Illinois Life and Health Insurance Guaranty
9 Association, the Illinois Health Maintenance Organization
10 Guaranty Association, and similar organizations in other
11 states for covered claims obligations on the presentation of
12 evidence that such disbursements have been made by the
13 Illinois Insurance Guaranty Fund, the Illinois Life and Health
14 Insurance Guaranty Association, the Illinois Health
15 Maintenance Organization Guaranty Association, and similar
16 organizations in other states.

17 The Director shall establish procedures for the ratable
18 allocation and distribution of disbursements to the Illinois
19 Insurance Guaranty Fund, the Illinois Life and Health
20 Insurance Guaranty Association, the Illinois Health
21 Maintenance Organization Guaranty Association, and similar
22 organizations in other states. In determining the amounts
23 available for disbursement, the Director shall reserve
24 sufficient assets for the payment of the expenses of
25 administration described in paragraph (1)(a) of this Section.
26 All funds available for disbursement after the establishment

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

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

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

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

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

24 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

1 Sec. 5.1. Disclosure of records.

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

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

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

23 (3) An identification of any business, including, if
24 applicable, the state of incorporation or registration, in
25 which an applicant or licensee or an applicant's or
26 licensee's spouse or children has an equity interest of

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

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

20 (5) Whether an applicant or licensee has had any
21 license or certificate issued by a licensing authority in
22 Illinois or any other jurisdiction denied, restricted,
23 suspended, revoked or not renewed and a statement
24 describing the facts and circumstances concerning the
25 denial, restriction, suspension, revocation or
26 non-renewal, including the licensing authority, the date

1 each such action was taken, and the reason for each such
2 action.

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

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

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

24 (9) Whether an applicant or licensee has made,
25 directly or indirectly, any political contribution, or any
26 loans, donations or other payments, to any candidate or

1 office holder, within 5 years from the date of filing the
2 application, including the amount and the method of
3 payment.

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

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

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

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

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

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

26 (3) Whenever the Board has refused to grant leave for

1 an applicant to withdraw his application, a copy of the
2 letter outlining the reasons for the refusal.

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

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

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

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

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

12 Section 2-165. The Sexual Assault Survivors Emergency
13 Treatment Act is amended by changing Section 7.5 as follows:

14 (410 ILCS 70/7.5)

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

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

23 (1) charge or submit a bill for any portion of the
24 costs of the services, transportation, or medications to

1 the sexual assault survivor, including any insurance
2 deductible, co-pay, co-insurance, denial of claim by an
3 insurer, spenddown, or any other out-of-pocket expense;

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

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

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

14 (5) take any other action adverse to the sexual
15 assault survivor or his or her family on account of
16 providing services to the sexual assault survivor.

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

1 for the services provided to the sexual assault survivor.

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

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

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

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

23 (3) a statement that prior to leaving the hospital or
24 approved pediatric health care facility, the hospital or
25 approved pediatric health care facility will give the
26 sexual assault survivor a sexual assault services voucher

1 for follow-up healthcare if the sexual assault survivor is
2 eligible to receive a sexual assault services voucher;

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

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

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

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

18 (d) Within 60 days after the effective date of this
19 amendatory Act of the 99th General Assembly, every health care
20 professional, except for those employed by a hospital or
21 hospital affiliate, as defined in the Hospital Licensing Act,
22 or those employed by a hospital operated under the University
23 of Illinois Hospital Act, who bills separately for medical or
24 forensic services must develop a billing protocol that ensures
25 that no survivor of sexual assault will be sent a bill for any
26 medical forensic services and submit the billing protocol to

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

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

23 The billing protocol must include at a minimum:

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

26 (2) a written acknowledgement signed by a person who

1 has completed the training that the person will not bill
2 survivors of sexual assault;

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

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

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

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

14 The Crime Victim Services Division of the Office of the
15 Attorney General may provide a sample acceptable billing
16 protocol upon request.

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

21 If the Office of the Attorney General determines that
22 implementation of the protocol could result in the billing of
23 a survivor of sexual assault for medical forensic services,
24 the Office of the Attorney General shall provide the health
25 care professional or approved pediatric health care facility
26 with a written statement of the deficiencies in the protocol.

1 The health care professional or approved pediatric health care
2 facility shall have 30 days to submit a revised billing
3 protocol addressing the deficiencies to the Office of the
4 Attorney General. The health care professional or approved
5 pediatric health care facility shall implement the protocol
6 upon approval by the Crime Victim Services Division of the
7 Office of the Attorney General.

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

17 (e) This Section is effective on and after January 1,
18 2024.

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

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

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

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

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

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

22 (2) Whenever any person is convicted of any offense
23 under this Code or similar offenses under a municipal
24 ordinance, other than regulations governing standing,
25 parking or weights of vehicles, and excepting the
26 following enumerated Sections of this Code: Sections

1 11-1406 (obstruction to driver's view or control), 11-1407
2 (improper opening of door into traffic), 11-1410 (coasting
3 on downgrade), 11-1411 (following fire apparatus),
4 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
5 vehicle which is in unsafe condition or improperly
6 equipped), 12-201(a) (daytime lights on motorcycles),
7 12-202 (clearance, identification and side marker lamps),
8 12-204 (lamp or flag on projecting load), 12-205 (failure
9 to display the safety lights required), 12-401
10 (restrictions as to tire equipment), 12-502 (mirrors),
11 12-503 (windshields must be unobstructed and equipped with
12 wipers), 12-601 (horns and warning devices), 12-602
13 (mufflers, prevention of noise or smoke), 12-603 (seat
14 safety belts), 12-702 (certain vehicles to carry flares or
15 other warning devices), 12-703 (vehicles for oiling roads
16 operated on highways), 12-710 (splash guards and
17 replacements), 13-101 (safety tests), 15-101 (size, weight
18 and load), 15-102 (width), 15-103 (height), 15-104 (name
19 and address on second division vehicles), 15-107 (length
20 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
21 (weights), 15-112 (weights), 15-301 (weights), 15-316
22 (weights), 15-318 (weights), and also excepting the
23 following enumerated Sections of the Chicago Municipal
24 Code: Sections 27-245 (following fire apparatus), 27-254
25 (obstruction of traffic), 27-258 (driving vehicle which is
26 in unsafe condition), 27-259 (coasting on downgrade),

1 27-264 (use of horns and signal devices), 27-265
2 (obstruction to driver's view or driver mechanism), 27-267
3 (dimming of headlights), 27-268 (unattended motor
4 vehicle), 27-272 (illegal funeral procession), 27-273
5 (funeral procession on boulevard), 27-275 (driving freight
6 hauling vehicles on boulevard), 27-276 (stopping and
7 standing of buses or taxicabs), 27-277 (cruising of public
8 passenger vehicles), 27-305 (parallel parking), 27-306
9 (diagonal parking), 27-307 (parking not to obstruct
10 traffic), 27-308 (stopping, standing or parking
11 regulated), 27-311 (parking regulations), 27-312 (parking
12 regulations), 27-313 (parking regulations), 27-314
13 (parking regulations), 27-315 (parking regulations),
14 27-316 (parking regulations), 27-317 (parking
15 regulations), 27-318 (parking regulations), 27-319
16 (parking regulations), 27-320 (parking regulations),
17 27-321 (parking regulations), 27-322 (parking
18 regulations), 27-324 (loading and unloading at an angle),
19 27-333 (wheel and axle loads), 27-334 (load restrictions
20 in the downtown district), 27-335 (load restrictions in
21 residential areas), 27-338 (width of vehicles), 27-339
22 (height of vehicles), 27-340 (length of vehicles), 27-352
23 (reflectors on trailers), 27-353 (mufflers), 27-354
24 (display of plates), 27-355 (display of city vehicle tax
25 sticker), 27-357 (identification of vehicles), 27-358
26 (projecting of loads), and also excepting the following

1 enumerated paragraphs of Section 2-201 of the Rules and
2 Regulations of the Illinois State Toll Highway Authority:
3 (l) (driving unsafe vehicle on tollway), (m) (vehicles
4 transporting dangerous cargo not properly indicated), it
5 shall be the duty of the clerk of the court in which such
6 conviction is had within 5 days thereafter to forward to
7 the Secretary of State a report of the conviction and the
8 court may recommend the suspension of the driver's license
9 or permit of the person so convicted.

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

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

22 The reporting requirements of this subsection (a)
23 apply to all violations listed in paragraphs (1) and (2)
24 of this subsection (a), excluding parking violations, when
25 the driver holds a CLP or CDL, regardless of the type of
26 vehicle in which the violation occurred, or when any

1 driver committed the violation in a commercial motor
2 vehicle as defined in Section 6-500 of this Code.

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

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

1 provision of a local ordinance committed by a person under
2 the age of 21 years shall be forwarded to the Secretary of
3 State.

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

25 (b) Whenever a restricted driving permit is forwarded to a
26 court, as a result of confiscation by a police officer

1 pursuant to the authority in Section 6-113(f), it shall be the
2 duty of the clerk, or judge, if the court has no clerk, to
3 forward such restricted driving permit and a facsimile of the
4 officer's citation to the Secretary of State as expeditiously
5 as practicable.

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

15 (d) For the purpose of providing the Secretary of State
16 with records necessary to properly monitor and assess driver
17 performance and assist the courts in the proper disposition of
18 repeat traffic law offenders, the clerk of the court shall
19 forward to the Secretary of State, on a form prescribed by the
20 Secretary, records of a driver's participation in a driver
21 remedial or rehabilitative program which was required, through
22 a court order or court supervision, in relation to the
23 driver's arrest for a violation of Section 11-501 of this Code
24 or a similar provision of a local ordinance. The clerk of the
25 court shall also forward to the Secretary, either on paper or
26 in an electronic format or a computer processible medium as

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

24 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 1-1-23;
25 102-1104, eff. 1-1-23.)

1 (625 ILCS 5/6-308)

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

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

17 (b) Whenever a person fails to appear in court, the court
18 may continue the case for a minimum of 30 days and the clerk of
19 the court shall send notice of the continued court date to the
20 person's last known address and, if the clerk of the court
21 elects to establish a system to send text, email, and
22 telephone notifications, may also send notifications to an
23 email address and may send a text message to the person's last
24 known cellular telephone number. If the person does not have a
25 cellular telephone number, the clerk of the court may reach
26 the person by calling the person's last known landline

1 telephone number regarding continued court dates. The notice
2 shall include a statement that a subsequent failure to appear
3 in court could result in a warrant for the defendant's arrest
4 and other significant consequences affecting their driving
5 privileges. If the person does not (i) appear in court on or
6 before the continued court date, (ii) satisfy the charge
7 without a court appearance if allowed by Illinois Supreme
8 Court Rule, or (iii) satisfy the court that the person's
9 appearance in and surrender to the court is impossible for no
10 fault of the person, the court shall enter an ex parte judgment
11 of conviction imposing a single assessment, specified in the
12 applicable assessment Schedule 10, 10.5, or 11 for the charged
13 offense, as provided in the Criminal and Traffic Assessment
14 Act, plus a fine allowed by statute. The clerk of the court
15 shall notify the Secretary of State, in a form and manner
16 prescribed by the Secretary, of the court's order.

17 (c) Illinois Supreme Court Rules shall govern bail
18 ~~pretrial release~~ and appearance procedures when a person who
19 is a 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 (d) The changes made to this Section by this amendatory
23 Act of the 103rd General Assembly apply to each individual
24 whose license was suspended pursuant to this Section between
25 January 1, 2020 and the effective date of this amendatory Act
26 of the 103rd General Assembly, and the suspension shall be

1 lifted by the Secretary of State without further action by any
2 court.

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

4 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

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

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

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

14 (A) the number of grams of alcohol per 210 liters of
15 breath; or

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

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

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

24 (3) (Blank).

25 (4) (Blank).

1 (5) (Blank).

2 (5.3) CDLIS driver record. "CDLIS driver record" means the
3 electronic record of the individual CDL driver's status and
4 history stored by the State-of-Record as part of the
5 Commercial Driver's License Information System, or CDLIS,
6 established under 49 U.S.C. 31309.

7 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
8 record" or "CDLIS MVR" means a report generated from the CDLIS
9 driver record meeting the requirements for access to CDLIS
10 information and provided by states to users authorized in 49
11 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
12 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

13 (5.7) Commercial driver's license downgrade. "Commercial
14 driver's license downgrade" or "CDL downgrade" means either:

15 (A) a state allows the driver to change his or her
16 self-certification to interstate, but operating
17 exclusively in transportation or operation excepted from
18 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
19 391.2, 391.68, or 398.3;

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

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

1 the state driver qualification requirements; or

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

4 (6) Commercial Motor Vehicle.

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

9 (i) has a gross combination weight rating or gross
10 combination weight of 11,794 kilograms or more (26,001
11 pounds or more), whichever is greater, inclusive of
12 any towed unit with a gross vehicle weight rating or
13 gross vehicle weight of more than 4,536 kilograms
14 (10,000 pounds), whichever is greater; or

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

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

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

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

26 (i) recreational vehicles, when operated primarily

1 for personal use;

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

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

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

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

13 ~~"Conviction" means an unvacated adjudication of guilt or a~~
14 ~~determination that a person has violated or failed to comply~~
15 ~~with the law in a court of original jurisdiction or by an~~
16 ~~authorized administrative tribunal; an unvacated revocation of~~
17 ~~pretrial release; a plea of guilty or nolo contendere accepted~~
18 ~~by the court; or the payment of a fine or court cost regardless~~
19 ~~of whether the imposition of sentence is deferred and~~
20 ~~ultimately a judgment dismissing the underlying charge is~~
21 ~~entered.~~

22 (8.5) Day. "Day" means calendar day.

23 (9) (Blank).

24 (10) (Blank).

25 (11) (Blank).

26 (12) (Blank).

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

6 (13.5) Driver applicant. "Driver applicant" means an
7 individual who applies to a state or other jurisdiction to
8 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
9 a CLP.

10 (13.6) Drug and alcohol clearinghouse. "Drug and alcohol
11 clearinghouse" means a database system established by the
12 Federal Motor Carrier Safety Administration that permits the
13 access and retrieval of a drug and alcohol testing violation
14 or violations precluding an applicant or employee from
15 occupying safety-sensitive positions involving the operation
16 of a commercial motor vehicle.

17 (13.8) Electronic device. "Electronic device" includes,
18 but is not limited to, a cellular telephone, personal digital
19 assistant, pager, computer, or any other device used to input,
20 write, send, receive, or read text.

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

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

7 (15.1) Endorsement. "Endorsement" means an authorization
8 to an individual's CLP or CDL required to permit the
9 individual to operate certain types of commercial motor
10 vehicles.

11 (15.2) Entry-level driver training. "Entry-level driver
12 training" means the training an entry-level driver receives
13 from an entity listed on the Federal Motor Carrier Safety
14 Administration's Training Provider Registry prior to: (i)
15 taking the CDL skills test required to receive the Class A or
16 Class B CDL for the first time; (ii) taking the CDL skills test
17 required to upgrade to a Class A or Class B CDL; or (iii)
18 taking the CDL skills test required to obtain a passenger or
19 school bus endorsement for the first time or the CDL knowledge
20 test required to obtain a hazardous materials endorsement for
21 the first time.

22 (15.3) Excepted interstate. "Excepted interstate" means a
23 person who operates or expects to operate in interstate
24 commerce, but engages exclusively in transportation or
25 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
26 or 398.3 from all or part of the qualification requirements of

1 49 C.F.R. Part 391 and is not required to obtain a medical
2 examiner's certificate by 49 C.F.R. 391.45.

3 (15.5) Excepted intrastate. "Excepted intrastate" means a
4 person who operates in intrastate commerce but engages
5 exclusively in transportation or operations excepted from all
6 or parts of the state driver qualification requirements.

7 (16) (Blank).

8 (16.5) Fatality. "Fatality" means the death of a person as
9 a result of a motor vehicle crash.

10 (16.7) Foreign commercial driver. "Foreign commercial
11 driver" means a person licensed to operate a commercial motor
12 vehicle by an authority outside the United States, or a
13 citizen of a foreign country who operates a commercial motor
14 vehicle in the United States.

15 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
16 sovereign jurisdiction that does not fall within the
17 definition of "State".

18 (18) (Blank).

19 (19) (Blank).

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

25 (20.5) Imminent Hazard. "Imminent hazard" means the
26 existence of any condition of a vehicle, employee, or

1 commercial motor vehicle operations that substantially
2 increases the likelihood of serious injury or death if not
3 discontinued immediately; or a condition relating to hazardous
4 material that presents a substantial likelihood that death,
5 serious illness, severe personal injury, or a substantial
6 endangerment to health, property, or the environment may occur
7 before the reasonably foreseeable completion date of a formal
8 proceeding begun to lessen the risk of that death, illness,
9 injury or endangerment.

10 (20.6) Issuance. "Issuance" means initial issuance,
11 transfer, renewal, or upgrade of a CLP or CDL and
12 non-domiciled CLP or CDL.

13 (20.7) Issue. "Issue" means initial issuance, transfer,
14 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
15 non-domiciled CDL.

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

19 (21.01) Manual transmission. "Manual transmission" means a
20 transmission utilizing a driver-operated clutch that is
21 activated by a pedal or lever and a gear-shift mechanism
22 operated either by hand or foot including those known as a
23 stick shift, stick, straight drive, or standard transmission.
24 All other transmissions, whether semi-automatic or automatic,
25 shall be considered automatic for the purposes of the
26 standardized restriction code.

1 (21.1) Medical examiner. "Medical examiner" means an
2 individual certified by the Federal Motor Carrier Safety
3 Administration and listed on the National Registry of
4 Certified Medical Examiners in accordance with Federal Motor
5 Carrier Safety Regulations, 49 CFR 390.101 et seq.

6 (21.2) Medical examiner's certificate. "Medical examiner's
7 certificate" means either (1) prior to June 22, 2021, a
8 document prescribed or approved by the Secretary of State that
9 is issued by a medical examiner to a driver to medically
10 qualify him or her to drive; or (2) beginning June 22, 2021, an
11 electronic submission of results of an examination conducted
12 by a medical examiner listed on the National Registry of
13 Certified Medical Examiners to the Federal Motor Carrier
14 Safety Administration of a driver to medically qualify him or
15 her to drive.

16 (21.5) Medical variance. "Medical variance" means a driver
17 has received one of the following from the Federal Motor
18 Carrier Safety Administration which allows the driver to be
19 issued a medical certificate: (1) an exemption letter
20 permitting operation of a commercial motor vehicle pursuant to
21 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
22 skill performance evaluation (SPE) certificate permitting
23 operation of a commercial motor vehicle pursuant to 49 C.F.R.
24 391.49.

25 (21.7) Mobile telephone. "Mobile telephone" means a mobile
26 communication device that falls under or uses any commercial

1 mobile radio service, as defined in regulations of the Federal
2 Communications Commission, 47 CFR 20.3. It does not include
3 two-way or citizens band radio services.

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

9 (22.2) Motor vehicle record. "Motor vehicle record" means
10 a report of the driving status and history of a driver
11 generated from the driver record provided to users, such as
12 drivers or employers, and is subject to the provisions of the
13 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

14 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
15 combination of motor vehicles not defined by the term
16 "commercial motor vehicle" or "CMV" in this Section.

17 (22.7) Non-excepted interstate. "Non-excepted interstate"
18 means a person who operates or expects to operate in
19 interstate commerce, is subject to and meets the qualification
20 requirements under 49 C.F.R. Part 391, and is required to
21 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

22 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
23 means a person who operates only in intrastate commerce and is
24 subject to State driver qualification requirements.

25 (23) Non-domiciled CLP or Non-domiciled CDL.
26 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,

1 respectively, issued by a state or other jurisdiction under
2 either of the following two conditions:

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

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

9 (24) (Blank).

10 (25) (Blank).

11 (25.5) Railroad-Highway Grade Crossing Violation.

12 "Railroad-highway grade crossing violation" means a violation,
13 while operating a commercial motor vehicle, of any of the
14 following:

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

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

18 (25.7) School Bus. "School bus" means a commercial motor
19 vehicle used to transport pre-primary, primary, or secondary
20 school students from home to school, from school to home, or to
21 and from school-sponsored events. "School bus" does not
22 include a bus used as a common carrier.

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

25 (A) a conviction when operating a commercial motor
26 vehicle, or when operating a non-CMV while holding a CLP

1 or CDL, of:

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

5 (ii) a violation relating to reckless driving; or

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

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

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

15 (vi) a violation relating to improper or erratic
16 traffic lane changes; or

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

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

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

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

1 serious.

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

5 (28) (Blank).

6 (29) (Blank).

7 (30) (Blank).

8 (31) (Blank).

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

12 (1) Texting includes, but is not limited to, short
13 message service, emailing, instant messaging, a command or
14 request to access a World Wide Web page, pressing more
15 than a single button to initiate or terminate a voice
16 communication using a mobile telephone, or engaging in any
17 other form of electronic text retrieval or entry for
18 present or future communication.

19 (2) Texting does not include:

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

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

26 (iii) using a device capable of performing

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

6 (32.3) Third party skills test examiner. "Third party
7 skills test examiner" means a person employed by a third party
8 tester who is authorized by the State to administer the CDL
9 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

10 (32.5) Third party tester. "Third party tester" means a
11 person (including, but not limited to, another state, a motor
12 carrier, a private driver training facility or other private
13 institution, or a department, agency, or instrumentality of a
14 local government) authorized by the State to employ skills
15 test examiners to administer the CDL skills tests specified in
16 49 C.F.R. Part 383, subparts G and H.

17 (32.7) United States. "United States" means the 50 states
18 and the District of Columbia.

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

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

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

25 (3) reaching for a mobile telephone in a manner that
26 requires a driver to maneuver so that he or she is no

1 longer in a seated driving position, restrained by a seat
2 belt that is installed in accordance with 49 CFR 393.93
3 and adjusted in accordance with the vehicle manufacturer's
4 instructions.

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

7 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

8 Sec. 6-601. Penalties.

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

13 (b) General penalties. Unless another penalty is in this
14 Code or other laws of this State, every person convicted of a
15 petty offense for the violation of any provision of this
16 Chapter shall be punished by a fine of not more than \$500.

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

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

22 2. A Class B misdemeanor if the person has been issued
23 a driver's license or permit, which has expired, and if
24 the period of expiration is greater than one year; or if
25 the person has never been issued a driver's license or

1 permit, or is not qualified to obtain a driver's license
2 or permit because of his age.

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

7 If a licensee under this Code is convicted of violating
8 Section 6-303 for operating a motor vehicle during a time when
9 such licensee's driver's license was suspended under the
10 provisions of Section 6-306.3 or 6-308, then such act shall be
11 a petty offense (provided the licensee has answered the charge
12 which was the basis of the suspension under Section 6-306.3 or
13 6-308), and there shall be imposed no additional like period
14 of suspension as provided in paragraph (b) of Section 6-303.

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

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

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

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

4 Whenever a defendant is arrested upon a warrant charging a
5 violation of this Act in a county other than that in which such
6 warrant was issued, the arresting officer, immediately upon
7 the request of the defendant, shall take such defendant before
8 a circuit judge or associate circuit judge in the county in
9 which the arrest was made who shall admit the defendant to bail
10 ~~pretrial release~~ for his appearance before the court named in
11 the warrant. On taking such bail ~~setting the conditions of~~
12 ~~pretrial release~~, the circuit judge or associate circuit judge
13 shall certify such fact on the warrant and deliver the warrant
14 and undertaking of bail or other security ~~conditions of~~
15 ~~pretrial release~~, or the driver's ~~drivers~~ license of such
16 defendant if deposited, under the law relating to such
17 licenses, in lieu of such security, to the officer having
18 charge of the defendant. Such officer shall then immediately
19 discharge the defendant from arrest and without delay deliver
20 such warrant and such undertaking of bail, or other security
21 ~~acknowledgment by the defendant of his or her receiving the~~
22 ~~conditions of pretrial release~~ or driver's ~~drivers~~ license to
23 the court before which the defendant is required to appear.

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

1 Section 2-175. The Illinois Vehicle Code is amended by
2 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,
3 11-208.9, and 11-1201.1 as follows:

4 (625 ILCS 5/6-209.1)

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

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

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

14 (2) the person, since the issuance of the driver's
15 license, being adjudged to be afflicted with or suffering
16 from any mental disability or disease;

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

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

25 (5) the person receiving a disposition of court

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

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

12 (7) the person failing to satisfy any fine or penalty
13 resulting from a final order issued by the ~~Illinois State~~
14 ~~Toll Highway~~ Authority relating directly or indirectly to
15 5 or more toll violations, toll evasions, or both;

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

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

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

11 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 7-1-21;
12 102-558, eff. 8-20-21; revised 8-19-24.)

13 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

14 Sec. 11-208.3. Administrative adjudication of violations
15 of traffic regulations concerning the standing, parking, or
16 condition of vehicles, automated traffic law violations, and
17 automated speed enforcement system violations.

18 (a) Any municipality or county may provide by ordinance
19 for a system of administrative adjudication of vehicular
20 standing and parking violations and vehicle compliance
21 violations as described in this subsection, automated traffic
22 law violations as defined in Section 11-208.6, 11-208.9, or
23 11-1201.1, and automated speed enforcement system violations
24 as defined in Section 11-208.8. The administrative system
25 shall have as its purpose the fair and efficient enforcement

1 of municipal or county regulations through the administrative
2 adjudication of automated speed enforcement system or
3 automated traffic law violations and violations of municipal
4 or county ordinances regulating the standing and parking of
5 vehicles, the condition and use of vehicle equipment, and the
6 display of municipal or county wheel tax licenses within the
7 municipality's or county's borders. The administrative system
8 shall only have authority to adjudicate civil offenses
9 carrying fines not in excess of \$500 or requiring the
10 completion of a traffic education program, or both, that occur
11 after the effective date of the ordinance adopting such a
12 system under this Section. For purposes of this Section,
13 "compliance violation" means a violation of a municipal or
14 county regulation governing the condition or use of equipment
15 on a vehicle or governing the display of a municipal or county
16 wheel tax license.

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

19 (1) A traffic compliance administrator authorized to
20 adopt, distribute, and process parking, compliance, and
21 automated speed enforcement system or automated traffic
22 law violation notices and other notices required by this
23 Section, collect money paid as fines and penalties for
24 violation of parking and compliance ordinances and
25 automated speed enforcement system or automated traffic
26 law violations, and operate an administrative adjudication

1 system. The traffic compliance administrator also may make
2 a certified report to the Secretary of State under Section
3 6-306.5-1.

4 (2) A parking, standing, compliance, automated speed
5 enforcement system, or automated traffic law violation
6 notice that shall specify or include the date, time, and
7 place of violation of a parking, standing, compliance,
8 automated speed enforcement system, or automated traffic
9 law regulation; the particular regulation violated; any
10 requirement to complete a traffic education program; the
11 fine and any penalty that may be assessed for late payment
12 or failure to complete a required traffic education
13 program, or both, when so provided by ordinance; the
14 vehicle make or a photograph of the vehicle; the state
15 registration number of the vehicle; and the identification
16 number of the person issuing the notice. With regard to
17 automated speed enforcement system or automated traffic
18 law violations, vehicle make shall be specified on the
19 automated speed enforcement system or automated traffic
20 law violation notice if the notice does not include a
21 photograph of the vehicle and the make is available and
22 readily discernible. With regard to municipalities or
23 counties with a population of 1 million or more, it shall
24 be grounds for dismissal of a parking violation if the
25 state registration number or vehicle make specified is
26 incorrect. The violation notice shall state that the

1 completion of any required traffic education program, the
2 payment of any indicated fine, and the payment of any
3 applicable penalty for late payment or failure to complete
4 a required traffic education program, or both, shall
5 operate as a final disposition of the violation. The
6 notice also shall contain information as to the
7 availability of a hearing in which the violation may be
8 contested on its merits. The violation notice shall
9 specify the time and manner in which a hearing may be had.

10 (3) Service of a parking, standing, or compliance
11 violation notice by: (i) affixing the original or a
12 facsimile of the notice to an unlawfully parked or
13 standing vehicle; (ii) handing the notice to the operator
14 of a vehicle if he or she is present; or (iii) mailing the
15 notice to the address of the registered owner or lessee of
16 the cited vehicle as recorded with the Secretary of State
17 or the lessor of the motor vehicle within 30 days after the
18 Secretary of State or the lessor of the motor vehicle
19 notifies the municipality or county of the identity of the
20 owner or lessee of the vehicle, but not later than 90 days
21 after the date of the violation, except that in the case of
22 a lessee of a motor vehicle, service of a parking,
23 standing, or compliance violation notice may occur no
24 later than 210 days after the violation; and service of an
25 automated speed enforcement system or automated traffic
26 law violation notice by mail to the address of the

1 registered owner or lessee of the cited vehicle as
2 recorded with the Secretary of State or the lessor of the
3 motor vehicle within 30 days after the Secretary of State
4 or the lessor of the motor vehicle notifies the
5 municipality or county of the identity of the owner or
6 lessee of the vehicle, but not later than 90 days after the
7 violation, except that in the case of a lessee of a motor
8 vehicle, service of an automated traffic law violation
9 notice may occur no later than 210 days after the
10 violation. A person authorized by ordinance to issue and
11 serve parking, standing, and compliance violation notices
12 shall certify as to the correctness of the facts entered
13 on the violation notice by signing his or her name to the
14 notice at the time of service or, in the case of a notice
15 produced by a computerized device, by signing a single
16 certificate to be kept by the traffic compliance
17 administrator attesting to the correctness of all notices
18 produced by the device while it was under his or her
19 control. In the case of an automated traffic law
20 violation, the ordinance shall require a determination by
21 a technician employed or contracted by the municipality or
22 county that, based on inspection of recorded images, the
23 motor vehicle was being operated in violation of Section
24 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
25 the technician determines that the vehicle entered the
26 intersection as part of a funeral procession or in order

1 to yield the right-of-way to an emergency vehicle, a
2 citation shall not be issued. In municipalities with a
3 population of less than 1,000,000 inhabitants and counties
4 with a population of less than 3,000,000 inhabitants, the
5 automated traffic law ordinance shall require that all
6 determinations by a technician that a motor vehicle was
7 being operated in violation of Section 11-208.6, 11-208.9,
8 or 11-1201.1 or a local ordinance must be reviewed and
9 approved by a law enforcement officer or retired law
10 enforcement officer of the municipality or county issuing
11 the violation. In municipalities with a population of
12 1,000,000 or more inhabitants and counties with a
13 population of 3,000,000 or more inhabitants, the automated
14 traffic law ordinance shall require that all
15 determinations by a technician that a motor vehicle was
16 being operated in violation of Section 11-208.6, 11-208.9,
17 or 11-1201.1 or a local ordinance must be reviewed and
18 approved by a law enforcement officer or retired law
19 enforcement officer of the municipality or county issuing
20 the violation or by an additional fully trained reviewing
21 technician who is not employed by the contractor who
22 employs the technician who made the initial determination.
23 In the case of an automated speed enforcement system
24 violation, the ordinance shall require a determination by
25 a technician employed by the municipality, based upon an
26 inspection of recorded images, video or other

1 documentation, including documentation of the speed limit
2 and automated speed enforcement signage, and documentation
3 of the inspection, calibration, and certification of the
4 speed equipment, that the vehicle was being operated in
5 violation of Article VI of Chapter 11 of this Code or a
6 similar local ordinance. If the technician determines that
7 the vehicle speed was not determined by a calibrated,
8 certified speed equipment device based upon the speed
9 equipment documentation, or if the vehicle was an
10 emergency vehicle, a citation may not be issued. The
11 automated speed enforcement ordinance shall require that
12 all determinations by a technician that a violation
13 occurred be reviewed and approved by a law enforcement
14 officer or retired law enforcement officer of the
15 municipality issuing the violation or by an additional
16 fully trained reviewing technician who is not employed by
17 the contractor who employs the technician who made the
18 initial determination. Routine and independent calibration
19 of the speeds produced by automated speed enforcement
20 systems and equipment shall be conducted annually by a
21 qualified technician. Speeds produced by an automated
22 speed enforcement system shall be compared with speeds
23 produced by lidar or other independent equipment. Radar or
24 lidar equipment shall undergo an internal validation test
25 no less frequently than once each week. Qualified
26 technicians shall test loop-based equipment no less

1 frequently than once a year. Radar equipment shall be
2 checked for accuracy by a qualified technician when the
3 unit is serviced, when unusual or suspect readings
4 persist, or when deemed necessary by a reviewing
5 technician. Radar equipment shall be checked with the
6 internal frequency generator and the internal circuit test
7 whenever the radar is turned on. Technicians must be alert
8 for any unusual or suspect readings, and if unusual or
9 suspect readings of a radar unit persist, that unit shall
10 immediately be removed from service and not returned to
11 service until it has been checked by a qualified
12 technician and determined to be functioning properly.
13 Documentation of the annual calibration results, including
14 the equipment tested, test date, technician performing the
15 test, and test results, shall be maintained and available
16 for use in the determination of an automated speed
17 enforcement system violation and issuance of a citation.
18 The technician performing the calibration and testing of
19 the automated speed enforcement equipment shall be trained
20 and certified in the use of equipment for speed
21 enforcement purposes. Training on the speed enforcement
22 equipment may be conducted by law enforcement, civilian,
23 or manufacturer's personnel and if applicable may be
24 equivalent to the equipment use and operations training
25 included in the Speed Measuring Device Operator Program
26 developed by the National Highway Traffic Safety

1 Administration (NHTSA). The vendor or technician who
2 performs the work shall keep accurate records on each
3 piece of equipment the technician calibrates and tests. As
4 used in this paragraph, "fully trained reviewing
5 technician" means a person who has received at least 40
6 hours of supervised training in subjects which shall
7 include image inspection and interpretation, the elements
8 necessary to prove a violation, license plate
9 identification, and traffic safety and management. In all
10 municipalities and counties, the automated speed
11 enforcement system or automated traffic law ordinance
12 shall require that no additional fee shall be charged to
13 the alleged violator for exercising his or her right to an
14 administrative hearing, and persons shall be given at
15 least 25 days following an administrative hearing to pay
16 any civil penalty imposed by a finding that Section
17 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
18 local ordinance has been violated. The original or a
19 facsimile of the violation notice or, in the case of a
20 notice produced by a computerized device, a printed record
21 generated by the device showing the facts entered on the
22 notice, shall be retained by the traffic compliance
23 administrator, and shall be a record kept in the ordinary
24 course of business. A parking, standing, compliance,
25 automated speed enforcement system, or automated traffic
26 law violation notice issued, signed, and served in

1 accordance with this Section, a copy of the notice, or the
2 computer-generated record shall be prima facie correct and
3 shall be prima facie evidence of the correctness of the
4 facts shown on the notice. The notice, copy, or
5 computer-generated record shall be admissible in any
6 subsequent administrative or legal proceedings.

7 (4) An opportunity for a hearing for the registered
8 owner of the vehicle cited in the parking, standing,
9 compliance, automated speed enforcement system, or
10 automated traffic law violation notice in which the owner
11 may contest the merits of the alleged violation, and
12 during which formal or technical rules of evidence shall
13 not apply; provided, however, that under Section 11-1306
14 of this Code the lessee of a vehicle cited in the violation
15 notice likewise shall be provided an opportunity for a
16 hearing of the same kind afforded the registered owner.
17 The hearings shall be recorded, and the person conducting
18 the hearing on behalf of the traffic compliance
19 administrator shall be empowered to administer oaths and
20 to secure by subpoena both the attendance and testimony of
21 witnesses and the production of relevant books and papers.
22 Persons appearing at a hearing under this Section may be
23 represented by counsel at their expense. The ordinance may
24 also provide for internal administrative review following
25 the decision of the hearing officer.

26 (5) Service of additional notices, sent by first class

1 United States mail, postage prepaid, to the address of the
2 registered owner of the cited vehicle as recorded with the
3 Secretary of State or, if any notice to that address is
4 returned as undeliverable, to the last known address
5 recorded in a United States Post Office approved database,
6 or, under Section 11-1306 or subsection (p) of Section
7 11-208.6 or 11-208.9, or subsection (p) of Section
8 11-208.8 of this Code, to the lessee of the cited vehicle
9 at the last address known to the lessor of the cited
10 vehicle at the time of lease or, if any notice to that
11 address is returned as undeliverable, to the last known
12 address recorded in a United States Post Office approved
13 database. The service shall be deemed complete as of the
14 date of deposit in the United States mail. The notices
15 shall be in the following sequence and shall include, but
16 not be limited to, the information specified herein:

17 (i) A second notice of parking, standing, or
18 compliance violation if the first notice of the
19 violation was issued by affixing the original or a
20 facsimile of the notice to the unlawfully parked
21 vehicle or by handing the notice to the operator. This
22 notice shall specify or include the date and location
23 of the violation cited in the parking, standing, or
24 compliance violation notice, the particular regulation
25 violated, the vehicle make or a photograph of the
26 vehicle, the state registration number of the vehicle,

1 any requirement to complete a traffic education
2 program, the fine and any penalty that may be assessed
3 for late payment or failure to complete a traffic
4 education program, or both, when so provided by
5 ordinance, the availability of a hearing in which the
6 violation may be contested on its merits, and the time
7 and manner in which the hearing may be had. The notice
8 of violation shall also state that failure to complete
9 a required traffic education program, to pay the
10 indicated fine and any applicable penalty, or to
11 appear at a hearing on the merits in the time and
12 manner specified, will result in a final determination
13 of violation liability for the cited violation in the
14 amount of the fine or penalty indicated, and that,
15 upon the occurrence of a final determination of
16 violation liability for the failure, and the
17 exhaustion of, or failure to exhaust, available
18 administrative or judicial procedures for review, any
19 incomplete traffic education program or any unpaid
20 fine or penalty, or both, will constitute a debt due
21 and owing the municipality or county.

22 (ii) A notice of final determination of parking,
23 standing, compliance, automated speed enforcement
24 system, or automated traffic law violation liability.
25 This notice shall be sent following a final
26 determination of parking, standing, compliance,

1 automated speed enforcement system, or automated
2 traffic law violation liability and the conclusion of
3 judicial review procedures taken under this Section.
4 The notice shall state that the incomplete traffic
5 education program or the unpaid fine or penalty, or
6 both, is a debt due and owing the municipality or
7 county. The notice shall contain warnings that failure
8 to complete any required traffic education program or
9 to pay any fine or penalty due and owing the
10 municipality or county, or both, within the time
11 specified may result in the municipality's or county's
12 filing of a petition in the Circuit Court to have the
13 incomplete traffic education program or unpaid fine or
14 penalty, or both, rendered a judgment as provided by
15 this Section, or, where applicable, may result in
16 suspension of the person's driver's license for
17 failure to complete a traffic education program or to
18 pay fines or penalties, or both, for 5 or more
19 automated traffic law violations under Section
20 11-208.6 or 11-208.9 or automated speed enforcement
21 system violations under Section 11-208.8.

22 (6) A notice of impending driver's license suspension.

23 This notice shall be sent to the person liable for failure
24 to complete a required traffic education program or to pay
25 any fine or penalty that remains due and owing, or both, on
26 5 or more unpaid automated speed enforcement system or

1 automated traffic law violations. The notice shall state
2 that failure to complete a required traffic education
3 program or to pay the fine or penalty owing, or both,
4 within 45 days of the notice's date will result in the
5 municipality or county notifying the Secretary of State
6 that the person is eligible for initiation of suspension
7 proceedings under Section 6-306.5-1 ~~6-306.5~~ of this Code.
8 The notice shall also state that the person may obtain a
9 photostatic copy of an original ticket imposing a fine or
10 penalty by sending a self-addressed, stamped envelope to
11 the municipality or county along with a request for the
12 photostatic copy. The notice of impending driver's license
13 suspension shall be sent by first class United States
14 mail, postage prepaid, to the address recorded with the
15 Secretary of State or, if any notice to that address is
16 returned as undeliverable, to the last known address
17 recorded in a United States Post Office approved database.

18 (7) Final determinations of violation liability. A
19 final determination of violation liability shall occur
20 following failure to complete the required traffic
21 education program or to pay the fine or penalty, or both,
22 after a hearing officer's determination of violation
23 liability and the exhaustion of or failure to exhaust any
24 administrative review procedures provided by ordinance.
25 Where a person fails to appear at a hearing to contest the
26 alleged violation in the time and manner specified in a

1 prior mailed notice, the hearing officer's determination
2 of violation liability shall become final: (A) upon denial
3 of a timely petition to set aside that determination, or
4 (B) upon expiration of the period for filing the petition
5 without a filing having been made.

6 (8) A petition to set aside a determination of
7 parking, standing, compliance, automated speed enforcement
8 system, or automated traffic law violation liability that
9 may be filed by a person owing an unpaid fine or penalty. A
10 petition to set aside a determination of liability may
11 also be filed by a person required to complete a traffic
12 education program. The petition shall be filed with and
13 ruled upon by the traffic compliance administrator in the
14 manner and within the time specified by ordinance. The
15 grounds for the petition may be limited to: (A) the person
16 not having been the owner or lessee of the cited vehicle on
17 the date the violation notice was issued, (B) the person
18 having already completed the required traffic education
19 program or paid the fine or penalty, or both, for the
20 violation in question, and (C) excusable failure to appear
21 at or request a new date for a hearing. With regard to
22 municipalities or counties with a population of 1 million
23 or more, it shall be grounds for dismissal of a parking
24 violation if the state registration number or vehicle
25 make, only if specified in the violation notice, is
26 incorrect. After the determination of parking, standing,

1 compliance, automated speed enforcement system, or
2 automated traffic law violation liability has been set
3 aside upon a showing of just cause, the registered owner
4 shall be provided with a hearing on the merits for that
5 violation.

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

10 (10) A schedule of civil fines for violations of
11 vehicular standing, parking, compliance, automated speed
12 enforcement system, or automated traffic law regulations
13 enacted by ordinance pursuant to this Section, and a
14 schedule of penalties for late payment of the fines or
15 failure to complete required traffic education programs,
16 provided, however, that the total amount of the fine and
17 penalty for any one violation shall not exceed \$250,
18 except as provided in subsection (c) of Section 11-1301.3
19 of this Code.

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

23 (b-5) An automated speed enforcement system or automated
24 traffic law ordinance adopted under this Section by a
25 municipality or county shall require that the determination to
26 issue a citation be vested solely with the municipality or

1 county and that such authority may not be delegated to any
2 vendor retained by the municipality or county. Any contract or
3 agreement violating such a provision in the ordinance is null
4 and void.

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

15 (1) Criteria for the designation of vehicles eligible
16 for immobilization. A vehicle shall be eligible for
17 immobilization when the registered owner of the vehicle
18 has accumulated the number of incomplete traffic education
19 programs or unpaid final determinations of parking,
20 standing, compliance, automated speed enforcement system,
21 or automated traffic law violation liability, or both, as
22 determined by ordinance.

23 (2) A notice of impending vehicle immobilization and a
24 right to a hearing to challenge the validity of the notice
25 by disproving liability for the incomplete traffic
26 education programs or unpaid final determinations of

1 parking, standing, compliance, automated speed enforcement
2 system, or automated traffic law violation liability, or
3 both, listed on the notice.

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

14 (4) A post immobilization and post-towing notice
15 advising the registered owner of the vehicle of the right
16 to a hearing to challenge the validity of the impoundment.

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

23 (e) Any fine, penalty, incomplete traffic education
24 program, or part of any fine or any penalty remaining unpaid
25 after the exhaustion of, or the failure to exhaust,
26 administrative remedies created under this Section and the

1 conclusion of any judicial review procedures shall be a debt
2 due and owing the municipality or county and, as such, may be
3 collected in accordance with applicable law. Completion of any
4 required traffic education program and payment in full of any
5 fine or penalty resulting from a standing, parking,
6 compliance, automated speed enforcement system, or automated
7 traffic law violation shall constitute a final disposition of
8 that violation.

9 (f) After the expiration of the period within which
10 judicial review may be sought for a final determination of
11 parking, standing, compliance, automated speed enforcement
12 system, or automated traffic law violation, the municipality
13 or county may commence a proceeding in the Circuit Court for
14 purposes of obtaining a judgment on the final determination of
15 violation. Nothing in this Section shall prevent a
16 municipality or county from consolidating multiple final
17 determinations of parking, standing, compliance, automated
18 speed enforcement system, or automated traffic law violations
19 against a person in a proceeding. Upon commencement of the
20 action, the municipality or county shall file a certified copy
21 or record of the final determination of parking, standing,
22 compliance, automated speed enforcement system, or automated
23 traffic law violation, which shall be accompanied by a
24 certification that recites facts sufficient to show that the
25 final determination of violation was issued in accordance with
26 this Section and the applicable municipal or county ordinance.

1 Service of the summons and a copy of the petition may be by any
2 method provided by Section 2-203 of the Code of Civil
3 Procedure or by certified mail, return receipt requested,
4 provided that the total amount of fines and penalties for
5 final determinations of parking, standing, compliance,
6 automated speed enforcement system, or automated traffic law
7 violations does not exceed \$2500. If the court is satisfied
8 that the final determination of parking, standing, compliance,
9 automated speed enforcement system, or automated traffic law
10 violation was entered in accordance with the requirements of
11 this Section and the applicable municipal or county ordinance,
12 and that the registered owner or the lessee, as the case may
13 be, had an opportunity for an administrative hearing and for
14 judicial review as provided in this Section, the court shall
15 render judgment in favor of the municipality or county and
16 against the registered owner or the lessee for the amount
17 indicated in the final determination of parking, standing,
18 compliance, automated speed enforcement system, or automated
19 traffic law violation, plus costs. The judgment shall have the
20 same effect and may be enforced in the same manner as other
21 judgments for the recovery of money.

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

24 A low-income individual required to complete a traffic
25 education program under this Section who provides proof of
26 eligibility for the federal earned income tax credit under

1 Section 32 of the Internal Revenue Code or the Illinois earned
2 income tax credit under Section 212 of the Illinois Income Tax
3 Act shall not be required to pay any fee for participating in a
4 required traffic education program.

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

11 (Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23;
12 103-364, eff. 7-28-23.)

13 (625 ILCS 5/11-208.6)

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

15 (a) As used in this Section, "automated traffic law
16 enforcement system" means a device with one or more motor
17 vehicle sensors working in conjunction with a red light signal
18 to produce recorded images of motor vehicles entering an
19 intersection against a red signal indication in violation of
20 Section 11-306 of this Code or a similar provision of a local
21 ordinance.

22 An automated traffic law enforcement system is a system,
23 in a municipality or county operated by a governmental agency,
24 that produces a recorded image of a motor vehicle's violation
25 of a provision of this Code or a local ordinance and is

1 designed to obtain a clear recorded image of the vehicle and
2 the vehicle's license plate. The recorded image must also
3 display the time, date, and location of the violation.

4 (b) As used in this Section, "recorded images" means
5 images recorded by an automated traffic law enforcement system
6 on:

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

10 (4) a video recording showing the motor vehicle and,
11 on at least one image or portion of the recording, clearly
12 identifying the registration plate or digital registration
13 plate number of the motor vehicle.

14 (b-5) A municipality or county that produces a recorded
15 image of a motor vehicle's violation of a provision of this
16 Code or a local ordinance must make the recorded images of a
17 violation accessible to the alleged violator by providing the
18 alleged violator with a website address, accessible through
19 the Internet.

20 (c) Except as provided under Section 11-208.8 of this
21 Code, a county or municipality, including a home rule county
22 or municipality, may not use an automated traffic law
23 enforcement system to provide recorded images of a motor
24 vehicle for the purpose of recording its speed. Except as
25 provided under Section 11-208.8 of this Code, the regulation
26 of the use of automated traffic law enforcement systems to

1 record vehicle speeds is an exclusive power and function of
2 the State. This subsection (c) is a denial and limitation of
3 home rule powers and functions under subsection (h) of Section
4 6 of Article VII of the Illinois Constitution.

5 (c-5) A county or municipality, including a home rule
6 county or municipality, may not use an automated traffic law
7 enforcement system to issue violations in instances where the
8 motor vehicle comes to a complete stop and does not enter the
9 intersection, as defined by Section 1-132 of this Code, during
10 the cycle of the red signal indication unless one or more
11 pedestrians or bicyclists are present, even if the motor
12 vehicle stops at a point past a stop line or crosswalk where a
13 driver is required to stop, as specified in subsection (c) of
14 Section 11-306 of this Code or a similar provision of a local
15 ordinance.

16 (c-6) A county, or a municipality with less than 2,000,000
17 inhabitants, including a home rule county or municipality, may
18 not use an automated traffic law enforcement system to issue
19 violations in instances where a motorcyclist enters an
20 intersection against a red signal indication when the red
21 signal fails to change to a green signal within a reasonable
22 period of time not less than 120 seconds because of a signal
23 malfunction or because the signal has failed to detect the
24 arrival of the motorcycle due to the motorcycle's size or
25 weight.

26 (d) For each violation of a provision of this Code or a

1 local ordinance recorded by an automatic traffic law
2 enforcement system, the county or municipality having
3 jurisdiction shall issue a written notice of the violation to
4 the registered owner of the vehicle as the alleged violator.
5 The notice shall be delivered to the registered owner of the
6 vehicle, by mail, within 30 days after the Secretary of State
7 notifies the municipality or county of the identity of the
8 owner of the vehicle, but in no event later than 90 days after
9 the violation.

10 The notice shall include:

11 (1) the name and address of the registered owner of
12 the vehicle;

13 (2) the registration number of the motor vehicle
14 involved in the violation;

15 (3) the violation charged;

16 (4) the location where the violation occurred;

17 (5) the date and time of the violation;

18 (6) a copy of the recorded images;

19 (7) the amount of the civil penalty imposed and the
20 requirements of any traffic education program imposed and
21 the date by which the civil penalty should be paid and the
22 traffic education program should be completed;

23 (8) a statement that recorded images are evidence of a
24 violation of a red light signal;

25 (9) a warning that failure to pay the civil penalty,
26 to complete a required traffic education program, or to

1 contest liability in a timely manner is an admission of
2 liability and may result in a suspension of the driving
3 privileges of the registered owner of the vehicle;

4 (10) a statement that the person may elect to proceed
5 by:

6 (A) paying the fine, completing a required traffic
7 education program, or both; or

8 (B) challenging the charge in court, by mail, or
9 by administrative hearing; and

10 (11) a website address, accessible through the
11 Internet, where the person may view the recorded images of
12 the violation.

13 (e) (Blank).

14 (e-1) If a person charged with a traffic violation, as a result
15 of an automated traffic law enforcement system, does not pay
16 the fine or complete a required traffic education program, or
17 both, or successfully contest the civil penalty resulting from
18 that violation, the Secretary of State shall suspend the
19 driving privileges of the registered owner of the vehicle
20 under Section 6-306.5-1 of this Code for failing to complete a
21 required traffic education program or to pay any fine or
22 penalty due and owing, or both, as a result of a combination of
23 5 violations of the automated traffic law enforcement system
24 or the automated speed enforcement system under Section
25 11-208.8 of this Code.

26 (f) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging
2 that the violation occurred shall be evidence of the facts
3 contained in the notice and admissible in any proceeding
4 alleging a violation under this Section.

5 (g) Recorded images made by an automatic traffic law
6 enforcement system are confidential and shall be made
7 available only to the alleged violator and governmental and
8 law enforcement agencies for purposes of adjudicating a
9 violation of this Section, for statistical purposes, or for
10 other governmental purposes. Any recorded image evidencing a
11 violation of this Section, however, may be admissible in any
12 proceeding resulting from the issuance of the citation.

13 (h) The court or hearing officer may consider in defense
14 of a violation:

15 (1) that the motor vehicle or registration plates or
16 digital registration plates of the motor vehicle were
17 stolen before the violation occurred and not under the
18 control of or in the possession of the owner or lessee at
19 the time of the violation;

20 (1.5) that the motor vehicle was hijacked before the
21 violation occurred and not under the control of or in the
22 possession of the owner or lessee at the time of the
23 violation;

24 (2) that the driver of the vehicle passed through the
25 intersection when the light was red either (i) in order to
26 yield the right-of-way to an emergency vehicle or (ii) as

1 part of a funeral procession; and

2 (3) any other evidence or issues provided by municipal
3 or county ordinance.

4 (i) To demonstrate that the motor vehicle was hijacked or
5 the motor vehicle or registration plates or digital
6 registration plates were stolen before the violation occurred
7 and were not under the control or possession of the owner or
8 lessee at the time of the violation, the owner or lessee must
9 submit proof that a report concerning the motor vehicle or
10 registration plates was filed with a law enforcement agency in
11 a timely manner.

12 (j) Unless the driver of the motor vehicle received a
13 Uniform Traffic Citation from a police officer at the time of
14 the violation, the motor vehicle owner is subject to a civil
15 penalty not exceeding \$100 or the completion of a traffic
16 education program, or both, plus an additional penalty of not
17 more than \$100 for failure to pay the original penalty or to
18 complete a required traffic education program, or both, in a
19 timely manner, if the motor vehicle is recorded by an
20 automated traffic law enforcement system. A violation for
21 which a civil penalty is imposed under this Section is not a
22 violation of a traffic regulation governing the movement of
23 vehicles and may not be recorded on the driving record of the
24 owner of the vehicle.

25 (j-3) A registered owner who is a holder of a valid
26 commercial driver's license is not required to complete a

1 traffic education program.

2 (j-5) For purposes of the required traffic education
3 program only, a registered owner may submit an affidavit to
4 the court or hearing officer swearing that at the time of the
5 alleged violation, the vehicle was in the custody and control
6 of another person. The affidavit must identify the person in
7 custody and control of the vehicle, including the person's
8 name and current address. The person in custody and control of
9 the vehicle at the time of the violation is required to
10 complete the required traffic education program. If the person
11 in custody and control of the vehicle at the time of the
12 violation completes the required traffic education program,
13 the registered owner of the vehicle is not required to
14 complete a traffic education program.

15 (k) An intersection equipped with an automated traffic law
16 enforcement system must be posted with a sign visible to
17 approaching traffic indicating that the intersection is being
18 monitored by an automated traffic law enforcement system and
19 informing drivers whether, following a stop, a right turn at
20 the intersection is permitted or prohibited.

21 (k-3) A municipality or county that has one or more
22 intersections equipped with an automated traffic law
23 enforcement system must provide notice to drivers by posting
24 the locations of automated traffic law systems on the
25 municipality or county website.

26 (k-5) An intersection equipped with an automated traffic

1 law enforcement system must have a yellow change interval that
2 conforms with the Illinois Manual on Uniform Traffic Control
3 Devices (IMUTCD) published by the Illinois Department of
4 Transportation. Beginning 6 months before it installs an
5 automated traffic law enforcement system at an intersection, a
6 county or municipality may not change the yellow change
7 interval at that intersection.

8 (k-7) A municipality or county operating an automated
9 traffic law enforcement system shall conduct a statistical
10 analysis to assess the safety impact of each automated traffic
11 law enforcement system at an intersection following
12 installation of the system and every 2 years thereafter. Each
13 statistical analysis shall be based upon the best available
14 crash, traffic, and other data, and shall cover a period of
15 time before and after installation of the system sufficient to
16 provide a statistically valid comparison of safety impact.
17 Each statistical analysis shall be consistent with
18 professional judgment and acceptable industry practice. Each
19 statistical analysis also shall be consistent with the data
20 required for valid comparisons of before and after conditions
21 and shall be conducted within a reasonable period following
22 the installation of the automated traffic law enforcement
23 system. Each statistical analysis required by this subsection
24 (k-7) shall be made available to the public and shall be
25 published on the website of the municipality or county. If a
26 statistical analysis indicates that there has been an increase

1 in the rate of crashes at the approach to the intersection
2 monitored by the system, the municipality or county shall
3 undertake additional studies to determine the cause and
4 severity of the crashes, and may take any action that it
5 determines is necessary or appropriate to reduce the number or
6 severity of the crashes at that intersection.

7 (k-8) Any municipality or county operating an automated
8 traffic law enforcement system before July 28, 2023 (the
9 effective date of Public Act 103-364) shall conduct a
10 statistical analysis to assess the safety impact of each
11 automated traffic law enforcement system at an intersection by
12 no later than one year after July 28, 2023 (the effective date
13 of Public Act 103-364) and every 2 years thereafter. The
14 statistical analyses shall be based upon the best available
15 crash, traffic, and other data, and shall cover a period of
16 time before and after installation of the system sufficient to
17 provide a statistically valid comparison of safety impact. The
18 statistical analyses shall be consistent with professional
19 judgment and acceptable industry practice. The statistical
20 analyses also shall be consistent with the data required for
21 valid comparisons of before and after conditions. The
22 statistical analyses required by this subsection shall be made
23 available to the public and shall be published on the website
24 of the municipality or county. If the statistical analysis for
25 any period following installation of the system indicates that
26 there has been an increase in the rate of accidents at the

1 approach to the intersection monitored by the system, the
2 municipality or county shall undertake additional studies to
3 determine the cause and severity of the accidents, and may
4 take any action that it determines is necessary or appropriate
5 to reduce the number or severity of the accidents at that
6 intersection.

7 (1) The compensation paid for an automated traffic law
8 enforcement system must be based on the value of the equipment
9 or the services provided and may not be based on the number of
10 traffic citations issued or the revenue generated by the
11 system.

12 (1-1) No member of the General Assembly and no officer or
13 employee of a municipality or county shall knowingly accept
14 employment or receive compensation or fees for services from a
15 vendor that provides automated traffic law enforcement system
16 equipment or services to municipalities or counties. No former
17 member of the General Assembly shall, within a period of 2
18 years immediately after the termination of service as a member
19 of the General Assembly, knowingly accept employment or
20 receive compensation or fees for services from a vendor that
21 provides automated traffic law enforcement system equipment or
22 services to municipalities or counties. No former officer or
23 employee of a municipality or county shall, within a period of
24 2 years immediately after the termination of municipal or
25 county employment, knowingly accept employment or receive
26 compensation or fees for services from a vendor that provides

1 automated traffic law enforcement system equipment or services
2 to municipalities or counties.

3 (m) This Section applies only to the counties of Cook,
4 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
5 to municipalities located within those counties.

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

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

15 (o) (Blank).

16 (o-1) A municipality or county shall make a certified
17 report to the Secretary of State pursuant to Section 6-306.5-1
18 of this Code whenever a registered owner of a vehicle has
19 failed to pay any fine or penalty due and owing as a result of
20 a combination of 5 offenses for automated traffic law or speed
21 enforcement system violations.

22 (p) No person who is the lessor of a motor vehicle pursuant
23 to a written lease agreement shall be liable for an automated
24 speed or traffic law enforcement system violation involving
25 such motor vehicle during the period of the lease; provided
26 that upon the request of the appropriate authority received

1 within 120 days after the violation occurred, the lessor
2 provides within 60 days after such receipt the name and
3 address of the lessee. The driver's license number of a lessee
4 may be subsequently individually requested by the appropriate
5 authority if needed for enforcement of this Section.

6 Upon the provision of information by the lessor pursuant
7 to this subsection, the county or municipality may issue the
8 violation to the lessee of the vehicle in the same manner as it
9 would issue a violation to a registered owner of a vehicle
10 pursuant to this Section, and the lessee may be held liable for
11 the violation.

12 (q) If a county or municipality selects a new vendor for
13 its automated traffic law enforcement system and must, as a
14 consequence, apply for a permit, approval, or other
15 authorization from the Department for reinstallation of one or
16 more malfunctioning components of that system and if, at the
17 time of the application for the permit, approval, or other
18 authorization, the new vendor operates an automated traffic
19 law enforcement system for any other county or municipality in
20 the State, then the Department shall approve or deny the
21 county or municipality's application for the permit, approval,
22 or other authorization within 90 days after its receipt.

23 (r) The Department may revoke any permit, approval, or
24 other authorization granted to a county or municipality for
25 the placement, installation, or operation of an automated
26 traffic law enforcement system if any official or employee who

1 serves that county or municipality is charged with bribery,
2 official misconduct, or a similar crime related to the
3 placement, installation, or operation of the automated traffic
4 law enforcement system in the county or municipality.

5 The Department shall adopt any rules necessary to
6 implement and administer this subsection. The rules adopted by
7 the Department shall describe the revocation process, shall
8 ensure that notice of the revocation is provided, and shall
9 provide an opportunity to appeal the revocation. Any county or
10 municipality that has a permit, approval, or other
11 authorization revoked under this subsection may not reapply
12 for such a permit, approval, or other authorization for a
13 period of one year after the revocation.

14 (s) If an automated traffic law enforcement system is
15 removed or rendered inoperable due to construction, then the
16 Department shall authorize the reinstallation or use of the
17 automated traffic law enforcement system within 30 days after
18 the construction is complete.

19 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;
20 103-154, eff. 6-30-23; 103-364, eff. 7-28-23; 103-605, eff.
21 7-1-24.)

22 (625 ILCS 5/11-208.8)

23 Sec. 11-208.8. Automated speed enforcement systems in
24 safety zones.

25 (a) As used in this Section:

1 "Automated speed enforcement system" means a photographic
2 device, radar device, laser device, or other electrical or
3 mechanical device or devices installed or utilized in a safety
4 zone and designed to record the speed of a vehicle and obtain a
5 clear photograph or other recorded image of the vehicle and
6 the vehicle's registration plate or digital registration plate
7 while the driver is violating Article VI of Chapter 11 of this
8 Code or a similar provision of a local ordinance.

9 An automated speed enforcement system is a system, located
10 in a safety zone which is under the jurisdiction of a
11 municipality, that produces a recorded image of a motor
12 vehicle's violation of a provision of this Code or a local
13 ordinance and is designed to obtain a clear recorded image of
14 the vehicle and the vehicle's license plate. The recorded
15 image must also display the time, date, and location of the
16 violation.

17 "Owner" means the person or entity to whom the vehicle is
18 registered.

19 "Recorded image" means images recorded by an automated
20 speed enforcement system on:

21 (1) 2 or more photographs;

22 (2) 2 or more microphotographs;

23 (3) 2 or more electronic images; or

24 (4) a video recording showing the motor vehicle and,
25 on at least one image or portion of the recording, clearly
26 identifying the registration plate or digital registration

1 plate number of the motor vehicle.

2 "Safety zone" means an area that is within one-eighth of a
3 mile from the nearest property line of any public or private
4 elementary or secondary school, or from the nearest property
5 line of any facility, area, or land owned by a school district
6 that is used for educational purposes approved by the Illinois
7 State Board of Education, not including school district
8 headquarters or administrative buildings. A safety zone also
9 includes an area that is within one-eighth of a mile from the
10 nearest property line of any facility, area, or land owned by a
11 park district used for recreational purposes. However, if any
12 portion of a roadway is within either one-eighth mile radius,
13 the safety zone also shall include the roadway extended to the
14 furthest portion of the next furthest intersection. The term
15 "safety zone" does not include any portion of the roadway
16 known as Lake Shore Drive or any controlled access highway
17 with 8 or more lanes of traffic.

18 (a-5) The automated speed enforcement system shall be
19 operational and violations shall be recorded only at the
20 following times:

21 (i) if the safety zone is based upon the property line
22 of any facility, area, or land owned by a school district,
23 only on school days and no earlier than 6 a.m. and no later
24 than 8:30 p.m. if the school day is during the period of
25 Monday through Thursday, or 9 p.m. if the school day is a
26 Friday; and

1 (ii) if the safety zone is based upon the property
2 line of any facility, area, or land owned by a park
3 district, no earlier than one hour prior to the time that
4 the facility, area, or land is open to the public or other
5 patrons, and no later than one hour after the facility,
6 area, or land is closed to the public or other patrons.

7 (b) A municipality that produces a recorded image of a
8 motor vehicle's violation of a provision of this Code or a
9 local ordinance must make the recorded images of a violation
10 accessible to the alleged violator by providing the alleged
11 violator with a website address, accessible through the
12 Internet.

13 (c) Notwithstanding any penalties for any other violations
14 of this Code, the owner of a motor vehicle used in a traffic
15 violation recorded by an automated speed enforcement system
16 shall be subject to the following penalties:

17 (1) if the recorded speed is no less than 6 miles per
18 hour and no more than 10 miles per hour over the legal
19 speed limit, a civil penalty not exceeding \$50, plus an
20 additional penalty of not more than \$50 for failure to pay
21 the original penalty in a timely manner; or

22 (2) if the recorded speed is more than 10 miles per
23 hour over the legal speed limit, a civil penalty not
24 exceeding \$100, plus an additional penalty of not more
25 than \$100 for failure to pay the original penalty in a
26 timely manner.

1 A penalty may not be imposed under this Section if the
2 driver of the motor vehicle received a Uniform Traffic
3 Citation from a police officer for a speeding violation
4 occurring within one-eighth of a mile and 15 minutes of the
5 violation that was recorded by the 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. A law enforcement officer is not
10 required to be present or to witness the violation. No penalty
11 may be imposed under this Section if the recorded speed of a
12 vehicle is 5 miles per hour or less over the legal speed limit.
13 The municipality may send, in the same manner that notices are
14 sent under this Section, a speed violation warning notice
15 where the violation involves a speed of 5 miles per hour or
16 less above the legal speed limit.

17 (d) The net proceeds that a municipality receives from
18 civil penalties imposed under an automated speed enforcement
19 system, after deducting all non-personnel and personnel costs
20 associated with the operation and maintenance of such system,
21 shall be expended or obligated by the municipality for the
22 following purposes:

23 (i) public safety initiatives to ensure safe passage
24 around schools, and to provide police protection and
25 surveillance around schools and parks, including but not
26 limited to: (1) personnel costs; and (2) non-personnel

1 costs such as construction and maintenance of public
2 safety infrastructure and equipment;

3 (ii) initiatives to improve pedestrian and traffic
4 safety;

5 (iii) construction and maintenance of infrastructure
6 within the municipality, including but not limited to
7 roads and bridges; and

8 (iv) after school programs.

9 (e) For each violation of a provision of this Code or a
10 local ordinance recorded by an automated speed enforcement
11 system, the municipality having jurisdiction shall issue a
12 written notice of the violation to the registered owner of the
13 vehicle as the alleged violator. The notice shall be delivered
14 to the registered owner of the vehicle, by mail, within 30 days
15 after the Secretary of State notifies the municipality of the
16 identity of the owner of the vehicle, but in no event later
17 than 90 days after the violation.

18 (f) The notice required under subsection (e) of this
19 Section shall include:

20 (1) the name and address of the registered owner of
21 the vehicle;

22 (2) the registration number of the motor vehicle
23 involved in the violation;

24 (3) the violation charged;

25 (4) the date, time, and location where the violation
26 occurred;

- 1 (5) a copy of the recorded image or images;
- 2 (6) the amount of the civil penalty imposed and the
3 date by which the civil penalty should be paid;
- 4 (7) a statement that recorded images are evidence of a
5 violation of a speed restriction;
- 6 (8) a warning that failure to pay the civil penalty or
7 to contest liability in a timely manner is an admission of
8 liability and may result in a suspension of the driving
9 privileges of the registered owner of the vehicle;
- 10 (9) a statement that the person may elect to proceed
11 by:
- 12 (A) paying the fine; or
- 13 (B) challenging the charge in court, by mail, or
14 by administrative hearing; and
- 15 (10) a website address, accessible through the
16 Internet, where the person may view the recorded images of
17 the violation.
- 18 (g) (Blank).
- 19 (g-1) If a person charged with a traffic violation, as a
20 result of an automated speed enforcement system, does not pay
21 the fine or successfully contest the civil penalty resulting
22 from that violation, the Secretary of State shall suspend the
23 driving privileges of the registered owner of the vehicle
24 under Section 6-306.5-1 of this Code for failing 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 speed enforcement

1 system or the automated traffic law under Section 11-208.6 of
2 this Code.

3 (h) Based on inspection of recorded images produced by an
4 automated speed enforcement system, a notice alleging that the
5 violation occurred shall be evidence of the facts contained in
6 the notice and admissible in any proceeding alleging a
7 violation under this Section.

8 (i) Recorded images made by an automated speed enforcement
9 system are confidential and shall be made available only to
10 the alleged violator and governmental and law enforcement
11 agencies for purposes of adjudicating a violation of this
12 Section, for statistical purposes, or for other governmental
13 purposes. Any recorded image evidencing a violation of this
14 Section, however, may be admissible in any proceeding
15 resulting from the issuance of the citation.

16 (j) 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 or in the possession of the owner or lessee at the
22 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 motor vehicle received a
2 Uniform Traffic Citation from a police officer for a
3 speeding violation occurring within one-eighth of a mile
4 and 15 minutes of the violation that was recorded by the
5 system; and

6 (3) any other evidence or issues provided by municipal
7 ordinance.

8 (k) To demonstrate that the motor vehicle was hijacked or
9 the motor vehicle or registration plates or digital
10 registration plates were stolen before the violation occurred
11 and were not under the control or possession of the owner or
12 lessee at the time of the violation, the owner or lessee must
13 submit proof that a report concerning the motor vehicle or
14 registration plates was filed with a law enforcement agency in
15 a timely manner.

16 (l) A roadway equipped with an automated speed enforcement
17 system shall be posted with a sign conforming to the national
18 Manual on Uniform Traffic Control Devices that is visible to
19 approaching traffic stating that vehicle speeds are being
20 photo-enforced and indicating the speed limit. The
21 municipality shall install such additional signage as it
22 determines is necessary to give reasonable notice to drivers
23 as to where automated speed enforcement systems are installed.

24 (m) A roadway where a new automated speed enforcement
25 system is installed shall be posted with signs providing 30
26 days notice of the use of a new automated speed enforcement

1 system prior to the issuance of any citations through the
2 automated speed enforcement system.

3 (n) The compensation paid for an automated speed
4 enforcement system must be based on the value of the equipment
5 or the services provided and may not be based on the number of
6 traffic citations issued or the revenue generated by the
7 system.

8 (n-1) No member of the General Assembly and no officer or
9 employee of a municipality or county shall knowingly accept
10 employment or receive compensation or fees for services from a
11 vendor that provides automated speed enforcement system
12 equipment or services to municipalities or counties. No former
13 member of the General Assembly shall, within a period of 2
14 years immediately after the termination of service as a member
15 of the General Assembly, knowingly accept employment or
16 receive compensation or fees for services from a vendor that
17 provides automated speed enforcement system equipment or
18 services to municipalities or counties. No former officer or
19 employee of a municipality or county shall, within a period of
20 2 years immediately after the termination of municipal or
21 county employment, knowingly accept employment or receive
22 compensation or fees for services from a vendor that provides
23 automated speed enforcement system equipment or services to
24 municipalities or counties.

25 (o) (Blank).

26 (o-1) A municipality shall make a certified report to the

1 Secretary of State pursuant to Section 6-306.5-1 of this Code
2 whenever a registered owner of a vehicle has failed to pay any
3 fine or penalty due and owing as a result of a combination of 5
4 offenses for automated speed or traffic law enforcement system
5 violations.

6 (p) No person who is the lessor of a motor vehicle pursuant
7 to a written lease agreement shall be liable for an automated
8 speed or traffic law enforcement system violation involving
9 such motor vehicle during the period of the lease; provided
10 that upon the request of the appropriate authority received
11 within 120 days after the violation occurred, the lessor
12 provides within 60 days after such receipt the name and
13 address of the lessee. The driver's ~~drivers~~ license number of
14 a lessee may be subsequently individually requested by the
15 appropriate authority if needed for enforcement of this
16 Section.

17 Upon the provision of information by the lessor pursuant
18 to this subsection, the municipality may issue the violation
19 to the lessee of the vehicle in the same manner as it would
20 issue a violation to a registered owner of a vehicle pursuant
21 to this Section, and the lessee may be held liable for the
22 violation.

23 (q) A municipality using an automated speed enforcement
24 system must provide notice to drivers by publishing the
25 locations of all safety zones where system equipment is
26 installed on the website of the municipality.

1 (r) A municipality operating an automated speed
2 enforcement system shall conduct a statistical analysis to
3 assess the safety impact of the system following installation
4 of the system and every 2 years thereafter. A municipality
5 operating an automated speed enforcement system before the
6 effective date of this amendatory Act of the 103rd General
7 Assembly shall conduct a statistical analysis to assess the
8 safety impact of the system by no later than one year after the
9 effective date of this amendatory Act of the 103rd General
10 Assembly and every 2 years thereafter. Each statistical
11 analysis shall be based upon the best available crash,
12 traffic, and other data, and shall cover a period of time
13 before and after installation of the system sufficient to
14 provide a statistically valid comparison of safety impact.
15 Each statistical analysis shall be consistent with
16 professional judgment and acceptable industry practice. Each
17 statistical analysis also shall be consistent with the data
18 required for valid comparisons of before and after conditions
19 and shall be conducted within a reasonable period following
20 the installation of the automated traffic law enforcement
21 system. Each statistical analysis required by this subsection
22 shall be made available to the public and shall be published on
23 the website of the municipality.

24 (s) This Section applies only to municipalities with a
25 population of 1,000,000 or more inhabitants.

26 (t) If a county or municipality selects a new vendor for

1 its automated speed enforcement system and must, as a
2 consequence, apply for a permit, approval, or other
3 authorization from the Department for reinstallation of one or
4 more malfunctioning components of that system and if, at the
5 time of the application for the permit, approval, or other
6 authorization, the new vendor operates an automated speed
7 enforcement system for any other county or municipality in the
8 State, then the Department shall approve or deny the county or
9 municipality's application for the permit, approval, or other
10 authorization within 90 days after its receipt.

11 (u) The Department may revoke any permit, approval, or
12 other authorization granted to a county or municipality for
13 the placement, installation, or operation of an automated
14 speed enforcement system if any official or employee who
15 serves that county or municipality is charged with bribery,
16 official misconduct, or a similar crime related to the
17 placement, installation, or operation of the automated speed
18 enforcement system in the county or municipality.

19 The Department shall adopt any rules necessary to
20 implement and administer this subsection. The rules adopted by
21 the Department shall describe the revocation process, shall
22 ensure that notice of the revocation is provided, and shall
23 provide an opportunity to appeal the revocation. Any county or
24 municipality that has a permit, approval, or other
25 authorization revoked under this subsection may not reapply
26 for such a permit, approval, or other authorization for a

1 period of 1 year after the revocation.

2 (Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)

3 (625 ILCS 5/11-208.9)

4 Sec. 11-208.9. Automated traffic law enforcement system;
5 approaching, overtaking, and passing a school bus.

6 (a) As used in this Section, "automated traffic law
7 enforcement system" means a device with one or more motor
8 vehicle sensors working in conjunction with the visual signals
9 on a school bus, as specified in Sections 12-803 and 12-805 of
10 this Code, to produce recorded images of motor vehicles that
11 fail to stop before meeting or overtaking, from either
12 direction, any school bus stopped at any location for the
13 purpose of receiving or discharging pupils in violation of
14 Section 11-1414 of this Code or a similar provision of a local
15 ordinance.

16 An automated traffic law enforcement system is a system,
17 in a municipality or county operated by a governmental agency,
18 that produces a recorded image of a motor vehicle's violation
19 of a provision of this Code or a local ordinance and is
20 designed to obtain a clear recorded image of the vehicle and
21 the vehicle's license plate. The recorded image must also
22 display the time, date, and location of the violation.

23 (b) As used in this Section, "recorded images" means
24 images recorded by an automated traffic law enforcement system
25 on:

- 1 (1) 2 or more photographs;
- 2 (2) 2 or more microphotographs;
- 3 (3) 2 or more electronic images; or
- 4 (4) a video recording showing the motor vehicle and,
5 on at least one image or portion of the recording, clearly
6 identifying the registration plate or digital registration
7 plate number of the motor vehicle.

8 (c) A municipality or county that produces a recorded
9 image of a motor vehicle's violation of a provision of this
10 Code or a local ordinance must make the recorded images of a
11 violation accessible to the alleged violator by providing the
12 alleged violator with a website address, accessible through
13 the Internet.

14 (d) For each violation of a provision of this Code or a
15 local ordinance recorded by an automated traffic law
16 enforcement system, the county or municipality having
17 jurisdiction shall issue a written notice of the violation to
18 the registered owner of the vehicle as the alleged violator.
19 The notice shall be delivered to the registered owner of the
20 vehicle, by mail, within 30 days after the Secretary of State
21 notifies the municipality or county of the identity of the
22 owner of the vehicle, but in no event later than 90 days after
23 the violation.

24 (e) The notice required under subsection (d) shall
25 include:

- 26 (1) the name and address of the registered owner of

1 the vehicle;

2 (2) the registration number of the motor vehicle
3 involved in the violation;

4 (3) the violation charged;

5 (4) the location where the violation occurred;

6 (5) the date and time of the violation;

7 (6) a copy of the recorded images;

8 (7) the amount of the civil penalty imposed and the
9 date by which the civil penalty should be paid;

10 (8) a statement that recorded images are evidence of a
11 violation of overtaking or passing a school bus stopped
12 for the purpose of receiving or discharging pupils;

13 (9) a warning that failure to pay the civil penalty or
14 to contest liability in a timely manner is an admission of
15 liability and may result in a suspension of the driving
16 privileges of the registered owner of the vehicle;

17 (10) a statement that the person may elect to proceed
18 by:

19 (A) paying the fine; or

20 (B) challenging the charge in court, by mail, or
21 by administrative hearing; and

22 (11) a website address, accessible through the
23 Internet, where the person may view the recorded images of
24 the violation.

25 (f) (Blank).

26 (f-1) If a person charged with a traffic violation, as a

1 result of an automated traffic law enforcement system under
2 this Section, does not pay the fine or successfully contest
3 the civil penalty resulting from that violation, the Secretary
4 of State shall suspend the driving privileges of the
5 registered owner of the vehicle under Section 6-306.5-1 of
6 this Code for failing to pay any fine or penalty due and owing
7 as a result of a combination of 5 violations of the automated
8 traffic law enforcement system or the automated speed
9 enforcement system under Section 11-208.8 of this Code.

10 (g) Based on inspection of recorded images produced by an
11 automated traffic law enforcement system, a notice alleging
12 that the violation occurred shall be evidence of the facts
13 contained in the notice and admissible in any proceeding
14 alleging a violation under this Section.

15 (h) Recorded images made by an automated traffic law
16 enforcement system are confidential and shall be made
17 available only to the alleged violator and governmental and
18 law enforcement agencies for purposes of adjudicating a
19 violation of this Section, for statistical purposes, or for
20 other governmental purposes. Any recorded image evidencing a
21 violation of this Section, however, may be admissible in any
22 proceeding resulting from the issuance of the citation.

23 (i) The court or hearing officer may consider in defense
24 of a violation:

25 (1) that the motor vehicle or registration plates or
26 digital registration plates of the motor vehicle were

1 stolen before the violation occurred and not under the
2 control of or in the possession of the owner or lessee at
3 the time of the violation;

4 (1.5) that the motor vehicle was hijacked before the
5 violation occurred and not under the control of or in the
6 possession of the owner or lessee at the time of the
7 violation;

8 (2) that the driver of the motor vehicle received a
9 Uniform Traffic Citation from a police officer for a
10 violation of Section 11-1414 of this Code within
11 one-eighth of a mile and 15 minutes of the violation that
12 was recorded by the system;

13 (3) that the visual signals required by Sections
14 12-803 and 12-805 of this Code were damaged, not
15 activated, not present in violation of Sections 12-803 and
16 12-805, or inoperable; and

17 (4) any other evidence or issues provided by municipal
18 or county ordinance.

19 (j) To demonstrate that the motor vehicle was hijacked or
20 the motor vehicle or registration plates or digital
21 registration plates were stolen before the violation occurred
22 and were not under the control or possession of the owner or
23 lessee at the time of the violation, the owner or lessee must
24 submit proof that a report concerning the motor vehicle or
25 registration plates was filed with a law enforcement agency in
26 a timely manner.

1 (k) Unless the driver of the motor vehicle received a
2 Uniform Traffic Citation from a police officer at the time of
3 the violation, the motor vehicle owner is subject to a civil
4 penalty not exceeding \$150 for a first time violation or \$500
5 for a second or subsequent violation, plus an additional
6 penalty of not more than \$100 for failure to pay the original
7 penalty in a timely manner, if the motor vehicle is recorded by
8 an automated traffic law enforcement 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, but may be recorded by the municipality
13 or county for the purpose of determining if a person is subject
14 to the higher fine for a second or subsequent offense.

15 (l) A school bus equipped with an automated traffic law
16 enforcement system must be posted with a sign indicating that
17 the school bus is being monitored by an automated traffic law
18 enforcement system.

19 (m) A municipality or county that has one or more school
20 buses equipped with an automated traffic law enforcement
21 system must provide notice to drivers by posting a list of
22 school districts using school buses equipped with an automated
23 traffic law enforcement system on the municipality or county
24 website. School districts that have one or more school buses
25 equipped with an automated traffic law enforcement system must
26 provide notice to drivers by posting that information on their

1 websites.

2 (n) A municipality or county operating an automated
3 traffic law enforcement system shall conduct a statistical
4 analysis to assess the safety impact in each school district
5 using school buses equipped with an automated traffic law
6 enforcement system following installation of the system and
7 every 2 years thereafter. A municipality or county operating
8 an automated speed enforcement system before the effective
9 date of this amendatory Act of the 103rd General Assembly
10 shall conduct a statistical analysis to assess the safety
11 impact of the system by no later than one year after the
12 effective date of this amendatory Act of the 103rd General
13 Assembly and every 2 years thereafter. Each statistical
14 analysis shall be based upon the best available crash,
15 traffic, and other data, and shall cover a period of time
16 before and after installation of the system sufficient to
17 provide a statistically valid comparison of safety impact.
18 Each statistical analysis shall be consistent with
19 professional judgment and acceptable industry practice. Each
20 statistical analysis also shall be consistent with the data
21 required for valid comparisons of before and after conditions
22 and shall be conducted within a reasonable period following
23 the installation of the automated traffic law enforcement
24 system. Each statistical analysis required by this subsection
25 shall be made available to the public and shall be published on
26 the website of the municipality or county. If a statistical

1 analysis indicates that there has been an increase in the rate
2 of crashes at the approach to school buses monitored by the
3 system, the municipality or county shall undertake additional
4 studies to determine the cause and severity of the crashes,
5 and may take any action that it determines is necessary or
6 appropriate to reduce the number or severity of the crashes
7 involving school buses equipped with an automated traffic law
8 enforcement system.

9 (o) The compensation paid for an automated traffic law
10 enforcement system must be based on the value of the equipment
11 or the services provided and may not be based on the number of
12 traffic citations issued or the revenue generated by the
13 system.

14 (o-1) No member of the General Assembly and no officer or
15 employee of a municipality or county shall knowingly accept
16 employment or receive compensation or fees for services from a
17 vendor that provides automated traffic law enforcement system
18 equipment or services to municipalities or counties. No former
19 member of the General Assembly shall, within a period of 2
20 years immediately after the termination of service as a member
21 of the General Assembly, knowingly accept employment or
22 receive compensation or fees for services from a vendor that
23 provides automated traffic law enforcement system equipment or
24 services to municipalities or counties. No former officer or
25 employee of a municipality or county shall, within a period of
26 2 years immediately after the termination of municipal or

1 county employment, knowingly accept employment or receive
2 compensation or fees for services from a vendor that provides
3 automated traffic law enforcement system equipment or services
4 to municipalities or counties.

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 driver's 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).

22 (q-1) A municipality or county shall make a certified
23 report to the Secretary of State pursuant to Section 6-306.5-1
24 of this Code whenever a registered owner of a vehicle has
25 failed to pay any fine or penalty due and owing as a result of
26 a combination of 5 offenses for automated traffic law or speed

1 enforcement system violations.

2 (r) After a municipality or county enacts an ordinance
3 providing for automated traffic law enforcement systems under
4 this Section, each school district within that municipality or
5 county's jurisdiction may implement an automated traffic law
6 enforcement system under this Section. The elected school
7 board for that district must approve the implementation of an
8 automated traffic law enforcement system. The school district
9 shall be responsible for entering into a contract, approved by
10 the elected school board of that district, with vendors for
11 the installation, maintenance, and operation of the automated
12 traffic law enforcement system. The school district must enter
13 into an intergovernmental agreement, approved by the elected
14 school board of that district, with the municipality or county
15 with jurisdiction over that school district for the
16 administration of the automated traffic law enforcement
17 system. The proceeds from a school district's automated
18 traffic law enforcement system's fines shall be divided
19 equally between the school district and the municipality or
20 county administering the automated traffic law enforcement
21 system.

22 (s) If a county or municipality changes the vendor it uses
23 for its automated traffic law enforcement system and must, as
24 a consequence, apply for a permit, approval, or other
25 authorization from the Department for reinstallation of one or
26 more malfunctioning components of that system and if, at the

1 time of the application, the new vendor operates an automated
2 traffic law enforcement system for any other county or
3 municipality in the State, then the Department shall approve
4 or deny the county or municipality's application for that
5 permit, approval, or other authorization within 90 days after
6 its receipt.

7 (t) The Department may revoke any permit, approval, or
8 other authorization granted to a county or municipality for
9 the placement, installation, or operation of an automated
10 traffic law enforcement system if any official or employee who
11 serves that county or municipality is charged with bribery,
12 official misconduct, or a similar crime related to the
13 placement, installation, or operation of the automated traffic
14 law enforcement system in the county or municipality.

15 The Department shall adopt any rules necessary to
16 implement and administer this subsection. The rules adopted by
17 the Department shall describe the revocation process, shall
18 ensure that notice of the revocation is provided, and shall
19 provide an opportunity to appeal the revocation. Any county or
20 municipality that has a permit, approval, or other
21 authorization revoked under this subsection may not reapply
22 for such a permit, approval, or other authorization for a
23 period of 1 year after the revocation.

24 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;
25 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)

1 (625 ILCS 5/11-1201.1)

2 Sec. 11-1201.1. Automated railroad crossing enforcement
3 system.

4 (a) For the purposes of this Section, an automated
5 railroad grade crossing enforcement system is a system in a
6 municipality or county operated by a governmental agency that
7 produces a recorded image of a motor vehicle's violation of a
8 provision of this Code or local ordinance and is designed to
9 obtain a clear recorded image of the vehicle and vehicle's
10 license plate. The recorded image must also display the time,
11 date, and location of the violation.

12 As used in this Section, "recorded images" means images
13 recorded by an automated railroad grade crossing enforcement
14 system 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) The Illinois Commerce Commission may, in cooperation
23 with a local law enforcement agency, establish in any county
24 or municipality an automated railroad grade crossing
25 enforcement system at any railroad grade crossing equipped
26 with a crossing gate designated by local authorities. Local

1 authorities desiring the establishment of an automated
2 railroad crossing enforcement system must initiate the process
3 by enacting a local ordinance requesting the creation of such
4 a system. After the ordinance has been enacted, and before any
5 additional steps toward the establishment of the system are
6 undertaken, the local authorities and the Commission must
7 agree to a plan for obtaining, from any combination of
8 federal, State, and local funding sources, the moneys required
9 for the purchase and installation of any necessary equipment.

10 (b-1) (Blank).

11 (c) For each violation of Section 11-1201 of this Code or a
12 local ordinance recorded by an automated railroad grade
13 crossing enforcement system, the county or municipality having
14 jurisdiction shall issue a written notice of the violation to
15 the registered owner of the vehicle as the alleged violator.
16 The notice shall be delivered to the registered owner of the
17 vehicle, by mail, no later than 90 days after 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 date by which the civil penalty should be paid;

3 (8) a statement that recorded images are evidence of a
4 violation of a railroad grade crossing;

5 (9) a warning that failure to pay the civil penalty or
6 to contest liability in a timely manner is an admission of
7 liability and may result in a suspension of the driving
8 privileges of the registered owner of the vehicle; and

9 (10) a statement that the person may elect to proceed
10 by:

11 (A) paying the fine; or

12 (B) challenging the charge in court, by mail, or
13 by administrative hearing.

14 (d) (Blank).

15 (d-1) (Blank).

16 (d-2) (Blank).

17 (d-3) If a person charged with a traffic violation, as a
18 result of an automated railroad grade crossing enforcement
19 system, does not pay or successfully contest the civil penalty
20 resulting from that violation, the Secretary of State shall
21 suspend the driving privileges of the registered owner of the
22 vehicle under Section 6-306.5-1 of this Code for failing to
23 pay any fine or penalty due and owing as a result of 5
24 violations of the automated railroad grade crossing
25 enforcement system.

26 (e) Based on inspection of recorded images produced by an

1 automated railroad grade crossing enforcement system, a notice
2 alleging that the violation occurred shall be evidence of the
3 facts contained in the notice and admissible in any proceeding
4 alleging a violation under this Section.

5 (e-1) Recorded images made by an automated railroad grade
6 crossing enforcement system are confidential and shall be made
7 available only to the alleged violator and governmental and
8 law enforcement agencies for purposes of adjudicating a
9 violation of this Section, for statistical purposes, or for
10 other governmental purposes. Any recorded image evidencing a
11 violation of this Section, however, may be admissible in any
12 proceeding resulting from the issuance of the citation.

13 (e-2) The court or hearing officer may consider the
14 following in the defense of a violation:

15 (1) that the motor vehicle or registration plates or
16 digital registration plates of the motor vehicle were
17 stolen before the violation occurred and not under the
18 control of or in the possession of the owner or lessee at
19 the time of the violation;

20 (1.5) that the motor vehicle was hijacked before the
21 violation occurred and not under the control of or in the
22 possession of the owner or lessee at the time of the
23 violation;

24 (2) that the driver of the motor vehicle received a
25 Uniform Traffic Citation from a police officer at the time
26 of the violation for the same offense;

1 (3) any other evidence or issues provided by municipal
2 or county ordinance.

3 (e-3) To demonstrate that the motor vehicle was hijacked
4 or the motor vehicle or registration plates or digital
5 registration plates were stolen before the violation occurred
6 and were not under the control or possession of the owner or
7 lessee at the time of the violation, the owner or lessee must
8 submit proof that a report concerning the motor vehicle or
9 registration plates was filed with a law enforcement agency in
10 a timely manner.

11 (f) Rail crossings equipped with an automatic railroad
12 grade crossing enforcement system shall be posted with a sign
13 visible to approaching traffic stating that the railroad grade
14 crossing is being monitored, that citations will be issued,
15 and the amount of the fine for violation.

16 (g) The compensation paid for an automated railroad grade
17 crossing enforcement system must be based on the value of the
18 equipment or the services provided and may not be based on the
19 number of citations issued or the revenue generated by the
20 system.

21 (h) (Blank).

22 (i) If any part or parts of this Section are held by a
23 court of competent jurisdiction to be unconstitutional, the
24 unconstitutionality shall not affect the validity of the
25 remaining parts of this Section. The General Assembly hereby
26 declares that it would have passed the remaining parts of this

1 Section if it had known that the other part or parts of this
2 Section would be declared unconstitutional.

3 (j) Penalty. A civil fine of \$250 shall be imposed for a
4 first violation of this Section, and a civil fine of \$500 shall
5 be imposed for a second or subsequent violation of this
6 Section.

7 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
8 102-813, eff. 5-13-22; 102-905, eff. 1-1-23.)

9 Section 2-180. The Illinois Vehicle Code is amended by
10 changing Sections 6-303, 6-306.5-1, and 6-306.9 and by adding
11 Sections 4-214.2 and 6-306.5-1 as follows:

12 (625 ILCS 5/4-214.2 new)

13 Sec. 4-214.2. Failure to pay fines, charges, and costs on
14 an abandoned vehicle.

15 (a) Whenever any resident of this State fails to pay any
16 fine, charge, or cost imposed for a violation of Section 4-201
17 of this Code, or a similar provision of a local ordinance, the
18 clerk shall notify the Secretary of State, on a report
19 prescribed by the Secretary, and the Secretary shall prohibit
20 the renewal, reissue, or reinstatement of the resident's
21 driving privileges until the fine, charge, or cost has been
22 paid in full. The clerk shall provide notice to the owner, at
23 the owner's last known address as shown on the court's
24 records, stating that the action will be effective on the 46th

1 day following the date of the above notice if payment is not
2 received in full by the court of venue.

3 (b) Following receipt of the report from the clerk, the
4 Secretary of State shall make the proper notation to the
5 owner's file to prohibit the renewal, reissue, or
6 reinstatement of the owner's driving privileges. Except as
7 provided in subsection (d) of this Section, the notation shall
8 not be removed from the owner's record until the owner
9 satisfies the outstanding fine, charge, or cost and an
10 appropriate notice on a form prescribed by the Secretary is
11 received by the Secretary from the court of venue, stating
12 that the fine, charge, or cost has been paid in full. Upon
13 payment in full of a fine, charge, or court cost which has
14 previously been reported under this Section as unpaid, the
15 clerk of the court shall present the owner with a signed
16 receipt containing the seal of the court indicating that the
17 fine, charge, or cost has been paid in full, and shall forward
18 immediately to the Secretary of State a notice stating that
19 the fine, charge, or cost has been paid in full.

20 (c) Notwithstanding the receipt of a report from the clerk
21 as prescribed in subsection (a), nothing in this Section is
22 intended to place any responsibility upon the Secretary of
23 State to provide independent notice to the owner of any
24 potential action to disallow the renewal, reissue, or
25 reinstatement of the owner's driving privileges.

26 (d) The Secretary of State shall renew, reissue, or

1 reinstate an owner's driving privileges which were previously
2 refused under this Section upon presentation of an original
3 receipt which is signed by the clerk of the court and contains
4 the seal of the court indicating that the fine, charge, or cost
5 has been paid in full. The Secretary of State shall retain the
6 receipt for his or her records.

7 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

8 Sec. 6-303. Driving while driver's license, permit, or
9 privilege to operate a motor vehicle is suspended or revoked.

10 (a) Except as otherwise provided in subsection (a-5) or
11 (a-7), any person who drives or is in actual physical control
12 of a motor vehicle on any highway of this State at a time when
13 such person's driver's license, permit, or privilege to do so
14 or the privilege to obtain a driver's license or permit is
15 revoked or suspended as provided by this Code or the law of
16 another state, except as may be specifically allowed by a
17 judicial driving permit issued prior to January 1, 2009,
18 monitoring device driving permit, family financial
19 responsibility driving permit, probationary license to drive,
20 or a restricted driving permit issued pursuant to this Code or
21 under the law of another state, shall be guilty of a Class A
22 misdemeanor.

23 (a-3) A second or subsequent violation of subsection (a)
24 of this Section is a Class 4 felony if committed by a person
25 whose driving or operation of a motor vehicle is the proximate

1 cause of a motor vehicle crash that causes personal injury or
2 death to another. For purposes of this subsection, a personal
3 injury includes any Type A injury as indicated on the traffic
4 crash report completed by a law enforcement officer that
5 requires immediate professional attention in either a doctor's
6 office or a medical facility. A Type A injury includes severe
7 bleeding wounds, distorted extremities, and injuries that
8 require the injured party to be carried from the scene.

9 (a-5) Any person who violates this Section as provided in
10 subsection (a) while his or her driver's license, permit, or
11 privilege is revoked because of a violation of Section 9-3 of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide, or a violation
14 of subparagraph (F) of paragraph (1) of subsection (d) of
15 Section 11-501 of this Code, relating to the offense of
16 aggravated driving under the influence of alcohol, other drug
17 or drugs, or intoxicating compound or compounds, or any
18 combination thereof when the violation was a proximate cause
19 of a death, or a similar provision of a law of another state,
20 is guilty of a Class 4 felony. The person shall be required to
21 undergo a professional evaluation, as provided in Section
22 11-501 of this Code, to determine if an alcohol, drug, or
23 intoxicating compound problem exists and the extent of the
24 problem, and to undergo the imposition of treatment as
25 appropriate.

26 (a-7) Any person who violates this Section as provided in

1 subsection (a) while his or her driver's license or privilege
2 to drive is suspended under Section 6-306.5-1 ~~6-306.5~~ or 7-702
3 of this Code shall receive a Uniform Traffic Citation from the
4 law enforcement officer. A person who receives 3 or more
5 Uniform Traffic Citations under this subsection (a-7) without
6 paying any fees associated with the citations shall be guilty
7 of a Class A misdemeanor.

8 (a-10) A person's driver's license, permit, or privilege
9 to obtain a driver's license or permit may be subject to
10 multiple revocations, multiple suspensions, or any combination
11 of both simultaneously. No revocation or suspension shall
12 serve to negate, invalidate, cancel, postpone, or in any way
13 lessen the effect of any other revocation or suspension
14 entered prior or subsequent to any other revocation or
15 suspension.

16 (b) (Blank).

17 (b-1) Except for a person under subsection (a-7) of this
18 Section, upon receiving a report of the conviction of any
19 violation indicating a person was operating a motor vehicle
20 during the time when the person's driver's license, permit, or
21 privilege was suspended by the Secretary of State or the
22 driver's licensing administrator of another state, except as
23 specifically allowed by a probationary license, judicial
24 driving permit, restricted driving permit, or monitoring
25 device driving permit, the Secretary shall extend the
26 suspension for the same period of time as the originally

1 imposed suspension unless the suspension has already expired,
2 in which case the Secretary shall be authorized to suspend the
3 person's driving privileges for the same period of time as the
4 originally imposed suspension.

5 (b-2) Except as provided in subsection (b-6) or (a-7),
6 upon receiving a report of the conviction of any violation
7 indicating a person was operating a motor vehicle when the
8 person's driver's license, permit, or privilege was revoked by
9 the Secretary of State or the driver's license administrator
10 of any other state, except as specifically allowed by a
11 restricted driving permit issued pursuant to this Code or the
12 law of another state, the Secretary shall not issue a driver's
13 license for an additional period of one year from the date of
14 such conviction indicating such person was operating a vehicle
15 during such period of revocation.

16 (b-3) (Blank).

17 (b-4) When the Secretary of State receives a report of a
18 conviction of any violation indicating a person was operating
19 a motor vehicle that was not equipped with an ignition
20 interlock device during a time when the person was prohibited
21 from operating a motor vehicle not equipped with such a
22 device, the Secretary shall not issue a driver's license to
23 that person for an additional period of one year from the date
24 of the conviction.

25 (b-5) Any person convicted of violating this Section shall
26 serve a minimum term of imprisonment of 30 consecutive days or

1 300 hours of community service when the person's driving
2 privilege was revoked or suspended as a result of a violation
3 of Section 9-3 of the Criminal Code of 1961 or the Criminal
4 Code of 2012, relating to the offense of reckless homicide, or
5 a violation of subparagraph (F) of paragraph (1) of subsection
6 (d) of Section 11-501 of this Code, relating to the offense of
7 aggravated driving under the influence of alcohol, other drug
8 or drugs, or intoxicating compound or compounds, or any
9 combination thereof when the violation was a proximate cause
10 of a death, or a similar provision of a law of another state.
11 The court may give credit toward the fulfillment of community
12 service hours for participation in activities and treatment as
13 determined by court services.

14 (b-6) Upon receiving a report of a first conviction of
15 operating a motor vehicle while the person's driver's license,
16 permit, or privilege was revoked where the revocation was for
17 a violation of Section 9-3 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 relating to the offense of reckless
19 homicide, or a violation of subparagraph (F) of paragraph (1)
20 of subsection (d) of Section 11-501 of this Code, relating to
21 the offense of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof when the violation was a
24 proximate cause of a death, or a similar out-of-state offense,
25 the Secretary shall not issue a driver's license for an
26 additional period of 3 years from the date of such conviction.

1 (c) Except as provided in subsections (c-3) and (c-4), any
2 person convicted of violating this Section shall serve a
3 minimum term of imprisonment of 10 consecutive days or 30 days
4 of community service when the person's driving privilege was
5 revoked or suspended as a result of:

6 (1) a violation of Section 11-501 of this Code or a
7 similar provision of a local ordinance relating to the
8 offense of operating or being in physical control of a
9 vehicle while under the influence of alcohol, any other
10 drug or any combination thereof; or

11 (2) a violation of paragraph (b) of Section 11-401 of
12 this Code or a similar provision of a local ordinance
13 relating to the offense of leaving the scene of a motor
14 vehicle crash involving personal injury or death; or

15 (3) a statutory summary suspension or revocation under
16 Section 11-501.1 of this Code.

17 Such sentence of imprisonment or community service shall
18 not be subject to suspension in order to reduce such sentence.

19 (c-1) Except as provided in subsections (a-7), (c-5), and
20 (d), any person convicted of a second violation of this
21 Section shall be ordered by the court to serve a minimum of 100
22 hours of community service. The court may give credit toward
23 the fulfillment of community service hours for participation
24 in activities and treatment as determined by court services.

25 (c-2) In addition to other penalties imposed under this
26 Section, the court may impose on any person convicted a fourth

1 time of violating this Section any of the following:

2 (1) Seizure of the license plates of the person's
3 vehicle.

4 (2) Immobilization of the person's vehicle for a
5 period of time to be determined by the court.

6 (c-3) Any person convicted of a violation of this Section
7 during a period of summary suspension imposed pursuant to
8 Section 11-501.1 when the person was eligible for a monitoring
9 device driving permit shall be guilty of a Class 4 felony and
10 shall serve a minimum term of imprisonment of 30 days.

11 (c-4) Any person who has been issued a monitoring device
12 driving permit or a restricted driving permit which requires
13 the person to operate only motor vehicles equipped with an
14 ignition interlock device and who is convicted of a violation
15 of this Section as a result of operating or being in actual
16 physical control of a motor vehicle not equipped with an
17 ignition interlock device at the time of the offense shall be
18 guilty of a Class 4 felony and shall serve a minimum term of
19 imprisonment of 30 days.

20 (c-5) Any person convicted of a second violation of this
21 Section is guilty of a Class 2 felony, is not eligible for
22 probation or conditional discharge, and shall serve a
23 mandatory term of imprisonment, if:

24 (1) the current violation occurred when the person's
25 driver's license was suspended or revoked for a violation
26 of Section 9-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, relating to the offense of reckless
2 homicide, or a violation of subparagraph (F) of paragraph
3 (1) of subsection (d) of Section 11-501 of this Code,
4 relating to the offense of aggravated driving under the
5 influence of alcohol, other drug or drugs, or intoxicating
6 compound or compounds, or any combination thereof when the
7 violation was a proximate cause of a death, or a similar
8 out-of-state offense; and

9 (2) the prior conviction under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 9-3 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 relating to the
13 offense of reckless homicide, or a violation of
14 subparagraph (F) of paragraph (1) of subsection (d) of
15 Section 11-501 of this Code, relating to the offense of
16 aggravated driving under the influence of alcohol, other
17 drug or drugs, or intoxicating compound or compounds, or
18 any combination thereof when the violation was a proximate
19 cause of a death, or a similar out-of-state offense, or
20 was suspended or revoked for a violation of Section 11-401
21 or 11-501 of this Code, a similar out-of-state offense, a
22 similar provision of a local ordinance, or a statutory
23 summary suspension or revocation under Section 11-501.1 of
24 this Code.

25 (d) Any person convicted of a second violation of this
26 Section shall be guilty of a Class 4 felony and shall serve a

1 minimum term of imprisonment of 30 days or 300 hours of
2 community service, as determined by the court, if:

3 (1) the current violation occurred when the person's
4 driver's license was suspended or revoked for a violation
5 of Section 11-401 or 11-501 of this Code, a similar
6 out-of-state offense, a similar provision of a local
7 ordinance, or a statutory summary suspension or revocation
8 under Section 11-501.1 of this Code; and

9 (2) the prior conviction under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 11-401 or 11-501 of
12 this Code, a similar out-of-state offense, a similar
13 provision of a local ordinance, or a statutory summary
14 suspension or revocation under Section 11-501.1 of this
15 Code, or for a violation of Section 9-3 of the Criminal
16 Code of 1961 or the Criminal Code of 2012, relating to the
17 offense of reckless homicide, or a violation of
18 subparagraph (F) of paragraph (1) of subsection (d) of
19 Section 11-501 of this Code, relating to the offense of
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof when the violation was a proximate
23 cause of a death, or a similar out-of-state offense.

24 The court may give credit toward the fulfillment of
25 community service hours for participation in activities and
26 treatment as determined by court services.

1 (d-1) Except as provided in subsections (a-7), (d-2),
2 (d-2.5), and (d-3), any person convicted of a third or
3 subsequent violation of this Section shall serve a minimum
4 term of imprisonment of 30 days or 300 hours of community
5 service, as determined by the court. The court may give credit
6 toward the fulfillment of community service hours for
7 participation in activities and treatment as determined by
8 court services.

9 (d-2) Any person convicted of a third violation of this
10 Section is guilty of a Class 4 felony and must serve a minimum
11 term of imprisonment of 30 days, if:

12 (1) the current violation occurred when the person's
13 driver's license was suspended or revoked for a violation
14 of Section 11-401 or 11-501 of this Code, or a similar
15 out-of-state offense, or a similar provision of a local
16 ordinance, or a statutory summary suspension or revocation
17 under Section 11-501.1 of this Code; and

18 (2) the prior convictions under this Section occurred
19 while the person's driver's license was suspended or
20 revoked for a violation of Section 11-401 or 11-501 of
21 this Code, a similar out-of-state offense, a similar
22 provision of a local ordinance, or a statutory summary
23 suspension or revocation under Section 11-501.1 of this
24 Code, or for a violation of Section 9-3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012, relating to the
26 offense of reckless homicide, or a violation of

1 subparagraph (F) of paragraph (1) of subsection (d) of
2 Section 11-501 of this Code, relating to the offense of
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof when the violation was a proximate
6 cause of a death, or a similar out-of-state offense.

7 (d-2.5) Any person convicted of a third violation of this
8 Section is guilty of a Class 1 felony, is not eligible for
9 probation or conditional discharge, and must serve a mandatory
10 term of imprisonment, if:

11 (1) the current violation occurred while the person's
12 driver's license was suspended or revoked for a violation
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, relating to the offense of reckless
15 homicide, or a violation of subparagraph (F) of paragraph
16 (1) of subsection (d) of Section 11-501 of this Code,
17 relating to the offense of aggravated driving under the
18 influence of alcohol, other drug or drugs, or intoxicating
19 compound or compounds, or any combination thereof when the
20 violation was a proximate cause of a death, or a similar
21 out-of-state offense. The person's driving privileges
22 shall be revoked for the remainder of the person's life;
23 and

24 (2) the prior convictions under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 9-3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, relating to the
2 offense of reckless homicide, or a violation of
3 subparagraph (F) of paragraph (1) of subsection (d) of
4 Section 11-501 of this Code, relating to the offense of
5 aggravated driving under the influence of alcohol, other
6 drug or drugs, or intoxicating compound or compounds, or
7 any combination thereof when the violation was a proximate
8 cause of a death, or a similar out-of-state offense, or
9 was suspended or revoked for a violation of Section 11-401
10 or 11-501 of this Code, a similar out-of-state offense, a
11 similar provision of a local ordinance, or a statutory
12 summary suspension or revocation under Section 11-501.1 of
13 this Code.

14 (d-3) Any person convicted of a fourth, fifth, sixth,
15 seventh, eighth, or ninth violation of this Section is guilty
16 of a Class 4 felony and must serve a minimum term of
17 imprisonment of 180 days, if:

18 (1) the current violation occurred when the person's
19 driver's license was suspended or revoked for a violation
20 of Section 11-401 or 11-501 of this Code, a similar
21 out-of-state offense, a similar provision of a local
22 ordinance, or a statutory summary suspension or revocation
23 under Section 11-501.1 of this Code; and

24 (2) the prior convictions under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 11-401 or 11-501 of

1 this Code, a similar out-of-state offense, a similar
2 provision of a local ordinance, or a statutory summary
3 suspension or revocation under Section 11-501.1 of this
4 Code, or for a violation of Section 9-3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012, relating to the
6 offense of reckless homicide, or a violation of
7 subparagraph (F) of paragraph (1) of subsection (d) of
8 Section 11-501 of this Code, relating to the offense of
9 aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof when the violation was a proximate
12 cause of a death, or a similar out-of-state offense.

13 (d-3.5) Any person convicted of a fourth or subsequent
14 violation of this Section is guilty of a Class 1 felony, is not
15 eligible for probation or conditional discharge, must serve a
16 mandatory term of imprisonment, and is eligible for an
17 extended term, if:

18 (1) the current violation occurred when the person's
19 driver's license was suspended or revoked for a violation
20 of Section 9-3 of the Criminal Code of 1961 or the Criminal
21 Code of 2012, relating to the offense of reckless
22 homicide, or a violation of subparagraph (F) of paragraph
23 (1) of subsection (d) of Section 11-501 of this Code,
24 relating to the offense of aggravated driving under the
25 influence of alcohol, other drug or drugs, or intoxicating
26 compound or compounds, or any combination thereof when the

1 violation was a proximate cause of a death, or a similar
2 out-of-state offense; and

3 (2) the prior convictions under this Section occurred
4 while the person's driver's license was suspended or
5 revoked for a violation of Section 9-3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, relating to the
7 offense of reckless homicide, or a violation of
8 subparagraph (F) of paragraph (1) of subsection (d) of
9 Section 11-501 of this Code, relating to the offense of
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof when the violation was a proximate
13 cause of a death, or a similar out-of-state offense, or
14 was suspended or revoked for a violation of Section 11-401
15 or 11-501 of this Code, a similar out-of-state offense, a
16 similar provision of a local ordinance, or a statutory
17 summary suspension or revocation under Section 11-501.1 of
18 this Code.

19 (d-4) Any person convicted of a tenth, eleventh, twelfth,
20 thirteenth, or fourteenth violation of this Section is guilty
21 of a Class 3 felony, and is not eligible for probation or
22 conditional discharge, if:

23 (1) the current violation occurred when the person's
24 driver's license was suspended or revoked for a violation
25 of Section 11-401 or 11-501 of this Code, or a similar
26 out-of-state offense, or a similar provision of a local

1 ordinance, or a statutory summary suspension or revocation
2 under Section 11-501.1 of this Code; and

3 (2) the prior convictions under this Section occurred
4 while the person's driver's license was suspended or
5 revoked for a violation of Section 11-401 or 11-501 of
6 this Code, a similar out-of-state offense, a similar
7 provision of a local ordinance, or a statutory suspension
8 or revocation under Section 11-501.1 of this Code, or for
9 a violation of Section 9-3 of the Criminal Code of 1961 or
10 the Criminal Code of 2012, relating to the offense of
11 reckless homicide, or a violation of subparagraph (F) of
12 paragraph (1) of subsection (d) of Section 11-501 of this
13 Code, relating to the offense of aggravated driving under
14 the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof when the violation was a proximate cause of a
17 death, or a similar out-of-state offense.

18 (d-5) Any person convicted of a fifteenth or subsequent
19 violation of this Section is guilty of a Class 2 felony, and is
20 not eligible for probation or conditional discharge, if:

21 (1) the current violation occurred when the person's
22 driver's license was suspended or revoked for a violation
23 of Section 11-401 or 11-501 of this Code, or a similar
24 out-of-state offense, or a similar provision of a local
25 ordinance, or a statutory summary suspension or revocation
26 under Section 11-501.1 of this Code; and

1 (2) the prior convictions under this Section occurred
2 while the person's driver's license was suspended or
3 revoked for a violation of Section 11-401 or 11-501 of
4 this Code, a similar out-of-state offense, a similar
5 provision of a local ordinance, or a statutory summary
6 suspension or revocation under Section 11-501.1 of this
7 Code, or for a violation of Section 9-3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012, relating to the
9 offense of reckless homicide, or a violation of
10 subparagraph (F) of paragraph (1) of subsection (d) of
11 Section 11-501 of this Code, relating to the offense of
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof when the violation was a proximate
15 cause of a death, or a similar out-of-state offense.

16 (e) Any person in violation of this Section who is also in
17 violation of Section 7-601 of this Code relating to mandatory
18 insurance requirements, in addition to other penalties imposed
19 under this Section, shall have his or her motor vehicle
20 immediately impounded by the arresting law enforcement
21 officer. The motor vehicle may be released to any licensed
22 driver upon a showing of proof of insurance for the vehicle
23 that was impounded and the notarized written consent for the
24 release by the vehicle owner.

25 (f) For any prosecution under this Section, a certified
26 copy of the driving abstract of the defendant shall be

1 admitted as proof of any prior conviction.

2 (g) The motor vehicle used in a violation of this Section
3 is subject to seizure and forfeiture as provided in Sections
4 36-1 and 36-2 of the Criminal Code of 2012 if the person's
5 driving privilege was revoked or suspended as a result of:

6 (1) a violation of Section 11-501 of this Code, a
7 similar provision of a local ordinance, or a similar
8 provision of a law of another state;

9 (2) a violation of paragraph (b) of Section 11-401 of
10 this Code, a similar provision of a local ordinance, or a
11 similar provision of a law of another state;

12 (3) a statutory summary suspension or revocation under
13 Section 11-501.1 of this Code or a similar provision of a
14 law of another state; or

15 (4) a violation of Section 9-3 of the Criminal Code of
16 1961 or the Criminal Code of 2012 relating to the offense
17 of reckless homicide, or a violation of subparagraph (F)
18 of paragraph (1) of subsection (d) of Section 11-501 of
19 this Code, relating to the offense of aggravated driving
20 under the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof when the violation was a proximate cause of a
23 death, or a similar provision of a law of another state.

24 (Source: P.A. 101-81, eff. 7-12-19; 102-982, eff. 7-1-23.)

25 (625 ILCS 5/6-306.5-1 new)

1 Sec. 6-306.5-1. Failure to pay fine or penalty for
2 standing, parking, compliance, automated speed enforcement
3 system, or automated traffic law violations; suspension of
4 driving privileges.

5 (a) Upon receipt of a certified report, as prescribed by
6 subsection (c) of this Section, from any municipality or
7 county stating that the owner of a registered vehicle has
8 failed to pay any fine or penalty due and owing as a result of
9 5 offenses for automated speed enforcement system violations
10 or automated traffic violations as defined in Sections
11 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination
12 thereof, or is more than 14 days in default of a payment plan
13 pursuant to which a suspension had been terminated under
14 subsection (c) of this Section, the Secretary of State shall
15 suspend the driving privileges of such person in accordance
16 with the procedures set forth in this Section. The Secretary
17 shall also suspend the driving privileges of an owner of a
18 registered vehicle upon receipt of a certified report, as
19 prescribed by subsection (f) of this Section, from any
20 municipality or county stating that such person has failed to
21 satisfy any fines or penalties imposed by final judgments for
22 5 or more automated speed enforcement system or automated
23 traffic law violations, or combination thereof, after
24 exhaustion of judicial review procedures.

25 (b) Following receipt of the certified report of the
26 municipality or county as specified in this Section, the

1 Secretary of State shall notify the person whose name appears
2 on the certified report that the person's driver's license
3 will be suspended at the end of a specified period of time
4 unless the Secretary of State is presented with a notice from
5 the municipality or county certifying that the fine or penalty
6 due and owing the municipality or county has been paid or that
7 inclusion of that person's name on the certified report was in
8 error. The Secretary's notice shall state in substance the
9 information contained in the municipality's or county's
10 certified report to the Secretary, and shall be effective as
11 specified by subsection (c) of Section 6-211 of this Code.

12 (c) The report of the appropriate municipal or county
13 official notifying the Secretary of State of unpaid fines or
14 penalties pursuant to this Section shall be certified and
15 shall contain the following:

16 (1) The name, last known address as recorded with the
17 Secretary of State, as provided by the lessor of the cited
18 vehicle at the time of lease, or as recorded in a United
19 States Post Office approved database if any notice sent
20 under Section 11-208.3 of this Code is returned as
21 undeliverable, and driver's license number of the person
22 who failed to pay the fine or penalty or who has defaulted
23 in a payment plan and the registration number of any
24 vehicle known to be registered to such person in this
25 State.

26 (2) The name of the municipality or county making the

1 report pursuant to this Section.

2 (3) A statement that the municipality or county sent a
3 notice of impending driver's license suspension as
4 prescribed by ordinance enacted pursuant to Section
5 11-208.3 of this Code or a notice of default in a payment
6 plan, to the person named in the report at the address
7 recorded with the Secretary of State or at the last
8 address known to the lessor of the cited vehicle at the
9 time of lease or, if any notice sent under Section
10 11-208.3 of this Code is returned as undeliverable, at the
11 last known address recorded in a United States Post Office
12 approved database; the date on which such notice was sent;
13 and the address to which such notice was sent. In a
14 municipality or county with a population of 1,000,000 or
15 more, the report shall also include a statement that the
16 alleged violator's State vehicle registration number and
17 vehicle make, if specified on the automated speed
18 enforcement system violation or automated traffic law
19 violation notice, are correct as they appear on the
20 citations.

21 (4) A unique identifying reference number for each
22 request of suspension sent whenever a person has failed to
23 pay the fine or penalty or has defaulted on a payment plan.

24 (d) Any municipality or county making a certified report
25 to the Secretary of State pursuant to this Section shall
26 notify the Secretary of State, in a form prescribed by the

1 Secretary, whenever a person named in the certified report has
2 paid the previously reported fine or penalty, whenever a
3 person named in the certified report has entered into a
4 payment plan pursuant to which the municipality or county has
5 agreed to terminate the suspension, or whenever the
6 municipality or county determines that the original report was
7 in error. A certified copy of such notification shall also be
8 given upon request and at no additional charge to the person
9 named therein. Upon receipt of the municipality's or county's
10 notification or presentation of a certified copy of such
11 notification, the Secretary of State shall terminate the
12 suspension.

13 (e) Any municipality or county making a certified report
14 to the Secretary of State pursuant to this Section shall also
15 by ordinance establish procedures for persons to challenge the
16 accuracy of the certified report. The ordinance shall also
17 state the grounds for such a challenge, which may be limited to
18 (1) the person not having been the owner or lessee of the
19 vehicle or vehicles receiving a combination of 5 or more
20 automated speed enforcement system or automated traffic law
21 violations on the date or dates such notices were issued; and
22 (2) the person having already paid the fine or penalty for the
23 combination of 5 or more automated speed enforcement system or
24 automated traffic law violations indicated on the certified
25 report.

26 (f) Any municipality or county, other than a municipality

1 or county establishing automated speed enforcement system
2 regulations under Section 11-208.8, or automated traffic law
3 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
4 may also cause a suspension of a person's driver's license
5 pursuant to this Section. Such municipality or county may
6 invoke this sanction by making a certified report to the
7 Secretary of State upon a person's failure to satisfy any fine
8 or penalty imposed by final judgment for a combination of 5 or
9 more automated speed enforcement system or automated traffic
10 law violations after exhaustion of judicial review procedures,
11 but only if:

12 (1) the municipality or county complies with the
13 provisions of this Section in all respects except in
14 regard to enacting an ordinance pursuant to Section
15 11-208.3;

16 (2) the municipality or county has sent a notice of
17 impending driver's license suspension as prescribed by an
18 ordinance enacted pursuant to subsection (g) of this
19 Section; and

20 (3) in municipalities or counties with a population of
21 1,000,000 or more, the municipality or county has verified
22 that the alleged violator's State vehicle registration
23 number and vehicle make are correct as they appear on the
24 citations.

25 (g) Any municipality or county, other than a municipality
26 or county establishing automated speed enforcement system

1 regulations under Section 11-208.8, or automated traffic law
2 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
3 may provide by ordinance for the sending of a notice of
4 impending driver's license suspension to the person who has
5 failed to satisfy any fine or penalty imposed by final
6 judgment for a combination of 5 or more automated speed
7 enforcement system or automated traffic law violations after
8 exhaustion of judicial review procedures. An ordinance so
9 providing shall specify that the notice sent to the person
10 liable for any fine or penalty shall state that failure to pay
11 the fine or penalty owing within 45 days of the notice's date
12 will result in the municipality or county notifying the
13 Secretary of State that the person's driver's license is
14 eligible for suspension pursuant to this Section. The notice
15 of impending driver's license suspension shall be sent by
16 first class United States mail, postage prepaid, to the
17 address recorded with the Secretary of State or at the last
18 address known to the lessor of the cited vehicle at the time of
19 lease or, if any notice sent under Section 11-208.3 of this
20 Code is returned as undeliverable, to the last known address
21 recorded in a United States Post Office approved database.

22 (h) An administrative hearing to contest an impending
23 suspension or a suspension made pursuant to this Section may
24 be had upon filing a written request with the Secretary of
25 State. The filing fee for this hearing shall be \$20, to be paid
26 at the time the request is made. A municipality or county which

1 files a certified report with the Secretary of State pursuant
2 to this Section shall reimburse the Secretary for all
3 reasonable costs incurred by the Secretary as a result of the
4 filing of the report, including, but not limited to, the costs
5 of providing the notice required pursuant to subsection (b)
6 and the costs incurred by the Secretary in any hearing
7 conducted with respect to the report pursuant to this
8 subsection and any appeal from such a hearing.

9 (i) The provisions of this Section shall apply on and
10 after January 1, 1988.

11 (j) For purposes of this Section, the term "compliance
12 violation" is defined as in Section 11-208.3.

13 (625 ILCS 5/6-306.9 new)

14 Sec. 6-306.9. Failure to pay traffic fines, penalties, or
15 court costs.

16 (a) Whenever any resident of this State fails to pay any
17 traffic fine, penalty, or cost imposed for a violation of this
18 Code, or similar provision of local ordinance, the clerk may
19 notify the Secretary of State, on a report prescribed by the
20 Secretary, and the Secretary shall prohibit the renewal,
21 reissue or reinstatement of such resident's driving privileges
22 until such fine, penalty, or cost has been paid in full. The
23 clerk shall provide notice to the driver, at the driver's last
24 known address as shown on the court's records, stating that
25 such action will be effective on the 46th day following the

1 date of the above notice if payment is not received in full by
2 the court of venue.

3 (a-1) Whenever any resident of this State who has made a
4 partial payment on any traffic fine, penalty, or cost that was
5 imposed under a conviction entered on or after January 1, 2005
6 (the effective date of Public Act 93-788), for a violation of
7 this Code or a similar provision of a local ordinance, fails to
8 pay the remainder of the outstanding fine, penalty, or cost
9 within the time limit set by the court, the clerk may notify
10 the Secretary of State, on a report prescribed by the
11 Secretary, and the Secretary shall prohibit the renewal,
12 reissue, or reinstatement of the resident's driving privileges
13 until the fine, penalty, or cost has been paid in full. The
14 clerk shall provide notice to the driver, at the driver's last
15 known address as shown on the court's records, stating that
16 the action will be effective on the 46th day following the date
17 of the notice if payment is not received in full by the court
18 of venue.

19 (b) Except as provided in subsection (b-1), following
20 receipt of the report from the clerk, the Secretary of State
21 shall make the proper notation to the driver's file to
22 prohibit the renewal, reissue or reinstatement of such
23 driver's driving privileges. Except as provided in paragraph
24 (2) of subsection (d) of this Section, such notation shall not
25 be removed from the driver's record until the driver satisfies
26 the outstanding fine, penalty, or cost and an appropriate

1 notice on a form prescribed by the Secretary is received by the
2 Secretary from the court of venue, stating that such fine,
3 penalty, or cost has been paid in full. Upon payment in full of
4 a traffic fine, penalty, or court cost which has previously
5 been reported under this Section as unpaid, the clerk of the
6 court shall present the driver with a signed receipt
7 containing the seal of the court indicating that such fine,
8 penalty, or cost has been paid in full, and shall forward
9 forthwith to the Secretary of State a notice stating that the
10 fine, penalty, or cost has been paid in full.

11 (b-1) In a county with a population of 3,000,000 or more,
12 following receipt of the report from the clerk, the Secretary
13 of State shall make the proper notation to the driver's file to
14 prohibit the renewal, reissue or reinstatement of such
15 driver's driving privileges. Such notation shall not be
16 removed from the driver's record until the driver satisfies
17 the outstanding fine, penalty, or cost and an appropriate
18 notice on a form prescribed by the Secretary is received by the
19 Secretary directly from the court of venue, stating that such
20 fine, penalty, or cost has been paid in full. Upon payment in
21 full of a traffic fine, penalty, or court cost which has
22 previously been reported under this Section as unpaid, the
23 clerk of the court shall forward forthwith directly to the
24 Secretary of State a notice stating that the fine, penalty, or
25 cost has been paid in full and shall provide the driver with a
26 signed receipt containing the seal of the court, indicating

1 that the fine, penalty, and cost have been paid in full. The
2 receipt may not be used by the driver to clear the driver's
3 record.

4 (c) The provisions of this Section shall be limited to a
5 single action per arrest and as a post conviction measure
6 only. Fines, penalty, or costs to be collected subsequent to
7 orders of court supervision, or other available court
8 diversions are not applicable to this Section.

9 (d)(1) Notwithstanding the receipt of a report from the
10 clerk as prescribed in subsections (a) and (e), nothing in
11 this Section is intended to place any responsibility upon the
12 Secretary of State to provide independent notice to the driver
13 of any potential action to disallow the renewal, reissue or
14 reinstatement of such driver's driving privileges.

15 (2) Except as provided in subsection (b-1), the Secretary
16 of State shall renew, reissue or reinstate a driver's driving
17 privileges which were previously refused pursuant to this
18 Section upon presentation of an original receipt which is
19 signed by the clerk of the court and contains the seal of the
20 court indicating that the fine, penalty, or cost has been paid
21 in full. The Secretary of State shall retain such receipt for
22 his records.

23 (e) Upon receipt of notification from another state that
24 is a member of the Nonresident Violator Compact of 1977,
25 stating a resident of this State failed to pay a traffic fine,
26 penalty, or cost imposed for a violation that occurs in

1 another state, the Secretary shall make the proper notation to
2 the driver's license file to prohibit the renewal, reissue, or
3 reinstatement of the resident's driving privileges until the
4 fine, penalty, or cost has been paid in full. The Secretary of
5 State shall renew, reissue, or reinstate the driver's driving
6 privileges that were previously refused under this Section
7 upon receipt of notification from the other state that
8 indicates that the fine, penalty, or cost has been paid in
9 full. The Secretary of State shall retain the out-of-state
10 receipt for his or her records.

11 Section 2-185. The Snowmobile Registration and Safety Act
12 is amended by changing Section 5-7 as follows:

13 (625 ILCS 40/5-7)

14 Sec. 5-7. Operating a snowmobile while under the influence
15 of alcohol or other drug or drugs, intoxicating compound or
16 compounds, or a combination of them; criminal penalties;
17 suspension of operating privileges.

18 (a) A person may not operate or be in actual physical
19 control of a snowmobile within this State while:

20 1. The alcohol concentration in that person's blood,
21 other bodily substance, or breath is a concentration at
22 which driving a motor vehicle is prohibited under
23 subdivision (1) of subsection (a) of Section 11-501 of the
24 Illinois Vehicle Code;

1 2. The person is under the influence of alcohol;

2 3. The person is under the influence of any other drug
3 or combination of drugs to a degree that renders that
4 person incapable of safely operating a snowmobile;

5 3.1. The person is under the influence of any
6 intoxicating compound or combination of intoxicating
7 compounds to a degree that renders the person incapable of
8 safely operating a snowmobile;

9 4. The person is under the combined influence of
10 alcohol and any other drug or drugs or intoxicating
11 compound or compounds to a degree that renders that person
12 incapable of safely operating a snowmobile;

13 4.3. The person who is not a CDL holder has a
14 tetrahydrocannabinol concentration in the person's whole
15 blood or other bodily substance at which driving a motor
16 vehicle is prohibited under subdivision (7) of subsection
17 (a) of Section 11-501 of the Illinois Vehicle Code;

18 4.5. The person who is a CDL holder has any amount of a
19 drug, substance, or compound in the person's breath,
20 blood, other bodily substance, or urine resulting from the
21 unlawful use or consumption of cannabis listed in the
22 Cannabis Control Act; or

23 5. There is any amount of a drug, substance, or
24 compound in that person's breath, blood, other bodily
25 substance, or urine resulting from the unlawful use or
26 consumption of a controlled substance listed in the

1 Illinois Controlled Substances Act, methamphetamine as
2 listed in the Methamphetamine Control and Community
3 Protection Act, or intoxicating compound listed in the use
4 of Intoxicating Compounds Act.

5 (b) The fact that a person charged with violating this
6 Section is or has been legally entitled to use alcohol, other
7 drug or drugs, any intoxicating compound or compounds, or any
8 combination of them does not constitute a defense against a
9 charge of violating this Section.

10 (c) Every person convicted of violating this Section or a
11 similar provision of a local ordinance is guilty of a Class A
12 misdemeanor, except as otherwise provided in this Section.

13 (c-1) As used in this Section, "first time offender" means
14 any person who has not had a previous conviction or been
15 assigned supervision for violating this Section or a similar
16 provision of a local ordinance, or any person who has not had a
17 suspension imposed under subsection (e) of Section 5-7.1.

18 (c-2) For purposes of this Section, the following are
19 equivalent to a conviction:

20 (1) a forfeiture of bail or collateral deposited to
21 secure a defendant's appearance in court when forfeiture
22 has not been vacated ~~an unvacated revocation of pretrial~~
23 ~~release; or~~

24 (2) the failure of a defendant to appear for trial.

25 (d) Every person convicted of violating this Section is
26 guilty of a Class 4 felony if:

1 1. The person has a previous conviction under this
2 Section;

3 2. The offense results in personal injury where a
4 person other than the operator suffers great bodily harm
5 or permanent disability or disfigurement, when the
6 violation was a proximate cause of the injuries. A person
7 guilty of a Class 4 felony under this paragraph 2, if
8 sentenced to a term of imprisonment, shall be sentenced to
9 not less than one year nor more than 12 years; or

10 3. The offense occurred during a period in which the
11 person's privileges to operate a snowmobile are revoked or
12 suspended, and the revocation or suspension was for a
13 violation of this Section or was imposed under Section
14 5-7.1.

15 (e) Every person convicted of violating this Section is
16 guilty of a Class 2 felony if the offense results in the death
17 of a person. A person guilty of a Class 2 felony under this
18 subsection (e), if sentenced to a term of imprisonment, shall
19 be sentenced to a term of not less than 3 years and not more
20 than 14 years.

21 (e-1) Every person convicted of violating this Section or
22 a similar provision of a local ordinance who had a child under
23 the age of 16 on board the snowmobile at the time of offense
24 shall be subject to a mandatory minimum fine of \$500 and shall
25 be subject to a mandatory minimum of 5 days of community
26 service in a program benefiting children. The assignment under

1 this subsection shall not be subject to suspension nor shall
2 the person be eligible for probation in order to reduce the
3 assignment.

4 (e-2) Every person found guilty of violating this Section,
5 whose operation of a snowmobile while in violation of this
6 Section proximately caused any incident resulting in an
7 appropriate emergency response, shall be liable for the
8 expense of an emergency response as provided in subsection (i)
9 of Section 11-501.01 of the Illinois Vehicle Code.

10 (e-3) In addition to any other penalties and liabilities,
11 a person who is found guilty of violating this Section,
12 including any person placed on court supervision, shall be
13 fined \$100, payable to the circuit clerk, who shall distribute
14 the money to the law enforcement agency that made the arrest or
15 as provided in subsection (c) of Section 10-5 of the Criminal
16 and Traffic Assessment Act if the arresting agency is a State
17 agency, unless more than one agency is responsible for the
18 arrest, in which case the amount shall be remitted to each unit
19 of government equally. Any moneys received by a law
20 enforcement agency under this subsection (e-3) shall be used
21 to purchase law enforcement equipment or to provide law
22 enforcement training that will assist in the prevention of
23 alcohol related criminal violence throughout the State. Law
24 enforcement equipment shall include, but is not limited to,
25 in-car video cameras, radar and laser speed detection devices,
26 and alcohol breath testers.

1 (f) In addition to any criminal penalties imposed, the
2 Department of Natural Resources shall suspend the snowmobile
3 operation privileges of a person convicted or found guilty of
4 a misdemeanor under this Section for a period of one year,
5 except that first-time offenders are exempt from this
6 mandatory one-year suspension.

7 (g) In addition to any criminal penalties imposed, the
8 Department of Natural Resources shall suspend for a period of
9 5 years the snowmobile operation privileges of any person
10 convicted or found guilty of a felony under this Section.

11 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
12 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

13 Section 2-190. The Clerks of Courts Act is amended by
14 changing Section 27.3b as follows:

15 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

16 Sec. 27.3b. The clerk of court may accept payment of
17 fines, penalties, or costs by certified check, credit card, or
18 debit card approved by the clerk from an offender who has been
19 convicted of or placed on court supervision for a traffic
20 offense, petty offense, ordinance offense, or misdemeanor or
21 who has been convicted of a felony offense. The clerk of the
22 circuit court shall accept credit card payments over the
23 Internet for fines, penalties, court costs, or costs from
24 offenders on voluntary electronic pleas of guilty in minor

1 traffic and conservation offenses to satisfy the requirement
2 of written pleas of guilty as provided in Illinois Supreme
3 Court Rule 529. The clerk of the court may also accept payment
4 of statutory fees by a credit card or debit card. The clerk of
5 the court may also accept the credit card or debit card for the
6 cash deposit of bail bond fees.

7 The clerk of the circuit court is authorized to enter into
8 contracts with credit card or debit card companies approved by
9 the clerk and to negotiate the payment of convenience and
10 administrative fees normally charged by those companies for
11 allowing the clerk of the circuit court to accept their credit
12 cards or debit cards in payment as authorized herein. The
13 clerk of the circuit court is authorized to enter into
14 contracts with third party fund guarantors, facilitators, and
15 service providers under which those entities may contract
16 directly with customers of the clerk of the circuit court and
17 guarantee and remit the payments to the clerk of the circuit
18 court. Where the offender pays fines, penalties, or costs by
19 credit card or debit card or through a third party fund
20 guarantor, facilitator, or service provider, or anyone paying
21 statutory fees of the circuit court clerk or the posting of
22 cash bail, the clerk shall collect a service fee of up to \$5 or
23 the amount charged to the clerk for use of its services by the
24 credit card or debit card issuer, third party fund guarantor,
25 facilitator, or service provider. This service fee shall be in
26 addition to any other fines, penalties, or costs. The clerk of

1 the circuit court is authorized to negotiate the assessment of
2 convenience and administrative fees by the third party fund
3 guarantors, facilitators, and service providers with the
4 revenue earned by the clerk of the circuit court to be remitted
5 to the county general revenue fund.

6 As used in this Section, "certified check" has the meaning
7 provided in Section 3-409 of the Uniform Commercial Code.

8 (Source: P.A. 101-652, eff. 1-1-23; 102-356, eff. 1-1-22.)

9 Section 2-195. The Attorney Act is amended by changing
10 Section 9 as follows:

11 (705 ILCS 205/9) (from Ch. 13, par. 9)

12 Sec. 9. All attorneys and counselors at law, judges,
13 clerks and sheriffs, and all other officers of the several
14 courts within this state, shall be liable to be arrested and
15 held to bail ~~terms of pretrial release~~, and shall be subject to
16 the same legal process, and may in all respects be prosecuted
17 and proceeded against in the same courts and in the same manner
18 as other persons are, any law, usage or custom to the contrary
19 notwithstanding: Provided, nevertheless, said judges,
20 counselors or attorneys, clerks, sheriffs and other officers
21 of said courts, shall be privileged from arrest while
22 attending courts, and whilst going to and returning from
23 court.

24 (Source: R.S. 1874, p. 169; P.A. 101-652, eff. 1-1-23.)

1 Section 2-200. The Juvenile Court Act of 1987 is amended
2 by changing Sections 1-7, 1-8, and 5-150 as follows:

3 (705 ILCS 405/1-7)

4 Sec. 1-7. Confidentiality of juvenile law enforcement and
5 municipal ordinance violation records.

6 (A) All juvenile law enforcement records which have not
7 been expunged are confidential and may never be disclosed to
8 the general public or otherwise made widely available.
9 Juvenile law enforcement records may be obtained only under
10 this Section and Section 1-8 and Part 9 of Article V of this
11 Act, when their use is needed for good cause and with an order
12 from the juvenile court, as required by those not authorized
13 to retain them. Inspection, copying, and disclosure of
14 juvenile law enforcement records maintained by law enforcement
15 agencies or records of municipal ordinance violations
16 maintained by any State, local, or municipal agency that
17 relate to a minor who has been investigated, arrested, or
18 taken into custody before the minor's 18th birthday shall be
19 restricted to the following:

20 (0.05) The minor who is the subject of the juvenile
21 law enforcement record, the minor's parents, guardian, and
22 counsel.

23 (0.10) Judges of the circuit court and members of the
24 staff of the court designated by the judge.

1 (0.15) An administrative adjudication hearing officer
2 or members of the staff designated to assist in the
3 administrative adjudication process.

4 (1) Any local, State, or federal law enforcement
5 officers or designated law enforcement staff of any
6 jurisdiction or agency when necessary for the discharge of
7 their official duties during the investigation or
8 prosecution of a crime or relating to a minor who has been
9 adjudicated delinquent and there has been a previous
10 finding that the act which constitutes the previous
11 offense was committed in furtherance of criminal
12 activities by a criminal street gang, or, when necessary
13 for the discharge of its official duties in connection
14 with a particular investigation of the conduct of a law
15 enforcement officer, an independent agency or its staff
16 created by ordinance and charged by a unit of local
17 government with the duty of investigating the conduct of
18 law enforcement officers. For purposes of this Section,
19 "criminal street gang" has the meaning ascribed to it in
20 Section 10 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act.

22 (2) Prosecutors, public defenders, probation officers,
23 social workers, or other individuals assigned by the court
24 to conduct a pre-adjudication or pre-disposition
25 investigation, and individuals responsible for supervising
26 or providing temporary or permanent care and custody for

1 minors under the order of the juvenile court, when
2 essential to performing their responsibilities.

3 (3) Federal, State, or local prosecutors, public
4 defenders, probation officers, and designated staff:

5 (a) in the course of a trial when institution of
6 criminal proceedings has been permitted or required
7 under Section 5-805;

8 (b) when institution of criminal proceedings has
9 been permitted or required under Section 5-805 and the
10 minor is the subject of a proceeding to determine the
11 amount of bail ~~conditions of pretrial release;~~

12 (c) when criminal proceedings have been permitted
13 or required under Section 5-805 and the minor is the
14 subject of a pre-trial investigation, pre-sentence
15 investigation, fitness hearing, or proceedings on an
16 application for probation; or

17 (d) in the course of prosecution or administrative
18 adjudication of a violation of a traffic, boating, or
19 fish and game law, or a county or municipal ordinance.

20 (4) Adult and Juvenile Prisoner Review Board.

21 (5) Authorized military personnel.

22 (5.5) Employees of the federal government authorized
23 by law.

24 (6) Persons engaged in bona fide research, with the
25 permission of the Presiding Judge and the chief executive
26 of the respective law enforcement agency; provided that

1 publication of such research results in no disclosure of a
2 minor's identity and protects the confidentiality of the
3 minor's record.

4 (7) Department of Children and Family Services child
5 protection investigators acting in their official
6 capacity.

7 (8) The appropriate school official only if the agency
8 or officer believes that there is an imminent threat of
9 physical harm to students, school personnel, or others.

10 (A) Inspection and copying shall be limited to
11 juvenile law enforcement records transmitted to the
12 appropriate school official or officials whom the
13 school has determined to have a legitimate educational
14 or safety interest by a local law enforcement agency
15 under a reciprocal reporting system established and
16 maintained between the school district and the local
17 law enforcement agency under Section 10-20.14 of the
18 School Code concerning a minor enrolled in a school
19 within the school district who has been arrested or
20 taken into custody for any of the following offenses:

21 (i) any violation of Article 24 of the
22 Criminal Code of 1961 or the Criminal Code of
23 2012;

24 (ii) a violation of the Illinois Controlled
25 Substances Act;

26 (iii) a violation of the Cannabis Control Act;

1 (iv) a forcible felony as defined in Section
2 2-8 of the Criminal Code of 1961 or the Criminal
3 Code of 2012;

4 (v) a violation of the Methamphetamine Control
5 and Community Protection Act;

6 (vi) a violation of Section 1-2 of the
7 Harassing and Obscene Communications Act;

8 (vii) a violation of the Hazing Act; or

9 (viii) a violation of Section 12-1, 12-2,
10 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
11 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
12 Criminal Code of 1961 or the Criminal Code of
13 2012.

14 The information derived from the juvenile law
15 enforcement records shall be kept separate from and
16 shall not become a part of the official school record
17 of that child and shall not be a public record. The
18 information shall be used solely by the appropriate
19 school official or officials whom the school has
20 determined to have a legitimate educational or safety
21 interest to aid in the proper rehabilitation of the
22 child and to protect the safety of students and
23 employees in the school. If the designated law
24 enforcement and school officials deem it to be in the
25 best interest of the minor, the student may be
26 referred to in-school or community-based social

1 services if those services are available.
2 "Rehabilitation services" may include interventions by
3 school support personnel, evaluation for eligibility
4 for special education, referrals to community-based
5 agencies such as youth services, behavioral healthcare
6 service providers, drug and alcohol prevention or
7 treatment programs, and other interventions as deemed
8 appropriate for the student.

9 (B) Any information provided to appropriate school
10 officials whom the school has determined to have a
11 legitimate educational or safety interest by local law
12 enforcement officials about a minor who is the subject
13 of a current police investigation that is directly
14 related to school safety shall consist of oral
15 information only, and not written juvenile law
16 enforcement records, and shall be used solely by the
17 appropriate school official or officials to protect
18 the safety of students and employees in the school and
19 aid in the proper rehabilitation of the child. The
20 information derived orally from the local law
21 enforcement officials shall be kept separate from and
22 shall not become a part of the official school record
23 of the child and shall not be a public record. This
24 limitation on the use of information about a minor who
25 is the subject of a current police investigation shall
26 in no way limit the use of this information by

1 prosecutors in pursuing criminal charges arising out
2 of the information disclosed during a police
3 investigation of the minor. For purposes of this
4 paragraph, "investigation" means an official
5 systematic inquiry by a law enforcement agency into
6 actual or suspected criminal activity.

7 (9) Mental health professionals on behalf of the
8 Department of Corrections or the Department of Human
9 Services or prosecutors who are evaluating, prosecuting,
10 or investigating a potential or actual petition brought
11 under the Sexually Violent Persons Commitment Act relating
12 to a person who is the subject of juvenile law enforcement
13 records or the respondent to a petition brought under the
14 Sexually Violent Persons Commitment Act who is the subject
15 of the juvenile law enforcement records sought. Any
16 juvenile law enforcement records and any information
17 obtained from those juvenile law enforcement records under
18 this paragraph (9) may be used only in sexually violent
19 persons commitment proceedings.

20 (10) The president of a park district. Inspection and
21 copying shall be limited to juvenile law enforcement
22 records transmitted to the president of the park district
23 by the Illinois State Police under Section 8-23 of the
24 Park District Code or Section 16a-5 of the Chicago Park
25 District Act concerning a person who is seeking employment
26 with that park district and who has been adjudicated a

1 juvenile delinquent for any of the offenses listed in
2 subsection (c) of Section 8-23 of the Park District Code
3 or subsection (c) of Section 16a-5 of the Chicago Park
4 District Act.

5 (11) Persons managing and designated to participate in
6 a court diversion program as designated in subsection (6)
7 of Section 5-105.

8 (12) The Public Access Counselor of the Office of the
9 Attorney General, when reviewing juvenile law enforcement
10 records under its powers and duties under the Freedom of
11 Information Act.

12 (13) Collection agencies, contracted or otherwise
13 engaged by a governmental entity, to collect any debts due
14 and owing to the governmental entity.

15 (B)(1) Except as provided in paragraph (2), no law
16 enforcement officer or other person or agency may knowingly
17 transmit to the Department of Corrections, the Illinois State
18 Police, or the Federal Bureau of Investigation any fingerprint
19 or photograph relating to a minor who has been arrested or
20 taken into custody before the minor's 18th birthday, unless
21 the court in proceedings under this Act authorizes the
22 transmission or enters an order under Section 5-805 permitting
23 or requiring the institution of criminal proceedings.

24 (2) Law enforcement officers or other persons or agencies
25 shall transmit to the Illinois State Police copies of
26 fingerprints and descriptions of all minors who have been

1 arrested or taken into custody before their 18th birthday for
2 the offense of unlawful possession of weapons under Article 24
3 of the Criminal Code of 1961 or the Criminal Code of 2012, a
4 Class X or Class 1 felony, a forcible felony as defined in
5 Section 2-8 of the Criminal Code of 1961 or the Criminal Code
6 of 2012, or a Class 2 or greater felony under the Cannabis
7 Control Act, the Illinois Controlled Substances Act, the
8 Methamphetamine Control and Community Protection Act, or
9 Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5
10 of the Criminal Identification Act. Information reported to
11 the Department pursuant to this Section may be maintained with
12 records that the Department files pursuant to Section 2.1 of
13 the Criminal Identification Act. Nothing in this Act prohibits
14 a law enforcement agency from fingerprinting a minor taken
15 into custody or arrested before the minor's 18th birthday for
16 an offense other than those listed in this paragraph (2).

17 (C) The records of law enforcement officers, or of an
18 independent agency created by ordinance and charged by a unit
19 of local government with the duty of investigating the conduct
20 of law enforcement officers, concerning all minors under 18
21 years of age must be maintained separate from the records of
22 arrests and may not be open to public inspection or their
23 contents disclosed to the public. For purposes of obtaining
24 documents under this Section, a civil subpoena is not an order
25 of the court.

26 (1) In cases where the law enforcement, or independent

1 agency, records concern a pending juvenile court case, the
2 party seeking to inspect the records shall provide actual
3 notice to the attorney or guardian ad litem of the minor
4 whose records are sought.

5 (2) In cases where the records concern a juvenile
6 court case that is no longer pending, the party seeking to
7 inspect the records shall provide actual notice to the
8 minor or the minor's parent or legal guardian, and the
9 matter shall be referred to the chief judge presiding over
10 matters pursuant to this Act.

11 (3) In determining whether the records should be
12 available for inspection, the court shall consider the
13 minor's interest in confidentiality and rehabilitation
14 over the moving party's interest in obtaining the
15 information. Any records obtained in violation of this
16 subsection (C) shall not be admissible in any criminal or
17 civil proceeding, or operate to disqualify a minor from
18 subsequently holding public office or securing employment,
19 or operate as a forfeiture of any public benefit, right,
20 privilege, or right to receive any license granted by
21 public authority.

22 (D) Nothing contained in subsection (C) of this Section
23 shall prohibit the inspection or disclosure to victims and
24 witnesses of photographs contained in the records of law
25 enforcement agencies when the inspection and disclosure is
26 conducted in the presence of a law enforcement officer for the

1 purpose of the identification or apprehension of any person
2 subject to the provisions of this Act or for the investigation
3 or prosecution of any crime.

4 (E) Law enforcement officers, and personnel of an
5 independent agency created by ordinance and charged by a unit
6 of local government with the duty of investigating the conduct
7 of law enforcement officers, may not disclose the identity of
8 any minor in releasing information to the general public as to
9 the arrest, investigation or disposition of any case involving
10 a minor.

11 (F) Nothing contained in this Section shall prohibit law
12 enforcement agencies from communicating with each other by
13 letter, memorandum, teletype, or intelligence alert bulletin
14 or other means the identity or other relevant information
15 pertaining to a person under 18 years of age if there are
16 reasonable grounds to believe that the person poses a real and
17 present danger to the safety of the public or law enforcement
18 officers. The information provided under this subsection (F)
19 shall remain confidential and shall not be publicly disclosed,
20 except as otherwise allowed by law.

21 (G) Nothing in this Section shall prohibit the right of a
22 Civil Service Commission or appointing authority of any
23 federal government, state, county or municipality examining
24 the character and fitness of an applicant for employment with
25 a law enforcement agency, correctional institution, or fire
26 department from obtaining and examining the records of any law

1 enforcement agency relating to any record of the applicant
2 having been arrested or taken into custody before the
3 applicant's 18th birthday.

4 (G-5) Information identifying victims and alleged victims
5 of sex offenses shall not be disclosed or open to the public
6 under any circumstances. Nothing in this Section shall
7 prohibit the victim or alleged victim of any sex offense from
8 voluntarily disclosing this identity.

9 (H) The changes made to this Section by Public Act 98-61
10 apply to law enforcement records of a minor who has been
11 arrested or taken into custody on or after January 1, 2014 (the
12 effective date of Public Act 98-61).

13 (H-5) Nothing in this Section shall require any court or
14 adjudicative proceeding for traffic, boating, fish and game
15 law, or municipal and county ordinance violations to be closed
16 to the public.

17 (I) Willful violation of this Section is a Class C
18 misdemeanor and each violation is subject to a fine of \$1,000.
19 This subsection (I) shall not apply to the person who is the
20 subject of the record.

21 (J) A person convicted of violating this Section is liable
22 for damages in the amount of \$1,000 or actual damages,
23 whichever is greater.

24 (Source: P.A. 102-538, eff. 8-20-21; 102-752, eff. 1-1-23;
25 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-822, eff.
26 1-1-25.)

1 (705 ILCS 405/1-8)

2 Sec. 1-8. Confidentiality and accessibility of juvenile
3 court records.

4 (A) A juvenile adjudication shall never be considered a
5 conviction nor shall an adjudicated individual be considered a
6 criminal. Unless expressly allowed by law, a juvenile
7 adjudication shall not operate to impose upon the individual
8 any of the civil disabilities ordinarily imposed by or
9 resulting from conviction. Unless expressly allowed by law,
10 adjudications shall not prejudice or disqualify the individual
11 in any civil service application or appointment, from holding
12 public office, or from receiving any license granted by public
13 authority. All juvenile court records which have not been
14 expunged are sealed and may never be disclosed to the general
15 public or otherwise made widely available. Sealed juvenile
16 court records may be obtained only under this Section and
17 Section 1-7 and Part 9 of Article V of this Act, when their use
18 is needed for good cause and with an order from the juvenile
19 court. Inspection and copying of juvenile court records
20 relating to a minor who is the subject of a proceeding under
21 this Act shall be restricted to the following:

22 (1) The minor who is the subject of record, the
23 minor's parents, guardian, and counsel.

24 (2) Law enforcement officers and law enforcement
25 agencies when such information is essential to executing

1 an arrest or search warrant or other compulsory process,
2 or to conducting an ongoing investigation or relating to a
3 minor who has been adjudicated delinquent and there has
4 been a previous finding that the act which constitutes the
5 previous offense was committed in furtherance of criminal
6 activities by a criminal street gang.

7 Before July 1, 1994, for the purposes of this Section,
8 "criminal street gang" means any ongoing organization,
9 association, or group of 3 or more persons, whether formal
10 or informal, having as one of its primary activities the
11 commission of one or more criminal acts and that has a
12 common name or common identifying sign, symbol, or
13 specific color apparel displayed, and whose members
14 individually or collectively engage in or have engaged in
15 a pattern of criminal activity.

16 Beginning July 1, 1994, for purposes of this Section,
17 "criminal street gang" has the meaning ascribed to it in
18 Section 10 of the Illinois Streetgang Terrorism Omnibus
19 Prevention Act.

20 (3) Judges, hearing officers, prosecutors, public
21 defenders, probation officers, social workers, or other
22 individuals assigned by the court to conduct a
23 pre-adjudication or pre-disposition investigation, and
24 individuals responsible for supervising or providing
25 temporary or permanent care and custody for minors under
26 the order of the juvenile court when essential to

1 performing their responsibilities.

2 (4) Judges, federal, State, and local prosecutors,
3 public defenders, probation officers, and designated
4 staff:

5 (a) in the course of a trial when institution of
6 criminal proceedings has been permitted or required
7 under Section 5-805;

8 (b) when criminal proceedings have been permitted
9 or required under Section 5-805 and a minor is the
10 subject of a proceeding to determine the amount of
11 bail ~~conditions of pretrial release~~;

12 (c) when criminal proceedings have been permitted
13 or required under Section 5-805 and a minor is the
14 subject of a pre-trial investigation, pre-sentence
15 investigation or fitness hearing, or proceedings on an
16 application for probation; or

17 (d) when a minor becomes 18 years of age or older,
18 and is the subject of criminal proceedings, including
19 a hearing to determine the amount of bail ~~conditions~~
20 ~~of pretrial release~~, a pre-trial investigation, a
21 pre-sentence investigation, a fitness hearing, or
22 proceedings on an application for probation.

23 (5) Adult and Juvenile Prisoner Review Boards.

24 (6) Authorized military personnel.

25 (6.5) Employees of the federal government authorized
26 by law.

1 (7) Victims, their subrogees and legal
2 representatives; however, such persons shall have access
3 only to the name and address of the minor and information
4 pertaining to the disposition or alternative adjustment
5 plan of the juvenile court.

6 (8) Persons engaged in bona fide research, with the
7 permission of the presiding judge of the juvenile court
8 and the chief executive of the agency that prepared the
9 particular records; provided that publication of such
10 research results in no disclosure of a minor's identity
11 and protects the confidentiality of the record.

12 (9) The Secretary of State to whom the Clerk of the
13 Court shall report the disposition of all cases, as
14 required in Section 6-204 of the Illinois Vehicle Code.
15 However, information reported relative to these offenses
16 shall be privileged and available only to the Secretary of
17 State, courts, and police officers.

18 (10) The administrator of a bonafide substance abuse
19 student assistance program with the permission of the
20 presiding judge of the juvenile court.

21 (11) Mental health professionals on behalf of the
22 Department of Corrections or the Department of Human
23 Services or prosecutors who are evaluating, prosecuting,
24 or investigating a potential or actual petition brought
25 under the Sexually Violent Persons Commitment Act relating
26 to a person who is the subject of juvenile court records or

1 the respondent to a petition brought under the Sexually
2 Violent Persons Commitment Act, who is the subject of
3 juvenile court records sought. Any records and any
4 information obtained from those records under this
5 paragraph (11) may be used only in sexually violent
6 persons commitment proceedings.

7 (12) (Blank).

8 (A-1) Findings and exclusions of paternity entered in
9 proceedings occurring under Article II of this Act shall be
10 disclosed, in a manner and form approved by the Presiding
11 Judge of the Juvenile Court, to the Department of Healthcare
12 and Family Services when necessary to discharge the duties of
13 the Department of Healthcare and Family Services under Article
14 X of the Illinois Public Aid Code.

15 (B) A minor who is the victim in a juvenile proceeding
16 shall be provided the same confidentiality regarding
17 disclosure of identity as the minor who is the subject of
18 record.

19 (C)(0.1) In cases where the records concern a pending
20 juvenile court case, the requesting party seeking to inspect
21 the juvenile court records shall provide actual notice to the
22 attorney or guardian ad litem of the minor whose records are
23 sought.

24 (0.2) In cases where the juvenile court records concern a
25 juvenile court case that is no longer pending, the requesting
26 party seeking to inspect the juvenile court records shall

1 provide actual notice to the minor or the minor's parent or
2 legal guardian, and the matter shall be referred to the chief
3 judge presiding over matters pursuant to this Act.

4 (0.3) In determining whether juvenile court records should
5 be made available for inspection and whether inspection should
6 be limited to certain parts of the file, the court shall
7 consider the minor's interest in confidentiality and
8 rehabilitation over the requesting party's interest in
9 obtaining the information. The State's Attorney, the minor,
10 and the minor's parents, guardian, and counsel shall at all
11 times have the right to examine court files and records.

12 (0.4) Any records obtained in violation of this Section
13 shall not be admissible in any criminal or civil proceeding,
14 or operate to disqualify a minor from subsequently holding
15 public office, or operate as a forfeiture of any public
16 benefit, right, privilege, or right to receive any license
17 granted by public authority.

18 (D) Pending or following any adjudication of delinquency
19 for any offense defined in Sections 11-1.20 through 11-1.60 or
20 12-13 through 12-16 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, the victim of any such offense shall
22 receive the rights set out in Sections 4 and 6 of the Rights of
23 Crime Victims and Witnesses Act; and the juvenile who is the
24 subject of the adjudication, notwithstanding any other
25 provision of this Act, shall be treated as an adult for the
26 purpose of affording such rights to the victim.

1 (E) Nothing in this Section shall affect the right of a
2 Civil Service Commission or appointing authority of the
3 federal government, or any state, county, or municipality
4 examining the character and fitness of an applicant for
5 employment with a law enforcement agency, correctional
6 institution, or fire department to ascertain whether that
7 applicant was ever adjudicated to be a delinquent minor and,
8 if so, to examine the records of disposition or evidence which
9 were made in proceedings under this Act.

10 (F) Following any adjudication of delinquency for a crime
11 which would be a felony if committed by an adult, or following
12 any adjudication of delinquency for a violation of Section
13 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the State's Attorney shall ascertain
15 whether the minor respondent is enrolled in school and, if so,
16 shall provide a copy of the dispositional order to the
17 principal or chief administrative officer of the school.
18 Access to the dispositional order shall be limited to the
19 principal or chief administrative officer of the school and
20 any school counselor designated by the principal or chief
21 administrative officer.

22 (G) Nothing contained in this Act prevents the sharing or
23 disclosure of information or records relating or pertaining to
24 juveniles subject to the provisions of the Serious Habitual
25 Offender Comprehensive Action Program when that information is
26 used to assist in the early identification and treatment of

1 habitual juvenile offenders.

2 (H) When a court hearing a proceeding under Article II of
3 this Act becomes aware that an earlier proceeding under
4 Article II had been heard in a different county, that court
5 shall request, and the court in which the earlier proceedings
6 were initiated shall transmit, an authenticated copy of the
7 juvenile court record, including all documents, petitions, and
8 orders filed and the minute orders, transcript of proceedings,
9 and docket entries of the court.

10 (I) The Clerk of the Circuit Court shall report to the
11 Illinois State Police, in the form and manner required by the
12 Illinois State Police, the final disposition of each minor who
13 has been arrested or taken into custody before the minor's
14 18th birthday for those offenses required to be reported under
15 Section 5 of the Criminal Identification Act. Information
16 reported to the Illinois State Police under this Section may
17 be maintained with records that the Illinois State Police
18 files under Section 2.1 of the Criminal Identification Act.

19 (J) The changes made to this Section by Public Act 98-61
20 apply to juvenile law enforcement records of a minor who has
21 been arrested or taken into custody on or after January 1, 2014
22 (the effective date of Public Act 98-61).

23 (K) Willful violation of this Section is a Class C
24 misdemeanor and each violation is subject to a fine of \$1,000.
25 This subsection (K) shall not apply to the person who is the
26 subject of the record.

1 (L) A person convicted of violating this Section is liable
2 for damages in the amount of \$1,000 or actual damages,
3 whichever is greater.

4 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
5 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-379, eff.
6 7-28-23; 103-605, eff. 7-1-24.)

7 (705 ILCS 405/5-150)

8 Sec. 5-150. Admissibility of evidence and adjudications in
9 other proceedings.

10 (1) Evidence and adjudications in proceedings under this
11 Act shall be admissible:

12 (a) in subsequent proceedings under this Act
13 concerning the same minor; or

14 (b) in criminal proceedings when the court is to
15 determine the amount of bail ~~conditions of pretrial~~
16 ~~release~~, fitness of the defendant or in sentencing under
17 the Unified Code of Corrections; or

18 (c) in proceedings under this Act or in criminal
19 proceedings in which anyone who has been adjudicated
20 delinquent under Section 5-105 is to be a witness
21 including the minor or defendant if the minor or defendant
22 testifies, and then only for purposes of impeachment and
23 pursuant to the rules of evidence for criminal trials; or

24 (d) in civil proceedings concerning causes of action
25 arising out of the incident or incidents which initially

1 gave rise to the proceedings under this Act.

2 (2) No adjudication or disposition under this Act shall
3 operate to disqualify a minor from subsequently holding public
4 office nor shall operate as a forfeiture of any right,
5 privilege or right to receive any license granted by public
6 authority.

7 (3) The court which adjudicated that a minor has committed
8 any offense relating to motor vehicles prescribed in Sections
9 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
10 Secretary of State of that adjudication and the notice shall
11 constitute sufficient grounds for revoking that minor's
12 driver's license or permit as provided in Section 6-205 of the
13 Illinois Vehicle Code; no minor shall be considered a criminal
14 by reason thereof, nor shall any such adjudication be
15 considered a conviction.

16 (Source: P.A. 103-22, eff. 8-8-23.)

17 Section 2-205. The Criminal Code of 2012 is amended by
18 changing Sections 26.5-5, 31-1, 31A-0.1, and 32-10 as follows:

19 (720 ILCS 5/26.5-5)

20 Sec. 26.5-5. Sentence.

21 (a) Except as provided in subsection (b), a person who
22 violates any of the provisions of Section 26.5-1, 26.5-2, or
23 26.5-3 of this Article is guilty of a Class B misdemeanor.
24 Except as provided in subsection (b), a second or subsequent

1 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
2 is a Class A misdemeanor, for which the court shall impose a
3 minimum of 14 days in jail or, if public or community service
4 is established in the county in which the offender was
5 convicted, 240 hours of public or community service.

6 (b) In any of the following circumstances, a person who
7 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
8 shall be guilty of a Class 4 felony:

9 (1) The person has 3 or more prior violations in the
10 last 10 years of harassment by telephone, harassment
11 through electronic communications, or any similar offense
12 of any other state;

13 (2) The person has previously violated the harassment
14 by telephone provisions, or the harassment through
15 electronic communications provisions, or committed any
16 similar offense in any other state with the same victim or
17 a member of the victim's family or household;

18 (3) At the time of the offense, the offender was under
19 conditions of bail ~~pretrial release~~, probation,
20 conditional discharge, mandatory supervised release or was
21 the subject of an order of protection, in this or any other
22 state, prohibiting contact with the victim or any member
23 of the victim's family or household;

24 (4) In the course of the offense, the offender
25 threatened to kill the victim or any member of the
26 victim's family or household;

1 (5) The person has been convicted in the last 10 years
2 of a forcible felony as defined in Section 2-8 of the
3 Criminal Code of 1961 or the Criminal Code of 2012;

4 (6) The person violates paragraph (5) of Section
5 26.5-2 or paragraph (4) of Section 26.5-3; or

6 (7) The person was at least 18 years of age at the time
7 of the commission of the offense and the victim was under
8 18 years of age at the time of the commission of the
9 offense.

10 (c) The court may order any person convicted under this
11 Article to submit to a psychiatric examination.

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

13 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

14 Sec. 31-1. Resisting or obstructing a peace officer,
15 firefighter, or correctional institution employee.

16 (a) A person who knowingly:

17 (1) resists arrest, or

18 (2) obstructs the performance by one known to the
19 person to be a peace officer, firefighter, or correctional
20 institution employee of any authorized act within his or
21 her official capacity commits a Class A misdemeanor.

22 (a-5) In addition to any other sentence that may be
23 imposed, a court shall order any person convicted of resisting
24 or obstructing a peace officer, firefighter, or correctional
25 institution employee to be sentenced to a minimum of 48

1 consecutive hours of imprisonment or ordered to perform
2 community service for not less than 100 hours as may be
3 determined by the court. The person shall not be eligible for
4 probation in order to reduce the sentence of imprisonment or
5 community service.

6 (a-7) A person convicted for a violation of this Section
7 whose violation was the proximate cause of an injury to a peace
8 officer, firefighter, or correctional institution employee is
9 guilty of a Class 4 felony.

10 (b) For purposes of this Section, "correctional
11 institution employee" means any person employed to supervise
12 and control inmates incarcerated in a penitentiary, State
13 farm, reformatory, prison, jail, house of correction, police
14 detention area, half-way house, or other institution or place
15 for the incarceration or custody of persons under sentence for
16 offenses or awaiting trial or sentence for offenses, under
17 arrest for an offense, a violation of probation, a violation
18 of parole, a violation of aftercare release, a violation of
19 mandatory supervised release, or awaiting a bail setting
20 hearing or preliminary hearing ~~on setting the conditions of~~
21 ~~pretrial release~~, or who are sexually dangerous persons or who
22 are sexually violent persons; and "firefighter" means any
23 individual, either as an employee or volunteer, of a regularly
24 constituted fire department of a municipality or fire
25 protection district who performs fire fighting duties,
26 including, but not limited to, the fire chief, assistant fire

1 chief, captain, engineer, driver, ladder person, hose person,
2 pipe person, and any other member of a regularly constituted
3 fire department. "Firefighter" also means a person employed by
4 the Office of the State Fire Marshal to conduct arson
5 investigations.

6 (c) It is an affirmative defense to a violation of this
7 Section if a person resists or obstructs the performance of
8 one known by the person to be a firefighter by returning to or
9 remaining in a dwelling, residence, building, or other
10 structure to rescue or to attempt to rescue any person.

11 ~~(d) A person shall not be subject to arrest for resisting~~
12 ~~arrest under this Section unless there is an underlying~~
13 ~~offense for which the person was initially subject to arrest.~~

14 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21.)

15 (720 ILCS 5/31A-0.1)

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

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

22 "Employee" means any elected or appointed officer, trustee
23 or employee of a penal institution or of the governing
24 authority of the penal institution, or any person who performs
25 services for the penal institution pursuant to contract with

1 the penal institution or its governing authority.

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

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

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

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

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

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

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

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

26 (A) any pneumatic gun, spring gun, or B-B gun

1 which expels a single globular projectile not
2 exceeding .18 inch in diameter; or

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

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

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

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

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

26 (B) any ammunition designed exclusively for use

1 with a stud or rivet driver or other similar
2 industrial ammunition.

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

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

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

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

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

8 "Penal institution" means any penitentiary, State farm,
9 reformatory, prison, jail, house of correction, police
10 detention area, half-way house or other institution or place
11 for the incarceration or custody of persons under sentence for
12 offenses awaiting trial or sentence for offenses, under arrest
13 for an offense, a violation of probation, a violation of
14 parole, a violation of aftercare release, or a violation of
15 mandatory supervised release, or awaiting a bail setting
16 hearing ~~on the setting of conditions of pretrial release~~ or
17 preliminary hearing; provided that where the place for
18 incarceration or custody is housed within another public
19 building this Article shall not apply to that part of the
20 building unrelated to the incarceration or custody of persons.
21 (Source: P.A. 101-652, eff. 1-1-23.)

22 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

23 Sec. 32-10. Violation of ~~conditions of pretrial release~~
24 bail bond.

25 (a) (Blank).

1 (a-1) Whoever, having been admitted to bail for appearance
2 before any court of this State, incurs a forfeiture of the bail
3 and knowingly fails to surrender himself or herself within 30
4 days following the date of the forfeiture, commits, if the
5 bail was given in connection with a charge of felony or pending
6 appeal or certiorari after conviction of any offense, a felony
7 of the next lower Class or a Class A misdemeanor if the
8 underlying offense was a Class 4 felony; or, if the bail was
9 given in connection with a charge of committing a misdemeanor,
10 or for appearance as a witness, commits a misdemeanor of the
11 next lower Class, but not less than a Class C misdemeanor.

12 (a-5) Any person who knowingly violates a condition of
13 ~~pretrial release~~ bail bond by possessing a firearm in
14 violation of his or her conditions of ~~pretrial release~~ bail
15 commits a Class 4 felony for a first violation and a Class 3
16 felony for a second or subsequent violation.

17 (b) Whoever, having been ~~released pretrial under~~
18 ~~conditions~~ admitted to bail for appearance before any court of
19 this State, while charged with a criminal offense in which the
20 victim is a family or household member as defined in Article
21 112A of the Code of Criminal Procedure of 1963, knowingly
22 violates a condition of that release as set forth in Section
23 110-10, subsection (d) of the Code of Criminal Procedure of
24 1963, commits a Class A misdemeanor.

25 (c) Whoever, having been admitted to bail ~~released~~
26 ~~pretrial~~ for appearance before any court of this State for a

1 felony, Class A misdemeanor or a criminal offense in which the
2 victim is a family or household member as defined in Article
3 112A of the Code of Criminal Procedure of 1963, is charged with
4 any other felony, Class A misdemeanor, or a criminal offense
5 in which the victim is a family or household member as defined
6 in Article 112A of the Code of Criminal Procedure of 1963 while
7 on this release, must appear before the court before bail is
8 statutorily set ~~and may not be released by law enforcement~~
9 ~~under 109-1 of the Code of Criminal Procedure of 1963 prior to~~
10 ~~the court appearance.~~

11 (d) Nothing in this Section shall interfere with or
12 prevent the exercise by any court of its power to punish for
13 contempt. Any sentence imposed for violation of this Section
14 shall ~~may~~ be served consecutive to the sentence imposed for
15 the charge for which bail ~~pretrial release~~ had been granted
16 and with respect to which the defendant has been convicted.

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

18 Section 2-210. The Criminal Code of 2012 is amended by
19 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 as follows:

20 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

21 Sec. 7-5. Peace officer's use of force in making arrest.

22 (a) A peace officer, or any person whom he has summoned or
23 directed to assist him, need not retreat or desist from
24 efforts to make a lawful arrest because of resistance or

1 threatened resistance to the arrest. He is justified in the
2 use of any force which he reasonably believes, ~~based on the~~
3 ~~totality of the circumstances,~~ to be necessary to effect the
4 arrest and of any force which he reasonably believes, ~~based on~~
5 ~~the totality of the circumstances,~~ to be necessary to defend
6 himself or another from bodily harm while making the arrest.
7 However, he is justified in using force likely to cause death
8 or great bodily harm only when: (i) he reasonably believes,
9 ~~based on the totality of the circumstances,~~ that such force is
10 necessary to prevent death or great bodily harm to himself or
11 such other person; or (ii) when he reasonably believes, ~~based~~
12 ~~on the totality of the circumstances,~~ both that:

13 (1) Such force is necessary to prevent the arrest from
14 being defeated by resistance or escape ~~and the officer~~
15 ~~reasonably believes that the person to be arrested is~~
16 ~~likely to cause great bodily harm to another;~~ and

17 (2) The person to be arrested committed or attempted a
18 forcible felony which involves the infliction or
19 threatened infliction of great bodily harm or is
20 attempting to escape by use of a deadly weapon, or
21 otherwise indicates that he will endanger human life or
22 inflict great bodily harm unless arrested without delay.

23 ~~As used in this subsection, "retreat" does not mean~~
24 ~~tactical repositioning or other de-escalation tactics.~~

25 ~~A peace officer is not justified in using force likely to~~
26 ~~cause death or great bodily harm when there is no longer an~~

1 ~~imminent threat of great bodily harm to the officer or~~
2 ~~another.~~

3 ~~(a-5) Where feasible, a peace officer shall, prior to the~~
4 ~~use of force, make reasonable efforts to identify himself or~~
5 ~~herself as a peace officer and to warn that deadly force may be~~
6 ~~used.~~

7 ~~(a-10) A peace officer shall not use deadly force against~~
8 ~~a person based on the danger that the person poses to himself~~
9 ~~or herself if a reasonable officer would believe the person~~
10 ~~does not pose an imminent threat of death or great bodily harm~~
11 ~~to the peace officer or to another person.~~

12 ~~(a-15) A peace officer shall not use deadly force against~~
13 ~~a person who is suspected of committing a property offense,~~
14 ~~unless that offense is terrorism or unless deadly force is~~
15 ~~otherwise authorized by law.~~

16 ~~(b) A peace officer making an arrest pursuant to an~~
17 ~~invalid warrant is justified in the use of any force which he~~
18 ~~would be justified in using if the warrant were valid, unless~~
19 ~~he knows that the warrant is invalid.~~

20 ~~(c) The authority to use physical force conferred on peace~~
21 ~~officers by this Article is a serious responsibility that~~
22 ~~shall be exercised judiciously and with respect for human~~
23 ~~rights and dignity and for the sanctity of every human life.~~

24 ~~(d) Peace officers shall use deadly force only when~~
25 ~~reasonably necessary in defense of human life. In determining~~
26 ~~whether deadly force is reasonably necessary, officers shall~~

1 ~~evaluate each situation in light of the totality of~~
2 ~~circumstances of each case, including, but not limited to, the~~
3 ~~proximity in time of the use of force to the commission of a~~
4 ~~forcible felony, and the reasonable feasibility of safely~~
5 ~~apprehending a subject at a later time, and shall use other~~
6 ~~available resources and techniques, if reasonably safe and~~
7 ~~feasible to a reasonable officer.~~

8 ~~(e) The decision by a peace officer to use force shall be~~
9 ~~evaluated carefully and thoroughly, in a manner that reflects~~
10 ~~the gravity of that authority and the serious consequences of~~
11 ~~the use of force by peace officers, in order to ensure that~~
12 ~~officers use force consistent with law and agency policies.~~

13 ~~(f) The decision by a peace officer to use force shall be~~
14 ~~evaluated from the perspective of a reasonable officer in the~~
15 ~~same situation, based on the totality of the circumstances~~
16 ~~known to or perceived by the officer at the time of the~~
17 ~~decision, rather than with the benefit of hindsight, and that~~
18 ~~the totality of the circumstances shall account for occasions~~
19 ~~when officers may be forced to make quick judgments about~~
20 ~~using force.~~

21 ~~(g) Law enforcement agencies are encouraged to adopt and~~
22 ~~develop policies designed to protect individuals with~~
23 ~~physical, mental health, developmental, or intellectual~~
24 ~~disabilities, or individuals who are significantly more likely~~
25 ~~to experience greater levels of physical force during police~~
26 ~~interactions, as these disabilities may affect the ability of~~

1 ~~a person to understand or comply with commands from peace~~
2 ~~officers.~~

3 (h) ~~As used in this Section:~~

4 ~~(1) "Deadly force" means any use of force that creates~~
5 ~~a substantial risk of causing death or great bodily harm,~~
6 ~~including, but not limited to, the discharge of a firearm.~~

7 ~~(2) A threat of death or serious bodily injury is~~
8 ~~"imminent" when, based on the totality of the~~
9 ~~circumstances, a reasonable officer in the same situation~~
10 ~~would believe that a person has the present ability,~~
11 ~~opportunity, and apparent intent to immediately cause~~
12 ~~death or great bodily harm to the peace officer or another~~
13 ~~person. An imminent harm is not merely a fear of future~~
14 ~~harm, no matter how great the fear and no matter how great~~
15 ~~the likelihood of the harm, but is one that, from~~
16 ~~appearances, must be instantly confronted and addressed.~~

17 ~~(3) "Totality of the circumstances" means all facts~~
18 ~~known to the peace officer at the time, or that would be~~
19 ~~known to a reasonable officer in the same situation,~~
20 ~~including the conduct of the officer and the subject~~
21 ~~leading up to the use of deadly force.~~

22 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
23 102-687, eff. 12-17-21.)

24 (720 ILCS 5/7-5.5)

25 Sec. 7-5.5. Prohibited use of force by a peace officer.

1 (a) A peace officer, ~~or any other person acting under the~~
2 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
3 ~~shoulders with risk of asphyxiation~~ in the performance of his
4 or her duties, unless deadly force is justified under this
5 Article.

6 (b) A peace officer, ~~or any other person acting under the~~
7 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
8 ~~shoulders with risk of asphyxiation,~~ or any lesser contact
9 with the throat or neck area of another, in order to prevent
10 the destruction of evidence by ingestion.

11 (c) As used in this Section, "chokehold" means applying
12 any direct pressure to the throat, windpipe, or airway of
13 another with the intent to reduce or prevent the intake of air.
14 "Chokehold" does not include any holding involving contact
15 with the neck that is not intended to reduce the intake of air
16 such as a headlock where the only pressure applied is to the
17 head.

18 ~~(d) As used in this Section, "restraint above the~~
19 ~~shoulders with risk of positional asphyxiation" means a use of~~
20 ~~a technique used to restrain a person above the shoulders,~~
21 ~~including the neck or head, in a position which interferes~~
22 ~~with the person's ability to breathe after the person no~~
23 ~~longer poses a threat to the officer or any other person.~~

24 ~~(e) A peace officer, or any other person acting under the~~
25 ~~color of law, shall not:~~

26 ~~(i) use force as punishment or retaliation;~~

1 ~~(ii) discharge kinetic impact projectiles and all~~
2 ~~other non-lethal or less-lethal projectiles in a manner~~
3 ~~that targets the head, neck, groin, anterior pelvis, or~~
4 ~~back;~~

5 ~~(iii) discharge conducted electrical weapons in a~~
6 ~~manner that targets the head, chest, neck, groin, or~~
7 ~~anterior pelvis;~~

8 ~~(iv) discharge firearms or kinetic impact projectiles~~
9 ~~indiscriminately into a crowd;~~

10 ~~(v) use chemical agents or irritants for crowd~~
11 ~~control, including pepper spray and tear gas, prior to~~
12 ~~issuing an order to disperse in a sufficient manner to~~
13 ~~allow for the order to be heard and repeated if necessary,~~
14 ~~followed by sufficient time and space to allow compliance~~
15 ~~with the order unless providing such time and space would~~
16 ~~unduly place an officer or another person at risk of death~~
17 ~~or great bodily harm; or~~

18 ~~(vi) use chemical agents or irritants, including~~
19 ~~pepper spray and tear gas, prior to issuing an order in a~~
20 ~~sufficient manner to ensure the order is heard, and~~
21 ~~repeated if necessary, to allow compliance with the order~~
22 ~~unless providing such time and space would unduly place an~~
23 ~~officer or another person at risk of death or great bodily~~
24 ~~harm.~~

25 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
26 102-687, eff. 12-17-21.)

1 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

2 Sec. 7-9. Use of force to prevent escape.

3 (a) A peace officer or other person who has an arrested
4 person in his custody is justified in the use of such force,
5 ~~except deadly force~~, to prevent the escape of the arrested
6 person from custody as he would be justified in using if he
7 were arresting such person.

8 (b) A guard or other peace officer is justified in the use
9 of force, including force likely to cause death or great
10 bodily harm, which he reasonably believes to be necessary to
11 prevent the escape from a penal institution of a person whom
12 the officer reasonably believes to be lawfully detained in
13 such institution under sentence for an offense or awaiting
14 trial or commitment for an offense.

15 ~~(c) Deadly force shall not be used to prevent escape under~~
16 ~~this Section unless, based on the totality of the~~
17 ~~circumstances, deadly force is necessary to prevent death or~~
18 ~~great bodily harm to himself or such other person.~~

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

20 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

21 Sec. 9-1. First degree murder; death penalties;
22 exceptions; separate hearings; proof; findings; appellate
23 procedures; reversals.

24 (a) A person who kills an individual without lawful

1 justification commits first degree murder if, in performing
2 the acts which cause the death:

3 (1) he or she either intends to kill or do great bodily
4 harm to that individual or another, or knows that such
5 acts will cause death to that individual or another; or

6 (2) he or she knows that such acts create a strong
7 probability of death or great bodily harm to that
8 individual or another; or

9 (3) he or she is attempting or committing a forcible
10 felony other than second degree murder ~~he or she, acting~~
11 ~~alone or with one or more participants, commits or~~
12 ~~attempts to commit a forcible felony other than second~~
13 ~~degree murder, and in the course of or in furtherance of~~
14 ~~such crime or flight therefrom, he or she or another~~
15 ~~participant causes the death of a person.~~

16 (b-1) Aggravating Factors. A defendant who at the time of
17 the commission of the offense has attained the age of 18 or
18 more and who has been found guilty of first degree murder may
19 be sentenced to death if:

20 (1) the murdered individual was a peace officer,
21 employee of an institution or facility of the Department
22 of Corrections or any similar local correctional agency,
23 or fireman killed in the course of performing his official
24 duties, to prevent the performance of his or her official
25 duties, or in retaliation for performing his or her
26 official duties, and the defendant knew or should have

1 known that the murdered individual was so employed; or

2 (2) the defendant has been convicted of murdering 2 or
3 more individuals under subsection (a) of this Section or
4 under any law of the United States or of any state which is
5 substantially similar to subsection (a) of this Section
6 regardless of whether the deaths occurred as the result of
7 the same act or of several related or unrelated acts so
8 long as the deaths were the result of either an intent to
9 kill more than one person or of separate acts which the
10 defendant knew would cause death or create a strong
11 probability of death or great bodily harm to the murdered
12 individual or another; or

13 (3) the murdered individual was under 12 years of age
14 and the death resulted from exceptionally brutal or
15 heinous behavior indicative of wanton cruelty; or

16 (4) the murder was committed by the defendant upon the
17 grounds of a school or grounds adjacent to a school, or is
18 in any part of a building used for school purposes; or

19 (5) the murder was committed by the defendant in
20 connection with or as a result of the offense of terrorism
21 as defined in Section 29D-14.9 of this Code; or

22 (6) the murdered individual was a member of a
23 congregation engaged in prayer or other religious
24 activities at a church, synagogue, mosque, or other
25 building, structure, or place used for religious worship.

26 (b-6) Aggravating Factor; Natural Life Imprisonment. A

1 defendant who has been found guilty of first degree murder and
2 who at the time of the commission of the offense had attained
3 the age of 18 years or more may be sentenced to natural life
4 imprisonment if:

5 (i) the murdered individual was a physician, physician
6 assistant, psychologist, nurse, or advanced practice
7 registered nurse,

8 (ii) the defendant knew or should have known that the
9 murdered individual was a physician, physician assistant,
10 psychologist, nurse, or advanced practice registered
11 nurse, and

12 (iii) the murdered individual was killed in the course
13 of acting in his or her capacity as a physician, physician
14 assistant, psychologist, nurse, or advanced practice
15 registered nurse, or to prevent him or her from acting in
16 that capacity, or in retaliation for his or her acting in
17 that capacity.

18 (c-1) Consideration of factors in Aggravation and
19 Mitigation. The court shall consider, or shall instruct the
20 jury to consider any aggravating and any mitigating factors
21 which are relevant to the imposition of the death penalty.
22 Aggravating factors may include but need not be limited to
23 those factors set forth in subsection (b-1). Mitigating
24 factors may include but need not be limited to the following:

25 (1) the defendant has no significant history of prior
26 criminal activity;

1 (2) the murder was committed while the defendant was
2 under the influence of extreme mental or emotional
3 disturbance, although not such as to constitute a defense
4 to prosecution;

5 (3) the murdered individual was a participant in the
6 defendant's homicidal conduct or consented to the
7 homicidal act;

8 (4) the defendant acted under the compulsion of threat
9 or menace of the imminent infliction of death or great
10 bodily harm;

11 (5) the defendant was not personally present during
12 commission of the act or acts causing death;

13 (6) the defendant's background includes a history of
14 extreme emotional or physical abuse;

15 (7) the defendant suffers from a reduced mental
16 capacity. Provided, however, that an action that does not
17 otherwise mitigate first degree murder cannot qualify as a
18 mitigating factor for first degree murder because of the
19 discovery, knowledge, or disclosure of the victim's sexual
20 orientation as defined in Section 1-103 of the Illinois
21 Human Rights Act.

22 (d-1) Separate sentencing hearing. Where requested by the
23 State, the court shall conduct a separate sentencing
24 proceeding to determine the existence of factors set forth in
25 subsection (b-1) and to consider any aggravating or mitigating
26 factors as indicated in subsection (c-1). The proceeding shall

1 be conducted:

2 (1) before the jury that determined the defendant's
3 guilt; or

4 (2) before a jury impanelled for the purpose of the
5 proceeding if:

6 (A) the defendant was convicted upon a plea of
7 guilty; or

8 (B) the defendant was convicted after a trial
9 before the court sitting without a jury; or

10 (C) the court for good cause shown discharges the
11 jury that determined the defendant's guilt; or

12 (3) before the court alone if the defendant waives a
13 jury for the separate proceeding.

14 (e-1) Evidence and Argument. During the proceeding any
15 information relevant to any of the factors set forth in
16 subsection (b-1) may be presented by either the State or the
17 defendant under the rules governing the admission of evidence
18 at criminal trials. Any information relevant to any additional
19 aggravating factors or any mitigating factors indicated in
20 subsection (c-1) may be presented by the State or defendant
21 regardless of its admissibility under the rules governing the
22 admission of evidence at criminal trials. The State and the
23 defendant shall be given fair opportunity to rebut any
24 information received at the hearing.

25 (f-1) Proof. The burden of proof of establishing the
26 existence of any of the factors set forth in subsection (b-1)

1 is on the State and shall not be satisfied unless established
2 beyond a reasonable doubt.

3 (g-1) Procedure - Jury. If at the separate sentencing
4 proceeding the jury finds that none of the factors set forth in
5 subsection (b-1) exists, the court shall sentence the
6 defendant to a term of imprisonment under Chapter V of the
7 Unified Code of Corrections. If there is a unanimous finding
8 by the jury that one or more of the factors set forth in
9 subsection (b-1) exist, the jury shall consider aggravating
10 and mitigating factors as instructed by the court and shall
11 determine whether the sentence of death shall be imposed. If
12 the jury determines unanimously, after weighing the factors in
13 aggravation and mitigation, that death is the appropriate
14 sentence, the court shall sentence the defendant to death. If
15 the court does not concur with the jury determination that
16 death is the appropriate sentence, the court shall set forth
17 reasons in writing including what facts or circumstances the
18 court relied upon, along with any relevant documents, that
19 compelled the court to non-concur with the sentence. This
20 document and any attachments shall be part of the record for
21 appellate review. The court shall be bound by the jury's
22 sentencing determination. If after weighing the factors in
23 aggravation and mitigation, one or more jurors determines that
24 death is not the appropriate sentence, the court shall
25 sentence the defendant to a term of imprisonment under Chapter
26 V of the Unified Code of Corrections.

1 (h-1) Procedure - No Jury. In a proceeding before the
2 court alone, if the court finds that none of the factors found
3 in subsection (b-1) exists, the court shall sentence the
4 defendant to a term of imprisonment under Chapter V of the
5 Unified Code of Corrections. If the Court determines that one
6 or more of the factors set forth in subsection (b-1) exists,
7 the Court shall consider any aggravating and mitigating
8 factors as indicated in subsection (c-1). If the Court
9 determines, after weighing the factors in aggravation and
10 mitigation, that death is the appropriate sentence, the Court
11 shall sentence the defendant to death. If the court finds that
12 death is not the appropriate sentence, the court shall
13 sentence the defendant to a term of imprisonment under Chapter
14 V of the Unified Code of Corrections.

15 (h-6) Decertification as a capital case. In a case in
16 which the defendant has been found guilty of first degree
17 murder by a judge or jury, or a case on remand for
18 resentencing, and the State seeks the death penalty as an
19 appropriate sentence, on the court's own motion or the written
20 motion of the defendant, the court may decertify the case as a
21 death penalty case if the court finds that the only evidence
22 supporting the defendant's conviction is the uncorroborated
23 testimony of an informant witness, as defined in Section
24 115-21 of the Code of Criminal Procedure of 1963, concerning
25 the confession or admission of the defendant or that the sole
26 evidence against the defendant is a single eyewitness or

1 single accomplice without any other corroborating evidence. If
2 the court decertifies the case as a capital case under either
3 of the grounds set forth above, the court shall issue a written
4 finding. The State may pursue its right to appeal the
5 decertification pursuant to Supreme Court Rule 604(a)(1). If
6 the court does not decertify the case as a capital case, the
7 matter shall proceed to the eligibility phase of the
8 sentencing hearing.

9 (i-1) Appellate Procedure. The conviction and sentence of
10 death shall be subject to automatic review by the Supreme
11 Court. Such review shall be in accordance with rules
12 promulgated by the Supreme Court. The Illinois Supreme Court
13 may overturn the death sentence, and order the imposition of
14 imprisonment under Chapter V of the Unified Code of
15 Corrections if the court finds that the death sentence is
16 fundamentally unjust as applied to the particular case. If the
17 Illinois Supreme Court finds that the death sentence is
18 fundamentally unjust as applied to the particular case,
19 independent of any procedural grounds for relief, the Illinois
20 Supreme Court shall issue a written opinion explaining this
21 finding.

22 (j-1) Disposition of reversed death sentence. If the death
23 penalty in this Act is held to be unconstitutional by the
24 Supreme Court of the United States or of the State of Illinois,
25 any person convicted of first degree murder shall be sentenced
26 by the court to a term of imprisonment under Chapter V of the

1 Unified Code of Corrections. If any death sentence pursuant to
2 the sentencing provisions of this Section is declared
3 unconstitutional by the Supreme Court of the United States or
4 of the State of Illinois, the court having jurisdiction over a
5 person previously sentenced to death shall cause the defendant
6 to be brought before the court, and the court shall sentence
7 the defendant to a term of imprisonment under Chapter V of the
8 Unified Code of Corrections.

9 (k-1) Guidelines for seeking the death penalty. The
10 Attorney General and State's Attorneys Association shall
11 consult on voluntary guidelines for procedures governing
12 whether or not to seek the death penalty. The guidelines do not
13 have the force of law and are only advisory in nature.

14 (b) (Blank).

15 (b-5) (Blank).

16 (c) (Blank).

17 (d) (Blank).

18 (e) (Blank).

19 (f) (Blank).

20 (g) (Blank).

21 (h) (Blank).

22 (h-5) (Blank).

23 (i) (Blank).

24 (j) (Blank).

25 (k) (Blank).

26 (Source: P.A. 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

1 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

2 Sec. 33-3. Official misconduct.

3 (a) A public officer or employee or special government
4 agent commits misconduct when, in his official capacity or
5 capacity as a special government agent, he or she commits any
6 of the following acts:

7 (1) Intentionally or recklessly fails to perform any
8 mandatory duty as required by law; or

9 (2) Knowingly performs an act which he knows he is
10 forbidden by law to perform; or

11 (3) With intent to obtain a personal advantage for
12 himself or another, he performs an act in excess of his
13 lawful authority; or

14 (4) Solicits or knowingly accepts for the performance
15 of any act a fee or reward which he knows is not authorized
16 by law.

17 (b) An employee of a law enforcement agency commits
18 misconduct when he or she knowingly uses or communicates,
19 directly or indirectly, information acquired in the course of
20 employment, with the intent to obstruct, impede, or prevent
21 the investigation, apprehension, or prosecution of any
22 criminal offense or person. Nothing in this subsection (b)
23 shall be construed to impose liability for communicating to a
24 confidential resource, who is participating or aiding law
25 enforcement, in an ongoing investigation.

1 (c) A public officer or employee or special government
2 agent convicted of violating any provision of this Section
3 forfeits his or her office or employment or position as a
4 special government agent. In addition, he or she commits a
5 Class 3 felony.

6 (d) For purposes of this Section, "special ~~:"Special~~
7 government agent" has the meaning ascribed to it in subsection
8 (1) of Section 4A-101 of the Illinois Governmental Ethics Act.
9 (Source: P.A. 101-652, eff. 7-1-21.)

10 Section 2-212. The Criminal Code of 2012 is amended by
11 adding Section 32-15.1 as follows:

12 (720 ILCS 5/32-15.1 new)

13 Sec. 32-15.1. Bail bond false statement. Any person who in
14 any affidavit, document, schedule or other application to
15 become surety or bail for another on any bail bond or
16 recognizance in any civil or criminal proceeding then pending
17 or about to be started against the other person, having taken a
18 lawful oath or made affirmation, shall swear or affirm
19 wilfully, corruptly and falsely as to the ownership or liens
20 or incumbrances upon or the value of any real or personal
21 property alleged to be owned by the person proposed as surety
22 or bail, the financial worth or standing of the person
23 proposed as surety or bail, or as to the number or total
24 penalties of all other bonds or recognizances signed by and

1 standing against the proposed surety or bail, or any person
2 who, having taken a lawful oath or made affirmation, shall
3 testify wilfully, corruptly and falsely as to any of said
4 matters for the purpose of inducing the approval of any such
5 bail bond or recognizance; or for the purpose of justifying on
6 any such bail bond or recognizance, or who shall suborn any
7 other person to so swear, affirm or testify as aforesaid,
8 shall be deemed and adjudged guilty of perjury or subornation
9 of perjury (as the case may be) and punished accordingly.

10 (720 ILCS 5/7-15 rep.)

11 (720 ILCS 5/7-16 rep.)

12 (720 ILCS 5/33-9 rep.)

13 Section 2-215. The Criminal Code of 2012 is amended by
14 repealing Sections 7-15, 7-16, and 33-9.

15 Section 2-220. The Code of Criminal Procedure of 1963 is
16 amended by changing the heading of Article 110 and by changing
17 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
18 106D-1, 107-4, 107-9, 107-11, 109-1, 109-2, 109-3, 109-3.1,
19 110-1, 110-2, 110-3, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,
20 110-6.4, 110-10, 110-11, 110-12, 110-14, 111-2, 112A-23,
21 113-3.1, 114-1, 115-4.1, and 122-6 and by adding Article 110B
22 and Section 110-3.1 as follows:

23 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

1 Sec. 102-6. "Bail". ~~Pretrial release.~~ "Bail" means the
2 amount of money set by the court which is required to be
3 obligated and secured as provided by law for the release of a
4 person in custody in order that he will appear before the court
5 in which his appearance may be required and that he will comply
6 with such conditions as set forth in the bail bond. ~~"Pretrial~~
7 ~~release" has the meaning ascribed to bail in Section 9 of~~
8 ~~Article I of the Illinois Constitution where the sureties~~
9 ~~provided are nonmonetary in nature.~~

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

11 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

12 Sec. 102-7. ~~Conditions of pretrial release.~~ "Bail
13 bond". "Bail bond" means an undertaking secured by bail entered
14 into by a person in custody by which he binds himself to comply
15 with such conditions as are set forth therein. ~~"Conditions of~~
16 ~~pretrial release" means the requirements imposed upon a~~
17 ~~criminal defendant by the court under Section 110-5.~~

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

19 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

20 Sec. 103-5. Speedy trial.)

21 (a) Every person in custody in this State for an alleged
22 offense shall be tried by the court having jurisdiction within
23 120 days from the date he or she was taken into custody unless
24 delay is occasioned by the defendant, by an examination for

1 fitness ordered pursuant to Section 104-13 of this Act, by a
2 fitness hearing, by an adjudication of unfitness to stand
3 trial, by a continuance allowed pursuant to Section 114-4 of
4 this Act after a court's determination of the defendant's
5 physical incapacity for trial, or by an interlocutory appeal.
6 Delay shall be considered to be agreed to by the defendant
7 unless he or she objects to the delay by making a written
8 demand for trial or an oral demand for trial on the record. The
9 provisions of this subsection (a) do not apply to a person on
10 bail ~~pretrial release~~ or recognizance for an offense but who
11 is in custody for a violation of his or her parole, aftercare
12 release, or mandatory supervised release for another offense.

13 The 120-day term must be one continuous period of
14 incarceration. In computing the 120-day term, separate periods
15 of incarceration may not be combined. If a defendant is taken
16 into custody a second (or subsequent) time for the same
17 offense, the term will begin again at day zero.

18 (b) Every person on bail ~~pretrial release~~ or recognizance
19 shall be tried by the court having jurisdiction within 160
20 days from the date defendant demands trial unless delay is
21 occasioned by the defendant, by an examination for fitness
22 ordered pursuant to Section 104-13 of this Act, by a fitness
23 hearing, by an adjudication of unfitness to stand trial, by a
24 continuance allowed pursuant to Section 114-4 of this Act
25 after a court's determination of the defendant's physical
26 incapacity for trial, or by an interlocutory appeal. The

1 defendant's failure to appear for any court date set by the
2 court operates to waive the defendant's demand for trial made
3 under this subsection.

4 For purposes of computing the 160 day period under this
5 subsection (b), every person who was in custody for an alleged
6 offense and demanded trial and is subsequently released on
7 bail ~~pretrial release~~ or recognizance and demands trial, shall
8 be given credit for time spent in custody following the making
9 of the demand while in custody. Any demand for trial made under
10 this subsection (b) shall be in writing; and in the case of a
11 defendant not in custody, the demand for trial shall include
12 the date of any prior demand made under this provision while
13 the defendant was in custody.

14 (c) If the court determines that the State has exercised
15 without success due diligence to obtain evidence material to
16 the case and that there are reasonable grounds to believe that
17 such evidence may be obtained at a later day the court may
18 continue the cause on application of the State for not more
19 than an additional 60 days. If the court determines that the
20 State has exercised without success due diligence to obtain
21 results of DNA testing that is material to the case and that
22 there are reasonable grounds to believe that such results may
23 be obtained at a later day, the court may continue the cause on
24 application of the State for not more than an additional 120
25 days.

26 (d) Every person not tried in accordance with subsections

1 (a), (b) and (c) of this Section shall be discharged from
2 custody or released from the obligations of the person's bail
3 ~~his pretrial release~~ or recognizance.

4 (e) If a person is simultaneously in custody upon more
5 than one charge pending against him in the same county, or
6 simultaneously demands trial upon more than one charge pending
7 against him in the same county, he shall be tried, or adjudged
8 guilty after waiver of trial, upon at least one such charge
9 before expiration relative to any of such pending charges of
10 the period prescribed by subsections (a) and (b) of this
11 Section. Such person shall be tried upon all of the remaining
12 charges thus pending within 160 days from the date on which
13 judgment relative to the first charge thus prosecuted is
14 rendered pursuant to the Unified Code of Corrections or, if
15 such trial upon such first charge is terminated without
16 judgment and there is no subsequent trial of, or adjudication
17 of guilt after waiver of trial of, such first charge within a
18 reasonable time, the person shall be tried upon all of the
19 remaining charges thus pending within 160 days from the date
20 on which such trial is terminated; if either such period of 160
21 days expires without the commencement of trial of, or
22 adjudication of guilt after waiver of trial of, any of such
23 remaining charges thus pending, such charge or charges shall
24 be dismissed and barred for want of prosecution unless delay
25 is occasioned by the defendant, by an examination for fitness
26 ordered pursuant to Section 104-13 of this Act, by a fitness

1 hearing, by an adjudication of unfitness for trial, by a
2 continuance allowed pursuant to Section 114-4 of this Act
3 after a court's determination of the defendant's physical
4 incapacity for trial, or by an interlocutory appeal; provided,
5 however, that if the court determines that the State has
6 exercised without success due diligence to obtain evidence
7 material to the case and that there are reasonable grounds to
8 believe that such evidence may be obtained at a later day the
9 court may continue the cause on application of the State for
10 not more than an additional 60 days.

11 (f) Delay occasioned by the defendant shall temporarily
12 suspend for the time of the delay the period within which a
13 person shall be tried as prescribed by subsections (a), (b),
14 or (e) of this Section and on the day of expiration of the
15 delay the said period shall continue at the point at which it
16 was suspended. Where such delay occurs within 21 days of the
17 end of the period within which a person shall be tried as
18 prescribed by subsections (a), (b), or (e) of this Section,
19 the court may continue the cause on application of the State
20 for not more than an additional 21 days beyond the period
21 prescribed by subsections (a), (b), or (e). This subsection
22 (f) shall become effective on, and apply to persons charged
23 with alleged offenses committed on or after, March 1, 1977.

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

25 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

1 Sec. 103-7. Posting notice of rights. Every sheriff, chief
2 of police or other person who is in charge of any jail, police
3 station or other building where persons under arrest are held
4 in custody pending investigation, bail ~~pretrial release~~ or
5 other criminal proceedings, shall post in every room, other
6 than cells, of such buildings where persons are held in
7 custody, in conspicuous places where it may be seen and read by
8 persons in custody and others, a poster, printed in large
9 type, containing a verbatim copy in the English language of
10 the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,
11 110-4, and sub-parts (a) and (b) of Sections 110-7.1, and
12 113-3 of this Code. Each person who is in charge of any
13 courthouse or other building in which any trial of an offense
14 is conducted shall post in each room primarily used for such
15 trials and in each room in which defendants are confined or
16 wait, pending trial, in conspicuous places where it may be
17 seen and read by persons in custody and others, a poster,
18 printed in large type, containing a verbatim copy in the
19 English language of the provisions of Sections 103-6, 113-1,
20 113-4 and 115-1 and of subparts (a) and (b) of Section 113-3 of
21 this Code.

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

23 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

24 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
25 may seize or transport unwillingly any person found in this

1 State who is allegedly in violation of a bail bond posted in
2 some other state ~~or conditions of pretrial release~~. The return
3 of any such person to another state may be accomplished only as
4 provided by the laws of this State. Any bail bondsman who
5 violates this Section is fully subject to the criminal and
6 civil penalties provided by the laws of this State for his
7 actions.

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

9 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

10 Sec. 104-13. Fitness examination.

11 (a) When the issue of fitness involves the defendant's
12 mental condition, the court shall order an examination of the
13 defendant by one or more licensed physicians, clinical
14 psychologists, or psychiatrists chosen by the court. No
15 physician, clinical psychologist or psychiatrist employed by
16 the Department of Human Services shall be ordered to perform,
17 in his official capacity, an examination under this Section.

18 (b) If the issue of fitness involves the defendant's
19 physical condition, the court shall appoint one or more
20 physicians and in addition, such other experts as it may deem
21 appropriate to examine the defendant and to report to the
22 court regarding the defendant's condition.

23 (c) An examination ordered under this Section shall be
24 given at the place designated by the person who will conduct
25 the examination, except that if the defendant is being held in

1 custody, the examination shall take place at such location as
2 the court directs. No examinations under this Section shall be
3 ordered to take place at mental health or developmental
4 disabilities facilities operated by the Department of Human
5 Services. If the defendant fails to keep appointments without
6 reasonable cause or if the person conducting the examination
7 reports to the court that diagnosis requires hospitalization
8 or extended observation, the court may order the defendant
9 admitted to an appropriate facility for an examination, other
10 than a screening examination, for not more than 7 days. The
11 court may, upon a showing of good cause, grant an additional 7
12 days to complete the examination.

13 (d) Release on bail ~~pretrial release~~ or on recognizance
14 shall not be revoked and an application therefor shall not be
15 denied on the grounds that an examination has been ordered.

16 (e) Upon request by the defense and if the defendant is
17 indigent, the court may appoint, in addition to the expert or
18 experts chosen pursuant to subsection (a) of this Section, a
19 qualified expert selected by the defendant to examine him and
20 to make a report as provided in Section 104-15. Upon the filing
21 with the court of a verified statement of services rendered,
22 the court shall enter an order on the county board to pay such
23 expert a reasonable fee stated in the order.

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

25 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

1 Sec. 104-17. Commitment for treatment; treatment plan.

2 (a) If the defendant is eligible to be or has been released
3 on bail ~~pretrial release~~ or on his own recognizance, the court
4 shall select the least physically restrictive form of
5 treatment therapeutically appropriate and consistent with the
6 treatment plan. The placement may be ordered either on an
7 inpatient or an outpatient basis.

8 (b) If the defendant's disability is mental, the court may
9 order him placed for secure treatment in the custody of the
10 Department of Human Services, or the court may order him
11 placed in the custody of any other appropriate public or
12 private mental health facility or treatment program which has
13 agreed to provide treatment to the defendant. If the most
14 serious charge faced by the defendant is a misdemeanor, the
15 court shall order outpatient treatment, unless the court finds
16 good cause on the record to order inpatient treatment. If the
17 court orders the defendant to inpatient treatment in the
18 custody of the Department of Human Services, the Department
19 shall evaluate the defendant to determine the most appropriate
20 secure facility to receive the defendant and, within 20 days
21 of the transmittal by the clerk of the circuit court of the
22 court's placement order, notify the court of the designated
23 facility to receive the defendant. The Department shall admit
24 the defendant to a secure facility within 60 days of the
25 transmittal of the court's placement order, unless the
26 Department can demonstrate good faith efforts at placement and

1 a lack of bed and placement availability. If placement cannot
2 be made within 60 days of the transmittal of the court's
3 placement order and the Department has demonstrated good faith
4 efforts at placement and a lack of bed and placement
5 availability, the Department shall provide an update to the
6 ordering court every 30 days until the defendant is placed.
7 Once bed and placement availability is determined, the
8 Department shall notify the sheriff who shall promptly
9 transport the defendant to the designated facility. If the
10 defendant is placed in the custody of the Department of Human
11 Services, the defendant shall be placed in a secure setting.
12 During the period of time required to determine bed and
13 placement availability at the designated facility, the
14 defendant shall remain in jail. If during the course of
15 evaluating the defendant for placement, the Department of
16 Human Services determines that the defendant is currently fit
17 to stand trial, it shall immediately notify the court and
18 shall submit a written report within 7 days. In that
19 circumstance the placement shall be held pending a court
20 hearing on the Department's report. Otherwise, upon completion
21 of the placement process, including identifying bed and
22 placement availability, the sheriff shall be notified and
23 shall transport the defendant to the designated facility. If,
24 within 60 days of the transmittal by the clerk of the circuit
25 court of the court's placement order, the Department fails to
26 provide the sheriff with notice of bed and placement

1 availability at the designated facility, the sheriff shall
2 contact the Department to inquire about when a placement will
3 become available at the designated facility as well as bed and
4 placement availability at other secure facilities. The
5 Department shall respond to the sheriff within 2 business days
6 of the notice and inquiry by the sheriff seeking the transfer
7 and the Department shall provide the sheriff with the status
8 of the evaluation, information on bed and placement
9 availability, and an estimated date of admission for the
10 defendant and any changes to that estimated date of admission.
11 If the Department notifies the sheriff during the 2 business
12 day period of a facility operated by the Department with
13 placement availability, the sheriff shall promptly transport
14 the defendant to that facility. The placement may be ordered
15 either on an inpatient or an outpatient basis.

16 (c) If the defendant's disability is physical, the court
17 may order him placed under the supervision of the Department
18 of Human Services which shall place and maintain the defendant
19 in a suitable treatment facility or program, or the court may
20 order him placed in an appropriate public or private facility
21 or treatment program which has agreed to provide treatment to
22 the defendant. The placement may be ordered either on an
23 inpatient or an outpatient basis.

24 (d) The clerk of the circuit court shall within 5 days of
25 the entry of the order transmit to the Department, agency or
26 institution, if any, to which the defendant is remanded for

1 treatment, the following:

2 (1) a certified copy of the order to undergo
3 treatment. Accompanying the certified copy of the order to
4 undergo treatment shall be the complete copy of any report
5 prepared under Section 104-15 of this Code or other report
6 prepared by a forensic examiner for the court;

7 (2) the county and municipality in which the offense
8 was committed;

9 (3) the county and municipality in which the arrest
10 took place;

11 (4) a copy of the arrest report, criminal charges,
12 arrest record; and

13 (5) all additional matters which the Court directs the
14 clerk to transmit.

15 (e) Within 30 days of admission to the designated
16 facility, the person supervising the defendant's treatment
17 shall file with the court, the State, and the defense a report
18 assessing the facility's or program's capacity to provide
19 appropriate treatment for the defendant and indicating his
20 opinion as to the probability of the defendant's attaining
21 fitness within a period of time from the date of the finding of
22 unfitness. For a defendant charged with a felony, the period
23 of time shall be one year. For a defendant charged with a
24 misdemeanor, the period of time shall be no longer than the
25 sentence if convicted of the most serious offense. If the
26 report indicates that there is a substantial probability that

1 the defendant will attain fitness within the time period, the
2 treatment supervisor shall also file a treatment plan which
3 shall include:

4 (1) A diagnosis of the defendant's disability;

5 (2) A description of treatment goals with respect to
6 rendering the defendant fit, a specification of the
7 proposed treatment modalities, and an estimated timetable
8 for attainment of the goals;

9 (3) An identification of the person in charge of
10 supervising the defendant's treatment.

11 (Source: P.A. 101-652, eff. 1-1-23; 102-1118, eff. 1-18-23.)

12 (725 ILCS 5/106D-1)

13 Sec. 106D-1. Defendant's appearance by closed circuit
14 television and video conference ~~two-way audio-visual~~
15 ~~communication system~~.

16 (a) Whenever the appearance in person in court, in either
17 a civil or criminal proceeding, is required of anyone held in a
18 place of custody or confinement operated by the State or any of
19 its political subdivisions, including counties and
20 municipalities, the chief judge of the circuit by rule may
21 permit the personal appearance to be made by means of ~~a~~ two-way
22 audio-visual communication ~~system~~, including closed circuit
23 television and computerized video conference, in the following
24 proceedings:

25 (1) the initial appearance before a judge on a

1 criminal complaint, at which bail will be set; ~~as provided~~
2 ~~in subsection (f) of Section 109-1;~~

3 (2) the waiver of a preliminary hearing;

4 (3) the arraignment on an information or indictment at
5 which a plea of not guilty will be entered;

6 (4) the presentation of a jury waiver;

7 (5) any status hearing;

8 (6) any hearing conducted under the Sexually Violent
9 Persons Commitment Act at which no witness testimony will
10 be taken; and

11 (7) at any hearing at which no witness testimony will
12 be taken conducted under the following:

13 (A) Section 104-20 of this Code (90-day hearings);

14 (B) Section 104-22 of this Code (trial with
15 special provisions and assistance);

16 (C) Section 104-25 of this Code (discharge
17 hearing); or

18 (D) Section 5-2-4 of the Unified Code of
19 Corrections (proceedings after acquittal by reason of
20 insanity).

21 (b) The two-way audio-visual communication facilities must
22 provide two-way audio-visual communication between the court
23 and the place of custody or confinement, and must include a
24 secure line over which the person in custody and his or her
25 counsel, if any, may communicate.

26 (c) Nothing in this Section shall be construed to prohibit

1 other court appearances through the use of a two-way
2 audio-visual communication, upon waiver of any right the
3 person in custody or confinement may have to be present
4 physically. ~~system if the person in custody or confinement~~
5 ~~waives the right to be present physically in court, the court~~
6 ~~determines that the physical health and safety of any person~~
7 ~~necessary to the proceedings would be endangered by appearing~~
8 ~~in court, or the chief judge of the circuit orders use of that~~
9 ~~system due to operational challenges in conducting the hearing~~
10 ~~in person. Such operational challenges must be documented and~~
11 ~~approved by the chief judge of the circuit, and a plan to~~
12 ~~address the challenges through reasonable efforts must be~~
13 ~~presented and approved by the Administrative Office of the~~
14 ~~Illinois Courts every 6 months.~~

15 (d) Nothing in this Section shall be construed to
16 establish a right of any person held in custody or confinement
17 to appear in court through a two-way audio-visual
18 communication ~~system~~ or to require that any governmental
19 entity, or place of custody or confinement, provide a two-way
20 audio-visual communication ~~system~~.

21 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
22 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

23 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

24 Sec. 107-4. Arrest by peace officer from other
25 jurisdiction.

1 (a) As used in this Section:

2 (1) "State" means any State of the United States and
3 the District of Columbia.

4 (2) "Peace Officer" means any peace officer or member
5 of any duly organized State, County, or Municipal peace
6 unit, any police force of another State, the United States
7 Department of Defense, or any police force whose members,
8 by statute, are granted and authorized to exercise powers
9 similar to those conferred upon any peace officer employed
10 by a law enforcement agency of this State.

11 (3) "Fresh pursuit" means the immediate pursuit of a
12 person who is endeavoring to avoid arrest.

13 (4) "Law enforcement agency" means a municipal police
14 department or county sheriff's office of this State.

15 (a-3) Any peace officer employed by a law enforcement
16 agency of this State may conduct temporary questioning
17 pursuant to Section 107-14 of this Code and may make arrests in
18 any jurisdiction within this State: (1) if the officer is
19 engaged in the investigation of criminal activity that
20 occurred in the officer's primary jurisdiction and the
21 temporary questioning or arrest relates to, arises from, or is
22 conducted pursuant to that investigation; or (2) if the
23 officer, while on duty as a peace officer, becomes personally
24 aware of the immediate commission of a felony or misdemeanor
25 violation of the laws of this State; or (3) if the officer,
26 while on duty as a peace officer, is requested by an

1 appropriate State or local law enforcement official to render
2 aid or assistance to the requesting law enforcement agency
3 that is outside the officer's primary jurisdiction; or (4) in
4 accordance with Section 2605-580 of the Illinois State Police
5 Law of the Civil Administrative Code of Illinois. While acting
6 pursuant to this subsection, an officer has the same authority
7 as within his or her own jurisdiction.

8 (a-7) The law enforcement agency of the county or
9 municipality in which any arrest is made under this Section
10 shall be immediately notified of the arrest.

11 (b) Any peace officer of another State who enters this
12 State in fresh pursuit and continues within this State in
13 fresh pursuit of a person in order to arrest him on the ground
14 that he has committed an offense in the other State has the
15 same authority to arrest and hold the person in custody as
16 peace officers of this State have to arrest and hold a person
17 in custody on the ground that he has committed an offense in
18 this State.

19 (c) If an arrest is made in this State by a peace officer
20 of another State in accordance with the provisions of this
21 Section he shall without unnecessary delay take the person
22 arrested before the circuit court of the county in which the
23 arrest was made. Such court shall conduct a hearing for the
24 purpose of determining the lawfulness of the arrest. If the
25 court determines that the arrest was lawful it shall commit
26 the person arrested, to await for a reasonable time the

1 issuance of an extradition warrant by the Governor of this
2 State, or admit him to bail ~~pretrial release~~ for such purpose.
3 If the court determines that the arrest was unlawful it shall
4 discharge the person arrested.

5 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
6 102-813, eff. 5-13-22.)

7 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

8 Sec. 107-9. Issuance of arrest warrant upon complaint.

9 (a) When a complaint is presented to a court charging that
10 an offense has been committed, it shall examine upon oath or
11 affirmation the complainant or any witnesses.

12 (b) The complaint shall be in writing and shall:

13 (1) State the name of the accused if known, and if not
14 known the accused may be designated by any name or
15 description by which he can be identified with reasonable
16 certainty;

17 (2) State the offense with which the accused is
18 charged;

19 (3) State the time and place of the offense as
20 definitely as can be done by the complainant; and

21 (4) Be subscribed and sworn to by the complainant.

22 (b-5) If an arrest warrant ~~or summons~~ is sought and the
23 request is made by electronic means that has a simultaneous
24 video and audio transmission between the requester and a
25 judge, the judge may issue an arrest warrant ~~or summons~~ based

1 upon a sworn complaint or sworn testimony communicated in the
2 transmission.

3 (c) A warrant shall ~~or summons may~~ be issued by the court
4 for the arrest ~~or appearance~~ of the person complained against
5 if it appears from the contents of the complaint and the
6 examination of the complainant or other witnesses, if any,
7 that the person against whom the complaint was made has
8 committed an offense.

9 (d) The warrant of arrest ~~or summons~~ shall:

10 (1) Be in writing;

11 (2) Specify the name, sex and birth date of the person
12 to be arrested ~~or summoned~~ or, if his name, sex or birth
13 date is unknown, shall designate such person by any name
14 or description by which the person can be identified with
15 reasonable certainty;

16 (3) Set forth the nature of the offense;

17 (4) State the date when issued and the municipality or
18 county where issued;

19 (5) Be signed by the judge of the court with the title
20 of the judge's office; ~~and~~

21 (6) Command that the person against whom the complaint
22 was made ~~to~~ be arrested and brought before the court
23 issuing the warrant or if he is absent or unable to act
24 before the nearest or most accessible court in the same
25 county ~~issuing the warrant or the nearest or most~~
26 ~~accessible court in the same county, or appear before the~~

1 ~~court at a certain time and place;~~

2 (7) Specify the amount of bail ~~conditions of pretrial~~
3 ~~release, if any; and~~

4 (8) Specify any geographical limitation placed on the
5 execution of the warrant, ~~if any,~~ but such limitation
6 shall not be expressed in mileage.

7 ~~(e) The summons may be served in the same manner as the~~
8 ~~summons in a civil action, except that a police officer may~~
9 ~~serve a summons for a violation of an ordinance occurring~~
10 ~~within the municipality of the police officer.~~

11 ~~(f) If the person summoned fails to appear by the date~~
12 ~~required or cannot be located to serve the summons, a warrant~~
13 ~~may be issued by the court for the arrest of the person~~
14 ~~complained against.~~

15 ~~(g) A warrant of arrest issued under this Section shall~~
16 ~~incorporate the information included in the summons, and shall~~
17 ~~comply with the following:~~

18 ~~(1) The arrest warrant shall specify any geographic~~
19 ~~limitation placed on the execution of the warrant, but~~
20 ~~such limitation shall not be expressed in mileage.~~

21 (e) ~~(2)~~ The ~~arrest~~ warrant shall be directed to all peace
22 officers in the State. It shall be executed by the peace
23 officer, or by a private person specially named therein, at
24 any location within the geographic limitation for execution
25 placed on the warrant. If no geographic limitation is placed
26 on the warrant, then it may be executed anywhere in the State.

1 (f) ~~(h)~~ The arrest warrant ~~or summons~~ may be issued
2 electronically or electromagnetically by use of electronic
3 mail or a facsimile transmission machine and any ~~such~~ arrest
4 warrant ~~or summons~~ shall have the same validity as a written
5 ~~arrest~~ warrant ~~or summons~~.

6 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23;
7 102-1104, eff. 1-1-23.)

8 (725 ILCS 5/107-11) (from Ch. 38, par. 107-11)

9 Sec. 107-11. When summons may be issued.

10 (a) When authorized to issue a warrant of arrest, a court
11 may instead issue a summons.

12 (b) The summons shall:

13 (1) Be in writing;

14 (2) State the name of the person summoned and his or
15 her address, if known;

16 (3) Set forth the nature of the offense;

17 (4) State the date when issued and the municipality or
18 county where issued;

19 (5) Be signed by the judge of the court with the title
20 of his or her office; and

21 (6) Command the person to appear before a court at a
22 certain time and place.

23 (c) The summons may be served in the same manner as the
24 summons in a civil action ~~or by certified or regular mail,~~
25 except that police officers may serve summons for violations

1 of ordinances occurring within their municipalities.

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

3 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

4 Sec. 109-1. Person arrested; ~~release from law enforcement~~
5 ~~eustody and court appearance; geographic constraints prevent~~
6 ~~in person appearances.~~

7 (a) A person arrested with or without a warrant ~~for an~~
8 ~~offense for which pretrial release may be denied under~~
9 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
10 without unnecessary delay before the nearest and most
11 accessible judge in that county, except when such county is a
12 participant in a regional jail authority, in which event such
13 person may be taken to the nearest and most accessible judge,
14 irrespective of the county where such judge presides, ~~within~~
15 ~~48 hours,~~ and a charge shall be filed. Whenever a person
16 arrested either with or without a warrant is required to be
17 taken before a judge, a charge may be filed against such person
18 by way of a two-way closed circuit television system
19 ~~audio visual communication system,~~ except that a hearing to
20 deny ~~pretrial release~~ bail to the defendant may not be
21 conducted by way of closed circuit television ~~two-way~~
22 ~~audio visual communication system unless the accused waives~~
23 ~~the right to be present physically in court, the court~~
24 ~~determines that the physical health and safety of any person~~
25 ~~necessary to the proceedings would be endangered by appearing~~

1 ~~in court, or the chief judge of the circuit orders use of that~~
2 ~~system due to operational challenges in conducting the hearing~~
3 ~~in person. Such operational challenges must be documented and~~
4 ~~approved by the chief judge of the circuit, and a plan to~~
5 ~~address the challenges through reasonable efforts must be~~
6 ~~presented and approved by the Administrative Office of the~~
7 ~~Illinois Courts every 6 months.~~

8 ~~(a-1) Law enforcement shall issue a citation in lieu of~~
9 ~~eustodial arrest, upon proper identification, for those~~
10 ~~accused of any offense that is not a felony or Class A~~
11 ~~misdemeanor unless (i) a law enforcement officer reasonably~~
12 ~~believes the accused poses a threat to the community or any~~
13 ~~person, (ii) a custodial arrest is necessary because the~~
14 ~~criminal activity persists after the issuance of a citation,~~
15 ~~or (iii) the accused has an obvious medical or mental health~~
16 ~~issue that poses a risk to the accused's own safety. Nothing in~~
17 ~~this Section requires arrest in the case of Class A~~
18 ~~misdemeanor and felony offenses, or otherwise limits existing~~
19 ~~law enforcement discretion to decline to effect a custodial~~
20 ~~arrest.~~

21 ~~(a-3) A person arrested with or without a warrant for an~~
22 ~~offense for which pretrial release may not be denied may,~~
23 ~~except as otherwise provided in this Code, be released by a law~~
24 ~~enforcement officer without appearing before a judge. A~~
25 ~~presumption in favor of pretrial release shall be applied by~~
26 ~~an arresting officer in the exercise of his or her discretion~~

1 ~~under this Section.~~

2 (a-5) A person charged with an offense shall be allowed
3 counsel at the hearing at which ~~pretrial release~~ bail is
4 determined under Article 110 of this Code. If the defendant
5 desires counsel for his or her initial appearance but is
6 unable to obtain counsel, the court shall appoint a public
7 defender or licensed attorney at law of this State to
8 represent him or her for purposes of that hearing.

9 (b) ~~Upon initial appearance of a person before the court,~~
10 ~~the~~ The judge shall:

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

13 (2) advise the defendant of his right to counsel and
14 if indigent shall appoint a public defender or licensed
15 attorney at law of this State to represent him in
16 accordance with the provisions of Section 113-3 of this
17 Code;

18 (3) schedule a preliminary hearing in appropriate
19 cases;

20 (4) admit the defendant to ~~pretrial release~~ bail in
21 accordance with the provisions of Article ~~110/5~~ 110 of
22 this Code, ~~or upon verified petition of the State, proceed~~
23 ~~with the setting of a detention hearing as provided in~~
24 ~~Section 110-6.1;~~ and

25 (5) order ~~Order~~ the confiscation of the person's
26 passport or impose travel restrictions on a defendant

1 arrested for first degree murder or other violent crime as
2 defined in Section 3 of the Rights of Crime Victims and
3 Witnesses Act, if the judge determines, based on the
4 factors in Section 110-5 of this Code, that this will
5 reasonably ensure the appearance of the defendant and
6 compliance by the defendant with all conditions of
7 release.

8 (c) The court may issue an order of protection in
9 accordance with the provisions of Article 112A of this Code.
10 ~~Crime victims shall be given notice by the State's Attorney's~~
11 ~~office of this hearing as required in paragraph (2) of~~
12 ~~subsection (b) of the Rights of Crime Victims and Witnesses~~
13 ~~Act and shall be informed of their opportunity at this hearing~~
14 ~~to obtain an order of protection under Article 112A of this~~
15 ~~Code.~~

16 (d) At the initial appearance of a defendant in any
17 criminal proceeding, the court must advise the defendant in
18 open court that any foreign national who is arrested or
19 detained has the right to have notice of the arrest or
20 detention given to his or her country's consular
21 representatives and the right to communicate with those
22 consular representatives if the notice has not already been
23 provided. The court must make a written record of so advising
24 the defendant.

25 (e) If consular notification is not provided to a
26 defendant before his or her first appearance in court, the

1 court shall grant any reasonable request for a continuance of
2 the proceedings to allow contact with the defendant's
3 consulate. Any delay caused by the granting of the request by a
4 defendant shall temporarily suspend for the time of the delay
5 the period within which a person shall be tried as prescribed
6 by subsections (a), (b), or (e) of Section 103-5 of this Code
7 and on the day of the expiration of delay the period shall
8 continue at the point at which it was suspended.

9 ~~(f) At the hearing at which conditions of pretrial release~~
10 ~~are determined, the person charged shall be present in person~~
11 ~~rather than by two-way audio-video communication system unless~~
12 ~~the accused waives the right to be present physically in~~
13 ~~court, the court determines that the physical health and~~
14 ~~safety of any person necessary to the proceedings would be~~
15 ~~endangered by appearing in court, or the chief judge of the~~
16 ~~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 the~~
19 ~~chief judge of the circuit, and a plan to address the~~
20 ~~challenges through reasonable efforts must be presented and~~
21 ~~approved by the Administrative Office of the Illinois Courts~~
22 ~~every 6 months.~~

23 ~~(g) Defense counsel shall be given adequate opportunity to~~
24 ~~confer with the defendant prior to any hearing in which~~
25 ~~conditions of release or the detention of the defendant is to~~
26 ~~be considered, with a physical accommodation made to~~

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

6 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
7 102-1104, eff. 1-1-23.)

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

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

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

20 The judge may hold a hearing to determine if the defendant is
21 the same person as named in the warrant.

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

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

6 ~~(c) If a person is taken before a judge in any county and a~~
7 ~~warrant for arrest issued by another Illinois county exists~~
8 ~~for that person, the court in the arresting county shall hold~~
9 ~~for that person a detention hearing under Section 110-6.1, or~~
10 ~~other hearing under Section 110-5 or Section 110-6.~~

11 ~~(d) After the court in the arresting county has determined~~
12 ~~whether the person shall be released or detained on the~~
13 ~~arresting offense, the court shall then order the sheriff to~~
14 ~~immediately contact the sheriff in any county where any~~
15 ~~warrant is outstanding and notify them of the arrest of the~~
16 ~~individual.~~

17 ~~(e) If a person has a warrant in another county for an~~
18 ~~offense, then, no later than 5 calendar days after the end of~~
19 ~~any detention issued on the charge in the arresting county,~~
20 ~~the county where the warrant is outstanding shall do one of the~~
21 ~~following:~~

22 ~~(1) transport the person to the county where the~~
23 ~~warrant was issued for a hearing under Section 110-6 or~~
24 ~~110-6.1 in the matter for which the warrant was issued; or~~

25 ~~(2) quash the warrant and order the person released on~~
26 ~~the case for which the warrant was issued only when the~~

1 ~~county that issued the warrant fails to transport the~~
2 ~~defendant in the timeline as proscribed.~~

3 ~~(f) If the issuing county fails to take any action under~~
4 ~~subsection (c) within 5 calendar days, the defendant shall be~~
5 ~~released from custody on the warrant, and the circuit judge or~~
6 ~~associate circuit judge in the county of arrest shall set~~
7 ~~conditions of release under Section 110-5 and shall admit the~~
8 ~~defendant to pretrial release for his or her appearance before~~
9 ~~the court named in the warrant. Upon releasing the defendant,~~
10 ~~the circuit judge or associate circuit judge shall certify~~
11 ~~such a fact on the warrant and deliver the warrant and the~~
12 ~~acknowledgment by the defendant of his or her receiving the~~
13 ~~conditions of pretrial release to the officer having charge of~~
14 ~~the defendant from arrest and without delay deliver such~~
15 ~~warrant and such acknowledgment by the defendant of his or her~~
16 ~~receiving the conditions to the court before which the~~
17 ~~defendant is required to appear.~~

18 ~~(g) If a person has a warrant in another county, in lieu of~~
19 ~~transporting the person to the issuing county as outlined in~~
20 ~~subsection (c), the issuing county may hold the hearing by way~~
21 ~~of a two-way audio-visual communication system if the accused~~
22 ~~waives the right to be physically present in court, the court~~
23 ~~determines that the physical health and safety of any person~~
24 ~~necessary to the proceedings would be endangered by appearing~~
25 ~~in court, or the chief judge of the circuit orders use of that~~
26 ~~system due to operational challenges in conducting the hearing~~

1 ~~in person. Such operational challenges must be documented and~~
2 ~~approved by the chief judge of the circuit, and a plan to~~
3 ~~address the challenges through reasonable efforts must be~~
4 ~~presented and approved by the Administrative Office of the~~
5 ~~Illinois Courts every 6 months.~~

6 ~~(h) If more than 2 Illinois county warrants exist, the~~
7 ~~judge in the county of arrest shall order that the process~~
8 ~~described in subsections (d) through (f) occur in each county~~
9 ~~in whatever order the judge finds most appropriate. Each judge~~
10 ~~in each subsequent county shall then follow the rules in this~~
11 ~~Section.~~

12 ~~(i) This Section applies only to warrants issued by~~
13 ~~Illinois state, county, or municipal courts.~~

14 ~~(j) When an issuing agency is contacted by an out of state~~
15 ~~agency of a person arrested for any offense, or when an~~
16 ~~arresting agency is contacted by or contacts an out of state~~
17 ~~issuing agency, the Uniform Criminal Extradition Act shall~~
18 ~~govern.~~

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

20 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

21 Sec. 109-3. Preliminary examination.

22 (a) The judge shall hold the defendant to answer to the
23 court having jurisdiction of the offense if from the evidence
24 it appears there is probable cause to believe an offense has
25 been committed by the defendant, as provided in Section

1 109-3.1 of this Code, if the offense is a felony.

2 (b) If the defendant waives preliminary examination the
3 judge shall hold him to answer and may, or on the demand of the
4 prosecuting attorney shall, cause the witnesses for the State
5 to be examined. After hearing the testimony if it appears that
6 there is not probable cause to believe the defendant guilty of
7 any offense the judge shall discharge him.

8 (c) During the examination of any witness or when the
9 defendant is making a statement or testifying the judge may
10 and on the request of the defendant or State shall exclude all
11 other witnesses. He may also cause the witnesses to be kept
12 separate and to be prevented from communicating with each
13 other until all are examined.

14 (d) If the defendant is held to answer the judge may
15 require any material witness for the State or defendant to
16 enter into a written undertaking to appear at the trial, and
17 may provide for the forfeiture of a sum certain in the event
18 the witness does not appear at the trial. Any witness who
19 refuses to execute a recognizance may be committed by the
20 judge to the custody of the sheriff until trial or further
21 order of the court having jurisdiction of the cause. Any
22 witness who executes a recognizance and fails to comply with
23 its terms shall, in addition to any forfeiture provided in the
24 recognizance, be subject to the penalty provided in Section
25 32-10 of the Criminal Code of 2012 for violation of bail bond
26 commits a Class C misdemeanor.

1 (e) During preliminary hearing or examination the
2 defendant may move for an order of suppression of evidence
3 pursuant to Section 114-11 or 114-12 of this Act or for other
4 reasons, and may move for dismissal of the charge pursuant to
5 Section 114-1 of this Act or for other reasons.

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

7 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

8 Sec. 109-3.1. Persons charged with felonies.

9 (a) In any case involving a person charged with a felony in
10 this State, alleged to have been committed on or after January
11 1, 1984, the provisions of this Section shall apply.

12 (b) Every person in custody in this State for the alleged
13 commission of a felony shall receive either a preliminary
14 examination as provided in Section 109-3 or an indictment by
15 Grand Jury as provided in Section 111-2, within 30 days from
16 the date he or she was taken into custody. Every person on bail
17 or recognizance ~~released pretrial~~ for the alleged commission
18 of a felony shall receive either a preliminary examination as
19 provided in Section 109-3 or an indictment by Grand Jury as
20 provided in Section 111-2, within 60 days from the date he or
21 she was arrested.

22 The provisions of this paragraph shall not apply in the
23 following situations:

24 (1) when delay is occasioned by the defendant; or

25 (2) when the defendant has been indicted by the Grand

1 Jury on the felony offense for which he or she was
2 initially taken into custody or on an offense arising from
3 the same transaction or conduct of the defendant that was
4 the basis for the felony offense or offenses initially
5 charged; or

6 (3) when a competency examination is ordered by the
7 court; or

8 (4) when a competency hearing is held; or

9 (5) when an adjudication of incompetency for trial has
10 been made; or

11 (6) when the case has been continued by the court
12 under Section 114-4 of this Code after a determination
13 that the defendant is physically incompetent to stand
14 trial.

15 (c) Delay occasioned by the defendant shall temporarily
16 suspend, for the time of the delay, the period within which the
17 preliminary examination must be held. On the day of expiration
18 of the delay the period in question shall continue at the point
19 at which it was suspended.

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

21 (725 ILCS 5/Art. 110 heading)

22 ARTICLE 110. BAIL ~~PRETRIAL RELEASE~~

23 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

24 Sec. 110-1. Definitions. As used in this Article:

1 ~~(a) (Blank).~~

2 "Security" is that which is required to be pledged to
3 insure the payment of bail.

4 ~~(b)~~ "Sureties" encompasses the monetary and nonmonetary
5 requirements set by the court as conditions for release either
6 before or after conviction. "Surety" is one who executes a
7 bail bond and binds himself to pay the bail if the person in
8 custody fails to comply with all conditions of the bail bond.

9 ~~(c)~~ The phrase "for which a sentence of imprisonment,
10 without conditional and revocable release, shall be imposed by
11 law as a consequence of conviction" means an offense for which
12 a sentence of imprisonment ~~in the Department of Corrections,~~
13 without probation, periodic imprisonment or conditional
14 discharge, is required by law upon conviction.

15 "Real and present threat to the physical safety of any
16 person or persons", as used in this Article, includes a threat
17 to the community, person, persons or class of persons.

18 ~~(d) (Blank).~~

19 ~~(e) "Protective order" means any order of protection~~
20 ~~issued under Section 112A-14 of this Code or the Illinois~~
21 ~~Domestic Violence Act of 1986, a stalking no contact order~~
22 ~~issued under Section 80 of the Stalking No Contact Order Act,~~
23 ~~or a civil no contact order issued under Section 213 of the~~
24 ~~Civil No Contact Order Act.~~

25 ~~(f) "Willful flight" means intentional conduct with a~~
26 ~~purpose to thwart the judicial process to avoid prosecution.~~

1 ~~Isolated instances of nonappearance in court alone are not~~
2 ~~evidence of the risk of willful flight. Reoccurrence and~~
3 ~~patterns of intentional conduct to evade prosecution, along~~
4 ~~with any affirmative steps to communicate or remedy any such~~
5 ~~missed court date, may be considered as factors in assessing~~
6 ~~future intent to evade prosecution.~~

7 (Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23;
8 103-154, eff. 6-30-23.)

9 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

10 Sec. 110-2. Release on own recognizance ~~Pretrial release.~~
11 When from all the circumstances the court is of the opinion
12 that the defendant will appear as required either before or
13 after conviction and the defendant will not pose a danger to
14 any person or the community and that the defendant will comply
15 with all conditions of bond, which shall include the
16 defendant's current address with a written admonishment to the
17 defendant that he or she must comply with the provisions of
18 Section 110-12 of this Code regarding any change in his or her
19 address, the defendant may be released on his or her own
20 recognizance. The defendant's address shall at all times
21 remain a matter of public record with the clerk of the court. A
22 failure to appear as required by such recognizance shall
23 constitute an offense subject to the penalty provided in
24 Section 32-10 of the Criminal Code of 2012 for violation of the
25 bail bond, and any obligated sum fixed in the recognizance

1 shall be forfeited and collected in accordance with subsection
2 (g) of Section 110-7.1 of this Code.

3 This Section shall be liberally construed to effectuate
4 the purpose of relying upon contempt of court proceedings or
5 criminal sanctions instead of financial loss to assure the
6 appearance of the defendant, and that the defendant will not
7 pose a danger to any person or the community and that the
8 defendant will comply with all conditions of bond. Monetary
9 bail should be set only when it is determined that no other
10 conditions of release will reasonably assure the defendant's
11 appearance in court, that the defendant does not present a
12 danger to any person or the community and that the defendant
13 will comply with all conditions of bond.

14 The State may appeal any order permitting release by
15 personal recognizance.

16 ~~(a) All persons charged with an offense shall be eligible~~
17 ~~for pretrial release before conviction. It is presumed that a~~
18 ~~defendant is entitled to release on personal recognizance on~~
19 ~~the condition that the defendant attend all required court~~
20 ~~proceedings and the defendant does not commit any criminal~~
21 ~~offense, and complies with all terms of pretrial release,~~
22 ~~including, but not limited to, orders of protection under both~~
23 ~~Section 112A-4 of this Code and Section 214 of the Illinois~~
24 ~~Domestic Violence Act of 1986, all civil no contact orders,~~
25 ~~and all stalking no contact orders. Pretrial release may be~~
26 ~~denied only if a person is charged with an offense listed in~~

1 ~~Section 110-6.1 and after the court has held a hearing under~~
2 ~~Section 110-6.1, and in a manner consistent with subsections~~
3 ~~(b), (c), and (d) of this Section.~~

4 ~~(b) At all pretrial hearings, the prosecution shall have~~
5 ~~the burden to prove by clear and convincing evidence that any~~
6 ~~condition of release is necessary.~~

7 ~~(c) When it is alleged that pretrial release should be~~
8 ~~denied to a person upon the grounds that the person presents a~~
9 ~~real and present threat to the safety of any person or persons~~
10 ~~or the community, based on the specific articulable facts of~~
11 ~~the case, the burden of proof of such allegations shall be upon~~
12 ~~the State.~~

13 ~~(d) When it is alleged that pretrial release should be~~
14 ~~denied to a person charged with stalking or aggravated~~
15 ~~stalking upon the grounds set forth in Section 110-6.3, the~~
16 ~~burden of proof of those allegations shall be upon the State.~~

17 ~~(e) This Section shall be liberally construed to~~
18 ~~effectuate the purpose of relying on pretrial release by~~
19 ~~nonmonetary means to reasonably ensure an eligible person's~~
20 ~~appearance in court, the protection of the safety of any other~~
21 ~~person or the community, that the person will not attempt or~~
22 ~~obstruct the criminal justice process, and the person's~~
23 ~~compliance with all conditions of release, while authorizing~~
24 ~~the court, upon motion of a prosecutor, to order pretrial~~
25 ~~detention of the person under Section 110-6.1 when it finds~~
26 ~~clear and convincing evidence that no condition or combination~~

1 ~~of conditions can reasonably ensure the effectuation of these~~
2 ~~goals.~~

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

4 (725 ILCS 5/110-3.1 new)

5 Sec. 110-3.1. Issuance of warrant.

6 (a) Upon failure to comply with any condition of a bail
7 bond or recognizance the court having jurisdiction at the time
8 of such failure may, in addition to any other action provided
9 by law, issue a warrant for the arrest of the person at liberty
10 on bail or his own recognizance. The contents of such a warrant
11 shall be the same as required for an arrest warrant issued upon
12 complaint. When a defendant is at liberty on bail or his own
13 recognizance on a felony charge and fails to appear in court as
14 directed, the court shall issue a warrant for the arrest of
15 such person. Such warrant shall be noted with a directive to
16 peace officers to arrest the person and hold such person
17 without bail and to deliver such person before the court for
18 further proceedings.

19 (b) A defendant who is arrested or surrenders within 30
20 days of the issuance of such warrant shall not be bailable in
21 the case in question unless he shows by the preponderance of
22 the evidence that his failure to appear was not intentional.

23 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

24 Sec. 110-5. Determining the amount of bail and conditions

1 of release.

2 (a) In determining the amount of monetary bail or
3 conditions of release, if any, which will reasonably assure
4 the appearance of a defendant as required or the safety of any
5 other person or the community and the likelihood of compliance
6 by the defendant with all the conditions of bail, the court
7 shall, on the basis of available information, take into
8 account such matters as the nature and circumstances of the
9 offense charged, whether the evidence shows that as part of
10 the offense there was a use of violence or threatened use of
11 violence, whether the offense involved corruption of public
12 officials or employees, whether there was physical harm or
13 threats of physical harm to any public official, public
14 employee, judge, prosecutor, juror or witness, senior citizen,
15 child, or person with a disability, whether evidence shows
16 that during the offense or during the arrest the defendant
17 possessed or used a firearm, machine gun, explosive or metal
18 piercing ammunition or explosive bomb device or any military
19 or paramilitary armament, whether the evidence shows that the
20 offense committed was related to or in furtherance of the
21 criminal activities of an organized gang or was motivated by
22 the defendant's membership in or allegiance to an organized
23 gang, the condition of the victim, any written statement
24 submitted by the victim or proffer or representation by the
25 State regarding the impact which the alleged criminal conduct
26 has had on the victim and the victim's concern, if any, with

1 further contact with the defendant if released on bail,
2 whether the offense was based on racial, religious, sexual
3 orientation or ethnic hatred, the likelihood of the filing of
4 a greater charge, the likelihood of conviction, the sentence
5 applicable upon conviction, the weight of the evidence against
6 such defendant, whether there exists motivation or ability to
7 flee, whether there is any verification as to prior residence,
8 education, or family ties in the local jurisdiction, in
9 another county, state or foreign country, the defendant's
10 employment, financial resources, character and mental
11 condition, past conduct, prior use of alias names or dates of
12 birth, and length of residence in the community, the consent
13 of the defendant to periodic drug testing in accordance with
14 Section 110-6.5-1, whether a foreign national defendant is
15 lawfully admitted in the United States of America, whether the
16 government of the foreign national maintains an extradition
17 treaty with the United States by which the foreign government
18 will extradite to the United States its national for a trial
19 for a crime allegedly committed in the United States, whether
20 the defendant is currently subject to deportation or exclusion
21 under the immigration laws of the United States, whether the
22 defendant, although a United States citizen, is considered
23 under the law of any foreign state a national of that state for
24 the purposes of extradition or non-extradition to the United
25 States, the amount of unrecovered proceeds lost as a result of
26 the alleged offense, the source of bail funds tendered or

1 sought to be tendered for bail, whether from the totality of
2 the court's consideration, the loss of funds posted or sought
3 to be posted for bail will not deter the defendant from flight,
4 whether the evidence shows that the defendant is engaged in
5 significant possession, manufacture, or delivery of a
6 controlled substance or cannabis, either individually or in
7 consort with others, whether at the time of the offense
8 charged he or she was on bond or pre-trial release pending
9 trial, probation, periodic imprisonment or conditional
10 discharge pursuant to this Code or the comparable Code of any
11 other state or federal jurisdiction, whether the defendant is
12 on bond or pre-trial release pending the imposition or
13 execution of sentence or appeal of sentence for any offense
14 under the laws of Illinois or any other state or federal
15 jurisdiction, whether the defendant is under parole, aftercare
16 release, mandatory supervised release, or work release from
17 the Illinois Department of Corrections or Illinois Department
18 of Juvenile Justice or any penal institution or corrections
19 department of any state or federal jurisdiction, the
20 defendant's record of convictions, whether the defendant has
21 been convicted of a misdemeanor or ordinance offense in
22 Illinois or similar offense in other state or federal
23 jurisdiction within the 10 years preceding the current charge
24 or convicted of a felony in Illinois, whether the defendant
25 was convicted of an offense in another state or federal
26 jurisdiction that would be a felony if committed in Illinois

1 within the 20 years preceding the current charge or has been
2 convicted of such felony and released from the penitentiary
3 within 20 years preceding the current charge if a penitentiary
4 sentence was imposed in Illinois or other state or federal
5 jurisdiction, the defendant's records of juvenile adjudication
6 of delinquency in any jurisdiction, any record of appearance
7 or failure to appear by the defendant at court proceedings,
8 whether there was flight to avoid arrest or prosecution,
9 whether the defendant escaped or attempted to escape to avoid
10 arrest, whether the defendant refused to identify himself or
11 herself, or whether there was a refusal by the defendant to be
12 fingerprinted as required by law. Information used by the
13 court in its findings or stated in or offered in connection
14 with this Section may be by way of proffer based upon reliable
15 information offered by the State or defendant. All evidence
16 shall be admissible if it is relevant and reliable regardless
17 of whether it would be admissible under the rules of evidence
18 applicable at criminal trials. If the State presents evidence
19 that the offense committed by the defendant was related to or
20 in furtherance of the criminal activities of an organized gang
21 or was motivated by the defendant's membership in or
22 allegiance to an organized gang, and if the court determines
23 that the evidence may be substantiated, the court shall
24 prohibit the defendant from associating with other members of
25 the organized gang as a condition of bail or release. For the
26 purposes of this Section, "organized gang" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 (a-5) There shall be a presumption that any conditions of
4 release imposed shall be non-monetary in nature and the court
5 shall impose the least restrictive conditions or combination
6 of conditions necessary to reasonably assure the appearance of
7 the defendant for further court proceedings and protect the
8 integrity of the judicial proceedings from a specific threat
9 to a witness or participant. Conditions of release may
10 include, but not be limited to, electronic home monitoring,
11 curfews, drug counseling, stay-away orders, and in-person
12 reporting. The court shall consider the defendant's
13 socio-economic circumstance when setting conditions of release
14 or imposing monetary bail.

15 (b) The amount of bail shall be:

16 (1) Sufficient to assure compliance with the
17 conditions set forth in the bail bond, which shall include
18 the defendant's current address with a written
19 admonishment to the defendant that he or she must comply
20 with the provisions of Section 110-12 regarding any change
21 in his or her address. The defendant's address shall at
22 all times remain a matter of public record with the clerk
23 of the court.

24 (2) Not oppressive.

25 (3) Considerate of the financial ability of the
26 accused.

1 (4) When a person is charged with a drug related
2 offense involving possession or delivery of cannabis or
3 possession or delivery of a controlled substance as
4 defined in the Cannabis Control Act, the Illinois
5 Controlled Substances Act, or the Methamphetamine Control
6 and Community Protection Act, the full street value of the
7 drugs seized shall be considered. "Street value" shall be
8 determined by the court on the basis of a proffer by the
9 State based upon reliable information of a law enforcement
10 official contained in a written report as to the amount
11 seized and such proffer may be used by the court as to the
12 current street value of the smallest unit of the drug
13 seized.

14 (b-5) Upon the filing of a written request demonstrating
15 reasonable cause, the State's Attorney may request a source of
16 bail hearing either before or after the posting of any funds.
17 If the hearing is granted, before the posting of any bail, the
18 accused must file a written notice requesting that the court
19 conduct a source of bail hearing. The notice must be
20 accompanied by justifying affidavits stating the legitimate
21 and lawful source of funds for bail. At the hearing, the court
22 shall inquire into any matters stated in any justifying
23 affidavits, and may also inquire into matters appropriate to
24 the determination which shall include, but are not limited to,
25 the following:

26 (1) the background, character, reputation, and

1 relationship to the accused of any surety; and

2 (2) the source of any money or property deposited by
3 any surety, and whether any such money or property
4 constitutes the fruits of criminal or unlawful conduct;
5 and

6 (3) the source of any money posted as cash bail, and
7 whether any such money constitutes the fruits of criminal
8 or unlawful conduct; and

9 (4) the background, character, reputation, and
10 relationship to the accused of the person posting cash
11 bail.

12 Upon setting the hearing, the court shall examine, under
13 oath, any persons who may possess material information.

14 The State's Attorney has a right to attend the hearing, to
15 call witnesses and to examine any witness in the proceeding.
16 The court shall, upon request of the State's Attorney,
17 continue the proceedings for a reasonable period to allow the
18 State's Attorney to investigate the matter raised in any
19 testimony or affidavit. If the hearing is granted after the
20 accused has posted bail, the court shall conduct a hearing
21 consistent with this subsection (b-5). At the conclusion of
22 the hearing, the court must issue an order either approving or
23 disapproving the bail.

24 (c) When a person is charged with an offense punishable by
25 fine only the amount of the bail shall not exceed double the
26 amount of the maximum penalty.

1 (d) When a person has been convicted of an offense and only
2 a fine has been imposed the amount of the bail shall not exceed
3 double the amount of the fine.

4 (e) The State may appeal any order granting bail or
5 setting a given amount for bail.

6 (f) When a person is charged with a violation of an order
7 of protection under Section 12-3.4 or 12-30 of the Criminal
8 Code of 1961 or the Criminal Code of 2012 or when a person is
9 charged with domestic battery, aggravated domestic battery,
10 kidnapping, aggravated kidnaping, unlawful restraint,
11 aggravated unlawful restraint, stalking, aggravated stalking,
12 cyberstalking, harassment by telephone, harassment through
13 electronic communications, or an attempt to commit first
14 degree murder committed against an intimate partner regardless
15 whether an order of protection has been issued against the
16 person,

17 (1) whether the alleged incident involved harassment
18 or abuse, as defined in the Illinois Domestic Violence Act
19 of 1986;

20 (2) whether the person has a history of domestic
21 violence, as defined in the Illinois Domestic Violence
22 Act, or a history of other criminal acts;

23 (3) based on the mental health of the person;

24 (4) whether the person has a history of violating the
25 orders of any court or governmental entity;

26 (5) whether the person has been, or is, potentially a

1 threat to any other person;

2 (6) whether the person has access to deadly weapons or
3 a history of using deadly weapons;

4 (7) whether the person has a history of abusing
5 alcohol or any controlled substance;

6 (8) based on the severity of the alleged incident that
7 is the basis of the alleged offense, including, but not
8 limited to, the duration of the current incident, and
9 whether the alleged incident involved the use of a weapon,
10 physical injury, sexual assault, strangulation, abuse
11 during the alleged victim's pregnancy, abuse of pets, or
12 forcible entry to gain access to the alleged victim;

13 (9) whether a separation of the person from the
14 alleged victim or a termination of the relationship
15 between the person and the alleged victim has recently
16 occurred or is pending;

17 (10) whether the person has exhibited obsessive or
18 controlling behaviors toward the alleged victim,
19 including, but not limited to, stalking, surveillance, or
20 isolation of the alleged victim or victim's family member
21 or members;

22 (11) whether the person has expressed suicidal or
23 homicidal ideations;

24 (12) based on any information contained in the
25 complaint and any police reports, affidavits, or other
26 documents accompanying the complaint;

1 the court may, in its discretion, order the respondent to
2 undergo a risk assessment evaluation using a recognized,
3 evidence-based instrument conducted by an Illinois Department
4 of Human Services approved partner abuse intervention program
5 provider, pretrial service, probation, or parole agency. These
6 agencies shall have access to summaries of the defendant's
7 criminal history, which shall not include victim interviews or
8 information, for the risk evaluation. Based on the information
9 collected from the 12 points to be considered at a bail hearing
10 under this subsection (f), the results of any risk evaluation
11 conducted and the other circumstances of the violation, the
12 court may order that the person, as a condition of bail, be
13 placed under electronic surveillance as provided in Section
14 5-8A-7 of the Unified Code of Corrections. Upon making a
15 determination whether or not to order the respondent to
16 undergo a risk assessment evaluation or to be placed under
17 electronic surveillance and risk assessment, the court shall
18 document in the record the court's reasons for making those
19 determinations. The cost of the electronic surveillance and
20 risk assessment shall be paid by, or on behalf, of the
21 defendant. As used in this subsection (f), "intimate partner"
22 means a spouse or a current or former partner in a cohabitation
23 or dating relationship.

24 ~~(a) In determining which conditions of pretrial release,~~
25 ~~if any, will reasonably ensure the appearance of a defendant~~
26 ~~as required or the safety of any other person or the community~~

1 ~~and the likelihood of compliance by the defendant with all the~~
2 ~~conditions of pretrial release, the court shall, on the basis~~
3 ~~of available information, take into account such matters as:~~

4 ~~(1) the nature and circumstances of the offense~~
5 ~~charged;~~

6 ~~(2) the weight of the evidence against the defendant,~~
7 ~~except that the court may consider the admissibility of~~
8 ~~any evidence sought to be excluded;~~

9 ~~(3) the history and characteristics of the defendant,~~
10 ~~including:~~

11 ~~(A) the defendant's character, physical and mental~~
12 ~~condition, family ties, employment, financial~~
13 ~~resources, length of residence in the community,~~
14 ~~community ties, past relating to drug or alcohol~~
15 ~~abuse, conduct, history criminal history, and record~~
16 ~~concerning appearance at court proceedings; and~~

17 ~~(B) whether, at the time of the current offense or~~
18 ~~arrest, the defendant was on probation, parole, or on~~
19 ~~other release pending trial, sentencing, appeal, or~~
20 ~~completion of sentence for an offense under federal~~
21 ~~law, or the law of this or any other state;~~

22 ~~(4) the nature and seriousness of the real and present~~
23 ~~threat to the safety of any person or persons or the~~
24 ~~community, based on the specific articulable facts of the~~
25 ~~case, that would be posed by the defendant's release, if~~
26 ~~applicable, as required under paragraph (7.5) of Section 4~~

1 ~~of the Rights of Crime Victims and Witnesses Act;~~

2 ~~(5) the nature and seriousness of the risk of~~
3 ~~obstructing or attempting to obstruct the criminal justice~~
4 ~~process that would be posed by the defendant's release, if~~
5 ~~applicable;~~

6 ~~(6) when a person is charged with a violation of a~~
7 ~~protective order, domestic battery, aggravated domestic~~
8 ~~battery, kidnapping, aggravated kidnaping, unlawful~~
9 ~~restraint, aggravated unlawful restraint, cyberstalking,~~
10 ~~harassment by telephone, harassment through electronic~~
11 ~~communications, or an attempt to commit first degree~~
12 ~~murder committed against a spouse or a current or former~~
13 ~~partner in a cohabitation or dating relationship,~~
14 ~~regardless of whether an order of protection has been~~
15 ~~issued against the person, the court may consider the~~
16 ~~following additional factors:~~

17 ~~(A) whether the alleged incident involved~~
18 ~~harassment or abuse, as defined in the Illinois~~
19 ~~Domestic Violence Act of 1986;~~

20 ~~(B) whether the person has a history of domestic~~
21 ~~violence, as defined in the Illinois Domestic Violence~~
22 ~~Act of 1986, or a history of other criminal acts;~~

23 ~~(C) the mental health of the person;~~

24 ~~(D) whether the person has a history of violating~~
25 ~~the orders of any court or governmental entity;~~

26 ~~(E) whether the person has been, or is,~~

1 ~~potentially a threat to any other person;~~

2 ~~(F) whether the person has access to deadly~~
3 ~~weapons or a history of using deadly weapons;~~

4 ~~(G) whether the person has a history of abusing~~
5 ~~alcohol or any controlled substance;~~

6 ~~(H) the severity of the alleged incident that is~~
7 ~~the basis of the alleged offense, including, but not~~
8 ~~limited to, the duration of the current incident, and~~
9 ~~whether the alleged incident involved the use of a~~
10 ~~weapon, physical injury, sexual assault,~~
11 ~~strangulation, abuse during the alleged victim's~~
12 ~~pregnancy, abuse of pets, or forcible entry to gain~~
13 ~~access to the alleged victim;~~

14 ~~(I) whether a separation of the person from the~~
15 ~~victim of abuse or a termination of the relationship~~
16 ~~between the person and the victim of abuse has~~
17 ~~recently occurred or is pending;~~

18 ~~(J) whether the person has exhibited obsessive or~~
19 ~~controlling behaviors toward the victim of abuse,~~
20 ~~including, but not limited to, stalking, surveillance,~~
21 ~~or isolation of the victim of abuse or the victim's~~
22 ~~family member or members;~~

23 ~~(K) whether the person has expressed suicidal or~~
24 ~~homicidal ideations; and~~

25 ~~(L) any other factors deemed by the court to have a~~
26 ~~reasonable bearing upon the defendant's propensity or~~

1 ~~reputation for violent, abusive, or assaultive~~
2 ~~behavior, or lack of that behavior.~~

3 ~~(7) in cases of stalking or aggravated stalking under~~
4 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
5 ~~court may consider the factors listed in paragraph (6) and~~
6 ~~the following additional factors:~~

7 ~~(A) any evidence of the defendant's prior criminal~~
8 ~~history indicative of violent, abusive or assaultive~~
9 ~~behavior, or lack of that behavior; the evidence may~~
10 ~~include testimony or documents received in juvenile~~
11 ~~proceedings, criminal, quasi-criminal, civil~~
12 ~~commitment, domestic relations, or other proceedings;~~

13 ~~(B) any evidence of the defendant's psychological,~~
14 ~~psychiatric, or other similar social history that~~
15 ~~tends to indicate a violent, abusive, or assaultive~~
16 ~~nature, or lack of any such history;~~

17 ~~(C) the nature of the threat that is the basis of~~
18 ~~the charge against the defendant;~~

19 ~~(D) any statements made by, or attributed to, the~~
20 ~~defendant, together with the circumstances surrounding~~
21 ~~them;~~

22 ~~(E) the age and physical condition of any person~~
23 ~~allegedly assaulted by the defendant;~~

24 ~~(F) whether the defendant is known to possess or~~
25 ~~have access to any weapon or weapons; and~~

26 ~~(G) any other factors deemed by the court to have a~~

1 ~~reasonable bearing upon the defendant's propensity or~~
2 ~~reputation for violent, abusive, or assaultive~~
3 ~~behavior, or lack of that behavior.~~

4 ~~(b) The court may use a regularly validated risk~~
5 ~~assessment tool to aid its determination of appropriate~~
6 ~~conditions of release as provided under Section 110-6.4. If a~~
7 ~~risk assessment tool is used, the defendant's counsel shall be~~
8 ~~provided with the information and scoring system of the risk~~
9 ~~assessment tool used to arrive at the determination. The~~
10 ~~defendant retains the right to challenge the validity of a~~
11 ~~risk assessment tool used by the court and to present evidence~~
12 ~~relevant to the defendant's challenge.~~

13 ~~(c) The court shall impose any conditions that are~~
14 ~~mandatory under subsection (a) of Section 110-10. The court~~
15 ~~may impose any conditions that are permissible under~~
16 ~~subsection (b) of Section 110-10. The conditions of release~~
17 ~~imposed shall be the least restrictive conditions or~~
18 ~~combination of conditions necessary to reasonably ensure the~~
19 ~~appearance of the defendant as required or the safety of any~~
20 ~~other person or persons or the community.~~

21 ~~(d) When a person is charged with a violation of a~~
22 ~~protective order, the court may order the defendant placed~~
23 ~~under electronic surveillance as a condition of pretrial~~
24 ~~release, as provided in Section 5-8A-7 of the Unified Code of~~
25 ~~Corrections, based on the information collected under~~
26 ~~paragraph (6) of subsection (a) of this Section, the results~~

1 ~~of any assessment conducted, or other circumstances of the~~
2 ~~violation.~~

3 ~~(c) If a person remains in pretrial detention 48 hours~~
4 ~~after having been ordered released with pretrial conditions,~~
5 ~~the court shall hold a hearing to determine the reason for~~
6 ~~continued detention. If the reason for continued detention is~~
7 ~~due to the unavailability or the defendant's ineligibility for~~
8 ~~one or more pretrial conditions previously ordered by the~~
9 ~~court or directed by a pretrial services agency, the court~~
10 ~~shall reopen the conditions of release hearing to determine~~
11 ~~what available pretrial conditions exist that will reasonably~~
12 ~~ensure the appearance of a defendant as required, the safety~~
13 ~~of any other person, and the likelihood of compliance by the~~
14 ~~defendant with all the conditions of pretrial release. The~~
15 ~~inability of the defendant to pay for a condition of release or~~
16 ~~any other ineligibility for a condition of pretrial release~~
17 ~~shall not be used as a justification for the pretrial~~
18 ~~detention of that defendant.~~

19 ~~(f) Prior to the defendant's first appearance, and with~~
20 ~~sufficient time for meaningful attorney-client contact to~~
21 ~~gather information in order to advocate effectively for the~~
22 ~~defendant's pretrial release, the court shall appoint the~~
23 ~~public defender or a licensed attorney at law of this State to~~
24 ~~represent the defendant for purposes of that hearing, unless~~
25 ~~the defendant has obtained licensed counsel. Defense counsel~~
26 ~~shall have access to the same documentary information relied~~

1 ~~upon by the prosecution and presented to the court.~~

2 ~~(f-5) At each subsequent appearance of the defendant~~
3 ~~before the court, the judge must find that the current~~
4 ~~conditions imposed are necessary to reasonably ensure the~~
5 ~~appearance of the defendant as required, the safety of any~~
6 ~~other person, and the compliance of the defendant with all the~~
7 ~~conditions of pretrial release. The court is not required to~~
8 ~~be presented with new information or a change in circumstance~~
9 ~~to remove pretrial conditions.~~

10 ~~(g) Electronic monitoring, GPS monitoring, or home~~
11 ~~confinement can only be imposed as a condition of pretrial~~
12 ~~release if a no less restrictive condition of release or~~
13 ~~combination of less restrictive condition of release would~~
14 ~~reasonably ensure the appearance of the defendant for later~~
15 ~~hearings or protect an identifiable person or persons from~~
16 ~~imminent threat of serious physical harm.~~

17 ~~(h) If the court imposes electronic monitoring, GPS~~
18 ~~monitoring, or home confinement, the court shall set forth in~~
19 ~~the record the basis for its finding. A defendant shall be~~
20 ~~given custodial credit for each day he or she was subjected to~~
21 ~~home confinement, at the same rate described in subsection (b)~~
22 ~~of Section 5-4.5-100 of the Unified Code of Corrections. The~~
23 ~~court may give custodial credit to a defendant for each day the~~
24 ~~defendant was subjected to GPS monitoring without home~~
25 ~~confinement or electronic monitoring without home confinement.~~

26 ~~(i) If electronic monitoring, GPS monitoring, or home~~

1 ~~confinement is imposed, the court shall determine every 60~~
2 ~~days if no less restrictive condition of release or~~
3 ~~combination of less restrictive conditions of release would~~
4 ~~reasonably ensure the appearance, or continued appearance, of~~
5 ~~the defendant for later hearings or protect an identifiable~~
6 ~~person or persons from imminent threat of serious physical~~
7 ~~harm. If the court finds that there are less restrictive~~
8 ~~conditions of release, the court shall order that the~~
9 ~~condition be removed. This subsection takes effect January 1,~~
10 ~~2022.~~

11 ~~(j) Crime Victims shall be given notice by the State's~~
12 ~~Attorney's office of this hearing as required in paragraph (1)~~
13 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~
14 ~~and Witnesses Act and shall be informed of their opportunity~~
15 ~~at this hearing to obtain a protective order.~~

16 ~~(k) The State and defendants may appeal court orders~~
17 ~~imposing conditions of pretrial release.~~

18 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
19 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.
20 1-1-23.)

21 (725 ILCS 5/110-5.2)

22 Sec. 110-5.2. Bail ~~Pretrial release~~; pregnant pre-trial
23 detainee.

24 (a) It is the policy of this State that a pre-trial
25 detainee shall not be required to deliver a child while in

1 custody absent a finding by the court that continued pre-trial
2 custody is necessary to protect the public or the victim of the
3 offense on which the charge is based ~~alleviate a real and~~
4 ~~present threat to the safety of any person or persons or the~~
5 ~~community, based on the specific articulable facts of the~~
6 ~~case, or prevent the defendant's willful flight.~~

7 (b) If the court reasonably believes that a pre-trial
8 detainee will give birth while in custody, the court shall
9 order an alternative to custody unless, after a hearing, the
10 court determines:

11 (1) that the release of the pregnant pre-trial
12 detainee would pose a real and present threat to the
13 physical safety of the alleged victim of the offense and
14 continuing custody is necessary to prevent the fulfillment
15 of the threat upon which the charge is based; or ~~the~~
16 ~~pregnant pretrial detainee is charged with an offense for~~
17 ~~which pretrial release may be denied under Section~~
18 ~~110-6.1; and~~

19 (2) that the release of the pregnant pre-trial
20 detainee would pose a real and present threat to the
21 physical safety of any person or persons or the general
22 public ~~after a hearing under Section 110-6.1 that~~
23 ~~considers the circumstances of the pregnancy, the court~~
24 ~~determines that continued detention is the only way to~~
25 ~~prevent a real and present threat to the safety of any~~
26 ~~person or persons or the community, based on the specific~~

1 ~~articulable facts of the case, or prevent the defendant's~~
2 ~~willful flight.~~

3 (c) The court may order a pregnant or post-partum detainee
4 to be subject to electronic monitoring as a condition of
5 pre-trial release or order other condition or combination of
6 conditions the court reasonably determines are in the best
7 interest of the detainee and the public. ~~Electronic Monitoring~~
8 ~~may be ordered by the court only if no less restrictive~~
9 ~~condition of release or combination of less restrictive~~
10 ~~conditions of release would reasonably ensure the appearance,~~
11 ~~or continued appearance, of the defendant for later hearings~~
12 ~~or protect an identifiable person or persons from imminent~~
13 ~~threat of serious physical harm. All pregnant people or those~~
14 ~~who have given birth within 6 weeks shall be granted ample~~
15 ~~movement to attend doctor's appointments and for emergencies~~
16 ~~related to the health of the pregnancy, infant, or postpartum~~
17 ~~person.~~

18 (d) This Section shall be applicable to a pregnant
19 pre-trial detainee in custody on or after the effective date
20 of this amendatory Act of the 100th General Assembly.

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

22 (725 ILCS 5/110-6)

23 Sec. 110-6. Modification of bail or conditions ~~Revocation~~
24 ~~of pretrial release, modification of conditions of pretrial~~
25 ~~release, and sanctions for violations of conditions of~~

1 ~~pretrial release.~~

2 (a) Upon verified application by the State or the
3 defendant or on its own motion the court before which the
4 proceeding is pending may increase or reduce the amount of
5 bail or may alter the conditions of the bail bond or grant bail
6 where it has been previously revoked or denied. If bail has
7 been previously revoked pursuant to subsection (f) of this
8 Section or if bail has been denied to the defendant pursuant to
9 subsection (e) of Section 110-6.1 or subsection (e) of Section
10 110-6.3-1, the defendant shall be required to present a
11 verified application setting forth in detail any new facts not
12 known or obtainable at the time of the previous revocation or
13 denial of bail proceedings. If the court grants bail where it
14 has been previously revoked or denied, the court shall state
15 on the record of the proceedings the findings of facts and
16 conclusion of law upon which such order is based.

17 (a-5) In addition to any other available motion or
18 procedure under this Code, a person in custody solely for a
19 Category B offense due to an inability to post monetary bail
20 shall be brought before the court at the next available court
21 date or 7 calendar days from the date bail was set, whichever
22 is earlier, for a rehearing on the amount or conditions of bail
23 or release pending further court proceedings. The court may
24 reconsider conditions of release for any other person whose
25 inability to post monetary bail is the sole reason for
26 continued incarceration, including a person in custody for a

1 Category A offense or a Category A offense and a Category B
2 offense. The court may deny the rehearing permitted under this
3 subsection (a-5) if the person has failed to appear as
4 required before the court and is incarcerated based on a
5 warrant for failure to appear on the same original criminal
6 offense.

7 (b) Violation of the conditions of Section 110-10 of this
8 Code or any special conditions of bail as ordered by the court
9 shall constitute grounds for the court to increase the amount
10 of bail, or otherwise alter the conditions of bail, or, where
11 the alleged offense committed on bail is a forcible felony in
12 Illinois or a Class 2 or greater offense under the Illinois
13 Controlled Substances Act, the Cannabis Control Act, or the
14 Methamphetamine Control and Community Protection Act, revoke
15 bail pursuant to the appropriate provisions of subsection (e)
16 of this Section.

17 (c) Reasonable notice of such application by the defendant
18 shall be given to the State.

19 (d) Reasonable notice of such application by the State
20 shall be given to the defendant, except as provided in
21 subsection (e).

22 (e) Upon verified application by the State stating facts
23 or circumstances constituting a violation or a threatened
24 violation of any of the conditions of the bail bond the court
25 may issue a warrant commanding any peace officer to bring the
26 defendant without unnecessary delay before the court for a

1 hearing on the matters set forth in the application. If the
2 actual court before which the proceeding is pending is absent
3 or otherwise unavailable another court may issue a warrant
4 pursuant to this Section. When the defendant is charged with a
5 felony offense and while free on bail is charged with a
6 subsequent felony offense and is the subject of a proceeding
7 set forth in Section 109-1 or 109-3 of this Code, upon the
8 filing of a verified petition by the State alleging a
9 violation of Section 110-10 (a) (4) of this Code, the court
10 shall without prior notice to the defendant, grant leave to
11 file such application and shall order the transfer of the
12 defendant and the application without unnecessary delay to the
13 court before which the previous felony matter is pending for a
14 hearing as provided in subsection (b) or this subsection of
15 this Section. The defendant shall be held without bond pending
16 transfer to and a hearing before such court. At the conclusion
17 of the hearing based on a violation of the conditions of
18 Section 110-10 of this Code or any special conditions of bail
19 as ordered by the court the court may enter an order increasing
20 the amount of bail or alter the conditions of bail as deemed
21 appropriate.

22 (f) Where the alleged violation consists of the violation
23 of one or more felony statutes of any jurisdiction which would
24 be a forcible felony in Illinois or a Class 2 or greater
25 offense under the Illinois Controlled Substances Act, the
26 Cannabis Control Act, or the Methamphetamine Control and

1 Community Protection Act and the defendant is on bail for the
2 alleged commission of a felony, or where the defendant is on
3 bail for a felony domestic battery (enhanced pursuant to
4 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
5 or the Criminal Code of 2012), aggravated domestic battery,
6 aggravated battery, unlawful restraint, aggravated unlawful
7 restraint or domestic battery in violation of item (1) of
8 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
9 or the Criminal Code of 2012 against a family or household
10 member as defined in Section 112A-3 of this Code and the
11 violation is an offense of domestic battery against the same
12 victim the court shall, on the motion of the State or its own
13 motion, revoke bail in accordance with the following
14 provisions:

15 (1) The court shall hold the defendant without bail
16 pending the hearing on the alleged breach; however, if the
17 defendant is not admitted to bail the hearing shall be
18 commenced within 10 days from the date the defendant is
19 taken into custody or the defendant may not be held any
20 longer without bail, unless delay is occasioned by the
21 defendant. Where defendant occasions the delay, the
22 running of the 10 day period is temporarily suspended and
23 resumes at the termination of the period of delay. Where
24 defendant occasions the delay with 5 or fewer days
25 remaining in the 10 day period, the court may grant a
26 period of up to 5 additional days to the State for good

1 cause shown. The State, however, shall retain the right to
2 proceed to hearing on the alleged violation at any time,
3 upon reasonable notice to the defendant and the court.

4 (2) At a hearing on the alleged violation the State
5 has the burden of going forward and proving the violation
6 by clear and convincing evidence. The evidence shall be
7 presented in open court with the opportunity to testify,
8 to present witnesses in his behalf, and to cross-examine
9 witnesses if any are called by the State, and
10 representation by counsel and if the defendant is indigent
11 to have counsel appointed for him. The rules of evidence
12 applicable in criminal trials in this State shall not
13 govern the admissibility of evidence at such hearing.
14 Information used by the court in its findings or stated in
15 or offered in connection with hearings for increase or
16 revocation of bail may be by way of proffer based upon
17 reliable information offered by the State or defendant.
18 All evidence shall be admissible if it is relevant and
19 reliable regardless of whether it would be admissible
20 under the rules of evidence applicable at criminal trials.
21 A motion by the defendant to suppress evidence or to
22 suppress a confession shall not be entertained at such a
23 hearing. Evidence that proof may have been obtained as a
24 result of an unlawful search and seizure or through
25 improper interrogation is not relevant to this hearing.

26 (3) Upon a finding by the court that the State has

1 established by clear and convincing evidence that the
2 defendant has committed a forcible felony or a Class 2 or
3 greater offense under the Illinois Controlled Substances
4 Act, the Cannabis Control Act, or the Methamphetamine
5 Control and Community Protection Act while admitted to
6 bail, or where the defendant is on bail for a felony
7 domestic battery (enhanced pursuant to subsection (b) of
8 Section 12-3.2 of the Criminal Code of 1961 or the
9 Criminal Code of 2012), aggravated domestic battery,
10 aggravated battery, unlawful restraint, aggravated
11 unlawful restraint or domestic battery in violation of
12 item (1) of subsection (a) of Section 12-3.2 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 against
14 a family or household member as defined in Section 112A-3
15 of this Code and the violation is an offense of domestic
16 battery, against the same victim, the court shall revoke
17 the bail of the defendant and hold the defendant for trial
18 without bail. Neither the finding of the court nor any
19 transcript or other record of the hearing shall be
20 admissible in the State's case in chief, but shall be
21 admissible for impeachment, or as provided in Section
22 115-10.1 of this Code or in a perjury proceeding.

23 (4) If the bail of any defendant is revoked pursuant
24 to paragraph (f) (3) of this Section, the defendant may
25 demand and shall be entitled to be brought to trial on the
26 offense with respect to which he was formerly released on

1 bail within 90 days after the date on which his bail was
2 revoked. If the defendant is not brought to trial within
3 the 90 day period required by the preceding sentence, he
4 shall not be held longer without bail. In computing the 90
5 day period, the court shall omit any period of delay
6 resulting from a continuance granted at the request of the
7 defendant.

8 (5) If the defendant either is arrested on a warrant
9 issued pursuant to this Code or is arrested for an
10 unrelated offense and it is subsequently discovered that
11 the defendant is a subject of another warrant or warrants
12 issued pursuant to this Code, the defendant shall be
13 transferred promptly to the court which issued such
14 warrant. If, however, the defendant appears initially
15 before a court other than the court which issued such
16 warrant, the non-issuing court shall not alter the amount
17 of bail set on such warrant unless the court sets forth on
18 the record of proceedings the conclusions of law and facts
19 which are the basis for such altering of another court's
20 bond. The non-issuing court shall not alter another
21 court's bail set on a warrant unless the interests of
22 justice and public safety are served by such action.

23 (g) The State may appeal any order where the court has
24 increased or reduced the amount of bail or altered the
25 conditions of the bail bond or granted bail where it has
26 previously been revoked.

1 ~~(a) When a defendant has previously been granted pretrial~~
2 ~~release under this Section for a felony or Class A~~
3 ~~misdemeanor, that pretrial release may be revoked only if the~~
4 ~~defendant is charged with a felony or Class A misdemeanor that~~
5 ~~is alleged to have occurred during the defendant's pretrial~~
6 ~~release after a hearing on the court's own motion or upon the~~
7 ~~filing of a verified petition by the State.~~

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

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

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

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

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

25 ~~In lieu of revocation, the court may release the defendant~~
26 ~~pre trial, with or without modification of conditions of~~

1 ~~pretrial release.~~

2 ~~If the case that caused the revocation is dismissed, the~~
3 ~~defendant is found not guilty in the case causing the~~
4 ~~revocation, or the defendant completes a lawfully imposed~~
5 ~~sentence on the case causing the revocation, the court shall,~~
6 ~~without unnecessary delay, hold a hearing on conditions of~~
7 ~~pretrial release pursuant to Section 110-5 and release the~~
8 ~~defendant with or without modification of conditions of~~
9 ~~pretrial release.~~

10 ~~Both the State and the defendant may appeal an order~~
11 ~~revoking pretrial release or denying a petition for revocation~~
12 ~~of release.~~

13 ~~(b) If a defendant previously has been granted pretrial~~
14 ~~release under this Section for a Class B or Class C misdemeanor~~
15 ~~offense, a petty or business offense, or an ordinance~~
16 ~~violation and if the defendant is subsequently charged with a~~
17 ~~felony that is alleged to have occurred during the defendant's~~
18 ~~pretrial release or a Class A misdemeanor offense that is~~
19 ~~alleged to have occurred during the defendant's pretrial~~
20 ~~release, such pretrial release may not be revoked, but the~~
21 ~~court may impose sanctions under subsection (c).~~

22 ~~(c) The court shall follow the procedures set forth in~~
23 ~~Section 110-3 to ensure the defendant's appearance in court if~~
24 ~~the defendant:~~

25 ~~(1) fails to appear in court as required by the~~
26 ~~defendant's conditions of release;~~

1 ~~(2) is charged with a felony or Class A misdemeanor~~
2 ~~offense that is alleged to have occurred during the~~
3 ~~defendant's pretrial release after having been previously~~
4 ~~granted pretrial release for a Class B or Class C~~
5 ~~misdemeanor, a petty or business offense, or an ordinance~~
6 ~~violation that is alleged to have occurred during the~~
7 ~~defendant's pretrial release;~~

8 ~~(3) is charged with a Class B or C misdemeanor~~
9 ~~offense, petty or business offense, or ordinance violation~~
10 ~~that is alleged to have occurred during the defendant's~~
11 ~~pretrial release; or~~

12 ~~(4) violates any other condition of pretrial release~~
13 ~~set by the court.~~

14 ~~In response to a violation described in this subsection,~~
15 ~~the court may issue a warrant specifying that the defendant~~
16 ~~must appear before the court for a hearing for sanctions and~~
17 ~~may not be released by law enforcement before that appearance.~~

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

24 ~~(e) During the hearing for sanctions, the defendant shall~~
25 ~~be represented by counsel and have an opportunity to be heard~~
26 ~~regarding the violation and evidence in mitigation. The State~~

1 ~~shall bear the burden of proving by clear and convincing~~
2 ~~evidence that:~~

3 ~~(1) the defendant committed an act that violated a~~
4 ~~term of the defendant's pretrial release;~~

5 ~~(2) the defendant had actual knowledge that the~~
6 ~~defendant's action would violate a court order;~~

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

8 ~~(4) the violation was not caused by a lack of access to~~
9 ~~financial monetary resources.~~

10 ~~(f) Sanctions for violations of pretrial release may~~
11 ~~include:~~

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

13 ~~(2) imprisonment in the county jail for a period not~~
14 ~~exceeding 30 days;~~

15 ~~(3) (Blank); or~~

16 ~~(4) a modification of the defendant's pretrial~~
17 ~~conditions.~~

18 ~~(g) The court may, at any time, after motion by either~~
19 ~~party or on its own motion, remove previously set conditions~~
20 ~~of pretrial release, subject to the provisions in this~~
21 ~~subsection. The court may only add or increase conditions of~~
22 ~~pretrial release at a hearing under this Section.~~

23 ~~The court shall not remove a previously set condition of~~
24 ~~pretrial release regulating contact with a victim or witness~~
25 ~~in the case, unless the subject of the condition has been given~~
26 ~~notice of the hearing as required in paragraph (1) of~~

1 ~~subsection (b) of Section 4.5 of the Rights of Crime Victims~~
2 ~~and Witnesses Act. If the subject of the condition of release~~
3 ~~is not present, the court shall follow the procedures of~~
4 ~~paragraph (10) of subsection (c-1) of the Rights of Crime~~
5 ~~Victims and Witnesses Act.~~

6 ~~(h) Crime victims shall be given notice by the State's~~
7 ~~Attorney's office of all hearings under this Section as~~
8 ~~required in paragraph (1) of subsection (b) of Section 4.5 of~~
9 ~~the Rights of Crime Victims and Witnesses Act and shall be~~
10 ~~informed of their opportunity at these hearings to obtain a~~
11 ~~protective order.~~

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

16 ~~(j) At each subsequent appearance of the defendant before~~
17 ~~the court, the judge must find that continued detention under~~
18 ~~this Section is necessary to reasonably ensure the appearance~~
19 ~~of the defendant for later hearings or to prevent the~~
20 ~~defendant from being charged with a subsequent felony or Class~~
21 ~~A misdemeanor.~~

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

23 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

24 Sec. 110-6.1. Denial of bail in non-probationable felony
25 offenses pretrial release.

1 (a) Upon verified petition by the State, the court shall
2 hold a hearing to determine whether bail should be denied to a
3 defendant who is charged with a felony offense for which a
4 sentence of imprisonment, without probation, periodic
5 imprisonment or conditional discharge, is required by law upon
6 conviction, when it is alleged that the defendant's admission
7 to bail poses a real and present threat to the physical safety
8 of any person or persons.

9 (1) A petition may be filed without prior notice to
10 the defendant at the first appearance before a judge, or
11 within the 21 calendar days, except as provided in Section
12 110-6, after arrest and release of the defendant upon
13 reasonable notice to defendant; provided that while such
14 petition is pending before the court, the defendant if
15 previously released shall not be detained.

16 (2) The hearing shall be held immediately upon the
17 defendant's appearance before the court, unless for good
18 cause shown the defendant or the State seeks a
19 continuance. A continuance on motion of the defendant may
20 not exceed 5 calendar days, and a continuance on the
21 motion of the State may not exceed 3 calendar days. The
22 defendant may be held in custody during such continuance.

23 (b) The court may deny bail to the defendant where, after
24 the hearing, it is determined that:

25 (1) the proof is evident or the presumption great that
26 the defendant has committed an offense for which a

1 sentence of imprisonment, without probation, periodic
2 imprisonment or conditional discharge, must be imposed by
3 law as a consequence of conviction, and

4 (2) the defendant poses a real and present threat to
5 the physical safety of any person or persons, by conduct
6 which may include, but is not limited to, a forcible
7 felony, the obstruction of justice, intimidation, injury,
8 physical harm, an offense under the Illinois Controlled
9 Substances Act which is a Class X felony, or an offense
10 under the Methamphetamine Control and Community Protection
11 Act which is a Class X felony, and

12 (3) the court finds that no condition or combination
13 of conditions set forth in subsection (b) of Section
14 110-10 of this Article, can reasonably assure the physical
15 safety of any other person or persons.

16 (c) Conduct of the hearings.

17 (1) The hearing on the defendant's culpability and
18 dangerousness shall be conducted in accordance with the
19 following provisions:

20 (A) Information used by the court in its findings or
21 stated in or offered at such hearing may be by way of
22 proffer based upon reliable information offered by the
23 State or by defendant. Defendant has the right to be
24 represented by counsel, and if he is indigent, to have
25 counsel appointed for him. Defendant shall have the
26 opportunity to testify, to present witnesses in his

1 own behalf, and to cross-examine witnesses if any are
2 called by the State. The defendant has the right to
3 present witnesses in his favor. When the ends of
4 justice so require, the court may exercise its
5 discretion and compel the appearance of a complaining
6 witness. The court shall state on the record reasons
7 for granting a defense request to compel the presence
8 of a complaining witness. Cross-examination of a
9 complaining witness at the pretrial detention hearing
10 for the purpose of impeaching the witness' credibility
11 is insufficient reason to compel the presence of the
12 witness. In deciding whether to compel the appearance
13 of a complaining witness, the court shall be
14 considerate of the emotional and physical well-being
15 of the witness. The pre-trial detention hearing is not
16 to be used for purposes of discovery, and the post
17 arraignment rules of discovery do not apply. The State
18 shall tender to the defendant, prior to the hearing,
19 copies of defendant's criminal history, if any, if
20 available, and any written or recorded statements and
21 the substance of any oral statements made by any
22 person, if relied upon by the State in its petition.
23 The rules concerning the admissibility of evidence in
24 criminal trials do not apply to the presentation and
25 consideration of information at the hearing. At the
26 trial concerning the offense for which the hearing was

1 conducted 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 (B) A motion by the defendant to suppress evidence or
7 to suppress a confession shall not be entertained.
8 Evidence that proof may have been obtained as the
9 result of an unlawful search and seizure or through
10 improper interrogation is not relevant to this state
11 of the prosecution.

12 (2) The facts relied upon by the court to support a
13 finding that the defendant poses a real and present threat
14 to the physical safety of any person or persons shall be
15 supported by clear and convincing evidence presented by
16 the State.

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

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

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 such behavior. Such 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 which
9 tends to indicate a violent, abusive, or assaultive
10 nature, or lack of any such history.

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

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

17 (5) The age and physical condition of any person
18 assaulted by the defendant;

19 (6) Whether the defendant is known to possess or have
20 access to any weapon or weapons;

21 (7) Whether, at the time of the current offense or any
22 other offense or arrest, the defendant was on probation,
23 parole, aftercare release, mandatory supervised release or
24 other release from custody pending trial, sentencing,
25 appeal or completion of sentence for an offense under
26 federal or state law;

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

6 (e) Detention order. The court shall, in any order for
7 detention:

8 (1) briefly summarize the evidence of the defendant's
9 culpability and its reasons for concluding that the
10 defendant should be held without bail;

11 (2) direct that the defendant be committed to the
12 custody of the sheriff for confinement in the county jail
13 pending trial;

14 (3) direct that the defendant be given a reasonable
15 opportunity for private consultation with counsel, and for
16 communication with others of his choice by visitation,
17 mail and telephone; and

18 (4) direct that the sheriff deliver the defendant as
19 required for appearances in connection with court
20 proceedings.

21 (f) If the court enters an order for the detention of the
22 defendant pursuant to subsection (e) of this Section, the
23 defendant shall be brought to trial on the offense for which he
24 is detained within 90 days after the date on which the order
25 for detention was entered. If the defendant is not brought to
26 trial within the 90 day period required by the preceding

1 sentence, he shall not be held longer without bail. In
2 computing the 90 day period, the court shall omit any period of
3 delay resulting from a continuance granted at the request of
4 the defendant.

5 (g) Rights of the defendant. Any person shall be entitled
6 to appeal any order entered under this Section denying bail to
7 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 ~~(a) Upon verified petition by the State, the court shall~~
14 ~~hold a hearing and may deny a defendant pretrial release only~~
15 ~~if:~~

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

25 ~~(1.5) the defendant's pretrial release poses a real~~
26 ~~and present threat to the safety of any person or persons~~

1 ~~or the community, based on the specific articulable facts~~
2 ~~of the case, and the defendant is charged with a forcible~~
3 ~~felony, which as used in this Section, means treason,~~
4 ~~first degree murder, second degree murder, predatory~~
5 ~~criminal sexual assault of a child, aggravated criminal~~
6 ~~sexual assault, criminal sexual assault, armed robbery,~~
7 ~~aggravated robbery, robbery, burglary where there is use~~
8 ~~of force against another person, residential burglary,~~
9 ~~home invasion, vehicular invasion, aggravated arson,~~
10 ~~arson, aggravated kidnaping, kidnaping, aggravated battery~~
11 ~~resulting in great bodily harm or permanent disability or~~
12 ~~disfigurement or any other felony which involves the~~
13 ~~threat of or infliction of great bodily harm or permanent~~
14 ~~disability or disfigurement;~~

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

21 ~~(3) the defendant is charged with a violation of an~~
22 ~~order of protection issued under Section 112A-14 of this~~
23 ~~Code or Section 214 of the Illinois Domestic Violence Act~~
24 ~~of 1986, a stalking no contact order under Section 80 of~~
25 ~~the Stalking No Contact Order Act, or of a civil no contact~~
26 ~~order under Section 213 of the Civil No Contact Order Act,~~

1 ~~and it is alleged that the defendant's pretrial release~~
2 ~~poses a real and present threat to the safety of any person~~
3 ~~or persons or the community, based on the specific~~
4 ~~articulable facts of the case;~~

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

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

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

1 ~~(A) Section 24-1.2 (aggravated discharge of a~~
2 ~~firearm);~~

3 ~~(B) Section 24-2.5 (aggravated discharge of a~~
4 ~~machine gun or a firearm equipped with a device~~
5 ~~designed or use for silencing the report of a~~
6 ~~firearm);~~

7 ~~(C) Section 24-1.5 (reckless discharge of a~~
8 ~~firearm);~~

9 ~~(D) Section 24-1.7 (unlawful possession of a~~
10 ~~firearm by a repeat felony offender);~~

11 ~~(E) Section 24-2.2 (manufacture, sale or transfer~~
12 ~~of bullets or shells represented to be armor piercing~~
13 ~~bullets, dragon's breath shotgun shells, bolo shells,~~
14 ~~or flechette shells);~~

15 ~~(F) Section 24-3 (unlawful sale or delivery of~~
16 ~~firearms);~~

17 ~~(G) Section 24-3.3 (unlawful sale or delivery of~~
18 ~~firearms on the premises of any school);~~

19 ~~(H) Section 24-34 (unlawful sale of firearms by~~
20 ~~liquor license);~~

21 ~~(I) Section 24-3.5 (unlawful purchase of a~~
22 ~~firearm);~~

23 ~~(J) Section 24-3A (gunrunning);~~

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

25 ~~(L) Section 10-9 (b) (involuntary servitude);~~

26 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~

1 ~~of a minor);~~

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

3 ~~(O) Non-probationable violations: (i) unlawful~~
4 ~~possession of weapons by felons or persons in the~~
5 ~~Custody of the Department of Corrections facilities~~
6 ~~(Section 24-1.1), (ii) aggravated unlawful possession~~
7 ~~of a weapon (Section 24-1.6), or (iii) aggravated~~
8 ~~possession of a stolen firearm (Section 24-3.9);~~

9 ~~(P) Section 9-3 (reckless homicide and involuntary~~
10 ~~manslaughter);~~

11 ~~(Q) Section 19-3 (residential burglary);~~

12 ~~(R) Section 10-5 (child abduction);~~

13 ~~(S) Felony violations of Section 12C-5 (child~~
14 ~~endangerment);~~

15 ~~(T) Section 12-7.1 (hate crime);~~

16 ~~(U) Section 10-3.1 (aggravated unlawful~~
17 ~~restraint);~~

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

19 ~~(W) Subdivision (f)(1) of Section 12-3.05~~
20 ~~(aggravated battery with a deadly weapon other than by~~
21 ~~discharge of a firearm);~~

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

1 ~~(A) Felony violations of Sections 3.01, 3.02, or~~
2 ~~3.03 of the Humane Care for Animals Act (cruel~~
3 ~~treatment, aggravated cruelty, and animal torture);~~

4 ~~(B) Subdivision (d) (1) (B) of Section 11-501 of the~~
5 ~~Illinois Vehicle Code (aggravated driving under the~~
6 ~~influence while operating a school bus with~~
7 ~~passengers);~~

8 ~~(C) Subdivision (d) (1) (C) of Section 11-501 of the~~
9 ~~Illinois Vehicle Code (aggravated driving under the~~
10 ~~influence causing great bodily harm);~~

11 ~~(D) Subdivision (d) (1) (D) of Section 11-501 of the~~
12 ~~Illinois Vehicle Code (aggravated driving under the~~
13 ~~influence after a previous reckless homicide~~
14 ~~conviction);~~

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

18 ~~(F) Subdivision (d) (1) (J) of Section 11-501 of the~~
19 ~~Illinois Vehicle Code (aggravated driving under the~~
20 ~~influence that resulted in bodily harm to a child~~
21 ~~under the age of 16);~~

22 ~~(7) the defendant is charged with an attempt to commit~~
23 ~~any charge listed in paragraphs (1) through (6.5), and it~~
24 ~~is alleged that the defendant's pretrial release poses a~~
25 ~~real and present threat to the safety of any person or~~
26 ~~persons or the community, based on the specific~~

1 ~~articulable facts of the case; or~~

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

4 ~~(A) Any felony described in subdivisions (a) (1)~~
5 ~~through (a) (7) of this Section; or~~

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

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

16 ~~(c) Timing of petition.~~

17 ~~(1) A petition may be filed without prior notice to~~
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) Upon filing, the court shall immediately hold a~~
25 ~~hearing on the petition unless a continuance is requested.~~
26 ~~If a continuance is requested and granted, the hearing~~

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

10 ~~(d) Contents of petition.~~

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

17 ~~(2) If the State seeks to file a second or subsequent~~
18 ~~petition under this Section, the State shall be required~~
19 ~~to present a verified application setting forth in detail~~
20 ~~any new facts not known or obtainable at the time of the~~
21 ~~filing of the previous petition.~~

22 ~~(e) Eligibility: All defendants shall be presumed eligible~~
23 ~~for pretrial release, and the State shall bear the burden of~~
24 ~~proving by clear and convincing evidence that:~~

25 ~~(1) the proof is evident or the presumption great that~~
26 ~~the defendant has committed an offense listed in~~

1 ~~subsection (a), and~~

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

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

19 ~~(4) for offenses under subsection (b) of Section 407~~
20 ~~of the Illinois Controlled Substances Act that are subject~~
21 ~~to paragraph (1) of subsection (a), no condition or~~
22 ~~combination of conditions set forth in subsection (b) of~~
23 ~~Section 110-10 of this Article can mitigate the real and~~
24 ~~present threat to the safety of any person or persons or~~
25 ~~the community, based on the specific articulable facts of~~
26 ~~the case, and the defendant poses a serious risk to not~~

1 ~~appear in court as required.~~

2 ~~(f) Conduct of the hearings.~~

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

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

12 ~~(3) The defendant has the right to be represented by~~
13 ~~counsel, and if he or she is indigent, to have counsel~~
14 ~~appointed for him or her. The defendant shall have the~~
15 ~~opportunity to testify, to present witnesses on his or her~~
16 ~~own behalf, and to cross examine any witnesses that are~~
17 ~~called by the State. Defense counsel shall be given~~
18 ~~adequate opportunity to confer with the defendant before~~
19 ~~any hearing at which conditions of release or the~~
20 ~~detention of the defendant are to be considered, with an~~
21 ~~accommodation for a physical condition made to facilitate~~
22 ~~attorney/client consultation. If defense counsel needs to~~
23 ~~confer or consult with the defendant during any hearing~~
24 ~~conducted via a two-way audio-visual communication system,~~
25 ~~such consultation shall not be recorded and shall be~~
26 ~~undertaken consistent with constitutional protections.~~

1 ~~(3.5) A hearing at which pretrial release may be~~
2 ~~denied must be conducted in person (and not by way of~~
3 ~~two-way audio visual communication) unless the accused~~
4 ~~waives the right to be present physically in court, the~~
5 ~~court determines that the physical health and safety of~~
6 ~~any person necessary to the proceedings would be~~
7 ~~endangered by appearing in court, or the chief judge of~~
8 ~~the circuit orders use of that system due to operational~~
9 ~~challenges in conducting the hearing in person. Such~~
10 ~~operational challenges must be documented and approved by~~
11 ~~the chief judge of the circuit, and a plan to address the~~
12 ~~challenges through reasonable efforts must be presented~~
13 ~~and approved by the Administrative Office of the Illinois~~
14 ~~Courts every 6 months.~~

15 ~~(4) If the defense seeks to compel the complaining~~
16 ~~witness to testify as a witness in its favor, it shall~~
17 ~~petition the court for permission. When the ends of~~
18 ~~justice so require, the court may exercise its discretion~~
19 ~~and compel the appearance of a complaining witness. The~~
20 ~~court shall state on the record reasons for granting a~~
21 ~~defense request to compel the presence of a complaining~~
22 ~~witness only on the issue of the defendant's pretrial~~
23 ~~detention. In making a determination under this Section,~~
24 ~~the court shall state on the record the reason for~~
25 ~~granting a defense request to compel the presence of a~~
26 ~~complaining witness, and only grant the request if the~~

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

18 ~~(5) The rules concerning the admissibility of evidence~~
19 ~~in criminal trials do not apply to the presentation and~~
20 ~~consideration of information at the hearing. At the trial~~
21 ~~concerning the offense for which the hearing was conducted~~
22 ~~neither the finding of the court nor any transcript or~~
23 ~~other record of the hearing shall be admissible in the~~
24 ~~State's case-in-chief, but shall be admissible for~~
25 ~~impeachment, or as provided in Section 115-10.1 of this~~
26 ~~Code, or in a perjury proceeding.~~

1 ~~(6) The defendant may not move to suppress evidence or~~
2 ~~a confession, however, evidence that proof of the charged~~
3 ~~crime may have been the result of an unlawful search or~~
4 ~~seizure, or both, or through improper interrogation, is~~
5 ~~relevant in assessing the weight of the evidence against~~
6 ~~the defendant.~~

7 ~~(7) Decisions regarding release, conditions of~~
8 ~~release, and detention prior to trial must be~~
9 ~~individualized, and no single factor or standard may be~~
10 ~~used exclusively to order detention. Risk assessment tools~~
11 ~~may not be used as the sole basis to deny pretrial release.~~

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

18 ~~(1) The nature and circumstances of any offense~~
19 ~~charged, including whether the offense is a crime of~~
20 ~~violence, involving a weapon, or a sex offense.~~

21 ~~(2) The history and characteristics of the defendant~~
22 ~~including:~~

23 ~~(A) Any evidence of the defendant's prior criminal~~
24 ~~history indicative of violent, abusive or assaultive~~
25 ~~behavior, or lack of such behavior. Such evidence may~~
26 ~~include testimony or documents received in juvenile~~

1 ~~proceedings, criminal, quasi-criminal, civil~~
2 ~~commitment, domestic relations, or other proceedings.~~

3 ~~(B) Any evidence of the defendant's psychological,~~
4 ~~psychiatric or other similar social history which~~
5 ~~tends to indicate a violent, abusive, or assaultive~~
6 ~~nature, or lack of any such history.~~

7 ~~(3) The identity of any person or persons to whose~~
8 ~~safety the defendant is believed to pose a threat, and the~~
9 ~~nature of the threat.~~

10 ~~(4) Any statements made by, or attributed to the~~
11 ~~defendant, together with the circumstances surrounding~~
12 ~~them.~~

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

14 ~~(6) The age and physical condition of any victim or~~
15 ~~complaining witness.~~

16 ~~(7) Whether the defendant is known to possess or have~~
17 ~~access to any weapon or weapons.~~

18 ~~(8) Whether, at the time of the current offense or any~~
19 ~~other offense or arrest, the defendant was on probation,~~
20 ~~parole, aftercare release, mandatory supervised release or~~
21 ~~other release from custody pending trial, sentencing,~~
22 ~~appeal or completion of sentence for an offense under~~
23 ~~federal or state law.~~

24 ~~(9) Any other factors, including those listed in~~
25 ~~Section 110-5 of this Article deemed by the court to have a~~
26 ~~reasonable bearing upon the defendant's propensity or~~

1 ~~reputation for violent, abusive, or assaultive behavior,~~
2 ~~or lack of such behavior.~~

3 ~~(h) Detention order. The court shall, in any order for~~
4 ~~detention:~~

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

12 ~~(2) direct that the defendant be committed to the~~
13 ~~custody of the sheriff for confinement in the county jail~~
14 ~~pending trial;~~

15 ~~(3) direct that the defendant be given a reasonable~~
16 ~~opportunity for private consultation with counsel, and for~~
17 ~~communication with others of his or her choice by~~
18 ~~visitation, mail and telephone; and~~

19 ~~(4) direct that the sheriff deliver the defendant as~~
20 ~~required for appearances in connection with court~~
21 ~~proceedings.~~

22 ~~(i) Detention. If the court enters an order for the~~
23 ~~detention of the defendant pursuant to subsection (c) of this~~
24 ~~Section, the defendant shall be brought to trial on the~~
25 ~~offense for which he is detained within 90 days after the date~~
26 ~~on which the order for detention was entered. If the defendant~~

1 ~~is not brought to trial within the 90-day period required by~~
2 ~~the preceding sentence, he shall not be denied pretrial~~
3 ~~release. In computing the 90-day period, the court shall omit~~
4 ~~any period of delay resulting from a continuance granted at~~
5 ~~the request of the defendant and any period of delay resulting~~
6 ~~from a continuance granted at the request of the State with~~
7 ~~good cause shown pursuant to Section 103-5.~~

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

14 ~~(j) Rights of the defendant. The defendant shall be~~
15 ~~entitled to appeal any order entered under this Section~~
16 ~~denying his or her pretrial release.~~

17 ~~(k) Appeal. The State may appeal any order entered under~~
18 ~~this Section denying any motion for denial of pretrial~~
19 ~~release.~~

20 ~~(l) Presumption of innocence. Nothing in this Section~~
21 ~~shall be construed as modifying or limiting in any way the~~
22 ~~defendant's presumption of innocence in further criminal~~
23 ~~proceedings.~~

24 ~~(m) Interest of victims.~~

25 ~~(1) Crime victims shall be given notice by the State's~~
26 ~~Attorney's office of this hearing as required in paragraph~~

1 ~~(1) of subsection (b) of Section 4.5 of the Rights of Crime~~
2 ~~Victims and Witnesses Act and shall be informed of their~~
3 ~~opportunity at this hearing to obtain a protective order.~~

4 ~~(2) If the defendant is denied pretrial release, the~~
5 ~~court may impose a no contact provision with the victim or~~
6 ~~other interested party that shall be enforced while the~~
7 ~~defendant remains in custody.~~

8 (Source: P.A. 102-1104, eff. 1-1-23; 103-822, eff. 1-1-25;
9 revised 10-23-24.)

10 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

11 Sec. 110-6.2. Post-conviction detention.

12 (a) The court may order that a person who has been found
13 guilty of an offense and who is waiting imposition or
14 execution of sentence be held without bond ~~release~~ unless the
15 court finds by clear and convincing evidence that the person
16 is not likely to flee or pose a danger to any other person or
17 the community if released under Sections 110-5 and 110-10 of
18 this Act.

19 (b) The court may order that person who has been found
20 guilty of an offense and sentenced to a term of imprisonment be
21 held without bond ~~release~~ unless the court finds by clear and
22 convincing evidence that:

23 (1) the person is not likely to flee or pose a danger
24 to the safety of any other person or the community if
25 released on bond pending appeal; and

1 (2) that the appeal is not for purpose of delay and
2 raises a substantial question of law or fact likely to
3 result in reversal or an order for a new trial.

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

5 (725 ILCS 5/110-6.4)

6 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
7 Court may establish a statewide risk-assessment tool to be
8 used in proceedings to assist the court in establishing bail
9 ~~conditions of pretrial release~~ for a defendant by assessing
10 the defendant's likelihood of appearing at future court
11 proceedings or determining if the defendant poses a real and
12 present threat to the physical safety of any person or
13 persons. The Supreme Court shall consider establishing a
14 risk-assessment tool that does not discriminate on the basis
15 of race, gender, educational level, socio-economic status, or
16 neighborhood. If a risk-assessment tool is utilized within a
17 circuit that does not require a personal interview to be
18 completed, the Chief Judge of the circuit or the director of
19 the pretrial services agency may exempt the requirement under
20 Section 9 and subsection (a) of Section 7 of the Pretrial
21 Services Act.

22 For the purpose of this Section, "risk-assessment tool"
23 means an empirically validated, evidence-based screening
24 instrument that demonstrates reduced instances of a
25 defendant's failure to appear for further court proceedings or

1 prevents future criminal activity.

2 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18;
3 101-652, eff. 1-1-23.)

4 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

5 Sec. 110-10. Conditions of bail bond ~~pretrial release~~.

6 (a) If a person is released prior to conviction, either
7 upon payment of bail security or on his or her own
8 recognizance, the conditions of the bail bond ~~pretrial release~~
9 shall be that he or she will:

10 (1) Appear to answer the charge in the court having
11 jurisdiction on a day certain and thereafter as ordered by
12 the court until discharged or final order of the court;

13 (2) Submit himself or herself to the orders and
14 process of the court;

15 (3) (Blank);

16 (3.1) Not depart this State without leave of the
17 court;

18 (4) Not violate any criminal statute of any
19 jurisdiction;

20 (5) At a time and place designated by the court,
21 surrender all firearms in his or her possession to a law
22 enforcement officer designated by the court to take
23 custody of and impound the firearms and physically
24 surrender his or her Firearm Owner's Identification Card
25 to the clerk of the circuit court when the offense the

1 person has been charged with is a forcible felony,
2 stalking, aggravated stalking, domestic battery, any
3 violation of the Illinois Controlled Substances Act, the
4 Methamphetamine Control and Community Protection Act, or
5 the Cannabis Control Act that is classified as a Class 2 or
6 greater felony, or any felony violation of Article 24 of
7 the Criminal Code of 1961 or the Criminal Code of 2012; the
8 court may, however, forgo the imposition of this condition
9 when the circumstances of the case clearly do not warrant
10 it or when its imposition would be impractical; if the
11 Firearm Owner's Identification Card is confiscated, the
12 clerk of the circuit court shall mail the confiscated card
13 to the Illinois State Police; all legally possessed
14 firearms shall be returned to the person upon the charges
15 being dismissed, or if the person is found not guilty,
16 unless the finding of not guilty is by reason of insanity;
17 and

18 (6) At a time and place designated by the court,
19 submit to a psychological evaluation when the person has
20 been charged with a violation of item (4) of subsection
21 (a) of Section 24-1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 and that violation occurred in a
23 school or in any conveyance owned, leased, or contracted
24 by a school to transport students to or from school or a
25 school-related activity, or on any public way within 1,000
26 feet of real property comprising any school.

1 Psychological evaluations ordered pursuant to this Section
2 shall be completed promptly and made available to the State,
3 the defendant, and the court. As a further condition of bail
4 ~~pretrial release~~ under these circumstances, the court shall
5 order the defendant to refrain from entering upon the property
6 of the school, including any conveyance owned, leased, or
7 contracted by a school to transport students to or from school
8 or a school-related activity, or on any public way within
9 1,000 feet of real property comprising any school. Upon
10 receipt of the psychological evaluation, either the State or
11 the defendant may request a change in the conditions of bail
12 ~~pretrial release~~, pursuant to Section 110-6 of this Code. The
13 court may change the conditions of bail ~~pretrial release~~ to
14 include a requirement that the defendant follow the
15 recommendations of the psychological evaluation, including
16 undergoing psychiatric treatment. The conclusions of the
17 psychological evaluation and any statements elicited from the
18 defendant during its administration are not admissible as
19 evidence of guilt during the course of any trial on the charged
20 offense, unless the defendant places his or her mental
21 competency in issue.

22 (b) The court may impose other conditions, such as the
23 following, if the court finds that such conditions are
24 reasonably necessary to assure the defendant's appearance in
25 court, protect the public from the defendant, or prevent the
26 defendant's unlawful interference with the orderly

1 administration of justice:

2 (1) Report to or appear in person before such person
3 or agency as the court may direct;

4 (2) Refrain from possessing a firearm or other
5 dangerous weapon;

6 (3) Refrain from approaching or communicating with
7 particular persons or classes of persons;

8 (4) Refrain from going to certain described
9 geographical areas or premises;

10 (5) Refrain from engaging in certain activities or
11 indulging in intoxicating liquors or in certain drugs;

12 (6) Undergo treatment for drug addiction or
13 alcoholism;

14 (7) Undergo medical or psychiatric treatment;

15 (8) Work or pursue a course of study or vocational
16 training;

17 (9) Attend or reside in a facility designated by the
18 court;

19 (10) Support his or her dependents;

20 (11) If a minor resides with his or her parents or in a
21 foster home, attend school, attend a non-residential
22 program for youths, and contribute to his or her own
23 support at home or in a foster home;

24 (12) Observe any curfew ordered by the court;

25 (13) Remain in the custody of such designated person
26 or organization agreeing to supervise his release. Such

1 third party custodian shall be responsible for notifying
2 the court if the defendant fails to observe the conditions
3 of release which the custodian has agreed to monitor, and
4 shall be subject to contempt of court for failure so to
5 notify the court;

6 (14) Be placed under direct supervision of the
7 Pretrial Services Agency, Probation Department or Court
8 Services Department in a pretrial bond home supervision
9 capacity with or without the use of an approved electronic
10 monitoring device subject to Article 8A of Chapter V of
11 the Unified Code of Corrections;

12 (14.1) The court shall impose upon a defendant who is
13 charged with any alcohol, cannabis, methamphetamine, or
14 controlled substance violation and is placed under direct
15 supervision of the Pretrial Services Agency, Probation
16 Department or Court Services Department in a pretrial bond
17 home supervision capacity with the use of an approved
18 monitoring device, as a condition of such bail bond, a fee
19 that represents costs incidental to the electronic
20 monitoring for each day of such bail supervision ordered
21 by the court, unless after determining the inability of
22 the defendant to pay the fee, the court assesses a lesser
23 fee or no fee as the case may be. The fee shall be
24 collected by the clerk of the circuit court, except as
25 provided in an administrative order of the Chief Judge of
26 the circuit court. The clerk of the circuit court shall

1 pay all monies collected from this fee to the county
2 treasurer for deposit in the substance abuse services fund
3 under Section 5-1086.1 of the Counties Code, except as
4 provided in an administrative order of the Chief Judge of
5 the circuit court.

6 The Chief Judge of the circuit court of the county may
7 by administrative order establish a program for electronic
8 monitoring of offenders with regard to drug-related and
9 alcohol-related offenses, in which a vendor supplies and
10 monitors the operation of the electronic monitoring
11 device, and collects the fees on behalf of the county. The
12 program shall include provisions for indigent offenders
13 and the collection of unpaid fees. The program shall not
14 unduly burden the offender and shall be subject to review
15 by the Chief Judge.

16 The Chief Judge of the circuit court may suspend any
17 additional charges or fees for late payment, interest, or
18 damage to any device;

19 (14.2) The court shall impose upon all defendants,
20 including those defendants subject to paragraph (14.1)
21 above, placed under direct supervision of the Pretrial
22 Services Agency, Probation Department or Court Services
23 Department in a pretrial bond home supervision capacity
24 with the use of an approved monitoring device, as a
25 condition of such bail bond, a fee which shall represent
26 costs incidental to such electronic monitoring for each

1 day of such bail supervision ordered by the court, unless
2 after determining the inability of the defendant to pay
3 the fee, the court assesses a lesser fee or no fee as the
4 case may be. The fee shall be collected by the clerk of the
5 circuit court, except as provided in an administrative
6 order of the Chief Judge of the circuit court. The clerk of
7 the circuit court shall pay all monies collected from this
8 fee to the county treasurer who shall use the monies
9 collected to defray the costs of corrections. The county
10 treasurer shall deposit the fee collected in the county
11 working cash fund under Section 6-27001 or Section 6-29002
12 of the Counties Code, as the case may be, except as
13 provided in an administrative order of the Chief Judge of
14 the circuit court.

15 The Chief Judge of the circuit court of the county may
16 by administrative order establish a program for electronic
17 monitoring of offenders with regard to drug-related and
18 alcohol-related offenses, in which a vendor supplies and
19 monitors the operation of the electronic monitoring
20 device, and collects the fees on behalf of the county. The
21 program shall include provisions for indigent offenders
22 and the collection of unpaid fees. The program shall not
23 unduly burden the offender and shall be subject to review
24 by the Chief Judge.

25 The Chief Judge of the circuit court may suspend any
26 additional charges or fees for late payment, interest, or

1 damage to any device;

2 (14.3) The Chief Judge of the Judicial Circuit may
3 establish reasonable fees to be paid by a person receiving
4 pretrial services while under supervision of a pretrial
5 services agency, probation department, or court services
6 department. Reasonable fees may be charged for pretrial
7 services including, but not limited to, pretrial
8 supervision, diversion programs, electronic monitoring,
9 victim impact services, drug and alcohol testing, DNA
10 testing, GPS electronic monitoring, assessments and
11 evaluations related to domestic violence and other
12 victims, and victim mediation services. The person
13 receiving pretrial services may be ordered to pay all
14 costs incidental to pretrial services in accordance with
15 his or her ability to pay those costs;

16 (14.4) For persons charged with violating Section
17 11-501 of the Illinois Vehicle Code, refrain from
18 operating a motor vehicle not equipped with an ignition
19 interlock device, as defined in Section 1-129.1 of the
20 Illinois Vehicle Code, pursuant to the rules promulgated
21 by the Secretary of State for the installation of ignition
22 interlock devices. Under this condition the court may
23 allow a defendant who is not self-employed to operate a
24 vehicle owned by the defendant's employer that is not
25 equipped with an ignition interlock device in the course
26 and scope of the defendant's employment;

1 (15) Comply with the terms and conditions of an order
2 of protection issued by the court under the Illinois
3 Domestic Violence Act of 1986 or an order of protection
4 issued by the court of another state, tribe, or United
5 States territory;

6 (16) Under Section 110-6.5-1 comply with the
7 conditions of the drug testing program; and

8 (17) Such other reasonable conditions as the court may
9 impose.

10 ~~(b) Additional conditions of release shall be set only~~
11 ~~when it is determined that they are necessary to ensure the~~
12 ~~defendant's appearance in court, ensure the defendant does not~~
13 ~~commit any criminal offense, ensure the defendant complies~~
14 ~~with all conditions of pretrial release, prevent the~~
15 ~~defendant's unlawful interference with the orderly~~
16 ~~administration of justice, or ensure compliance with the rules~~
17 ~~and procedures of problem solving courts. However, conditions~~
18 ~~shall include the least restrictive means and be~~
19 ~~individualized. Conditions shall not mandate rehabilitative~~
20 ~~services unless directly tied to the risk of pretrial~~
21 ~~misconduct. Conditions of supervision shall not include~~
22 ~~punitive measures such as community service work or~~
23 ~~restitution. Conditions may include the following:~~

24 ~~(0.05) Not depart this State without leave of the~~
25 ~~court;~~

26 ~~(1) Report to or appear in person before such person~~

1 ~~or agency as the court may direct;~~

2 ~~(2) Refrain from possessing a firearm or other~~
3 ~~dangerous weapon;~~

4 ~~(3) Refrain from approaching or communicating with~~
5 ~~particular persons or classes of persons;~~

6 ~~(4) Refrain from going to certain described geographic~~
7 ~~areas or premises;~~

8 ~~(5) Be placed under direct supervision of the Pretrial~~
9 ~~Services Agency, Probation Department or Court Services~~
10 ~~Department in a pretrial home supervision capacity with or~~
11 ~~without the use of an approved electronic monitoring~~
12 ~~device subject to Article 8A of Chapter V of the Unified~~
13 ~~Code of Corrections;~~

14 ~~(6) For persons charged with violating Section 11-501~~
15 ~~of the Illinois Vehicle Code, refrain from operating a~~
16 ~~motor vehicle not equipped with an ignition interlock~~
17 ~~device, as defined in Section 1-129.1 of the Illinois~~
18 ~~Vehicle Code, pursuant to the rules promulgated by the~~
19 ~~Secretary of State for the installation of ignition~~
20 ~~interlock devices. Under this condition the court may~~
21 ~~allow a defendant who is not self-employed to operate a~~
22 ~~vehicle owned by the defendant's employer that is not~~
23 ~~equipped with an ignition interlock device in the course~~
24 ~~and scope of the defendant's employment;~~

25 ~~(7) Comply with the terms and conditions of an order~~
26 ~~of protection issued by the court under the Illinois~~

1 ~~Domestic Violence Act of 1986 or an order of protection~~
2 ~~issued by the court of another state, tribe, or United~~
3 ~~States territory;~~

4 ~~(8) Sign a written admonishment requiring that he or~~
5 ~~she comply with the provisions of Section 110-12 regarding~~
6 ~~any change in his or her address. The defendant's address~~
7 ~~shall at all times remain a matter of record with the clerk~~
8 ~~of the court; and~~

9 ~~(9) Such other reasonable conditions as the court may~~
10 ~~impose, so long as these conditions are the least~~
11 ~~restrictive means to achieve the goals listed in~~
12 ~~subsection (b), are individualized, and are in accordance~~
13 ~~with national best practices as detailed in the Pretrial~~
14 ~~Supervision Standards of the Supreme Court.~~

15 ~~The defendant shall receive verbal and written~~
16 ~~notification of conditions of pretrial release and future~~
17 ~~court dates, including the date, time, and location of court.~~

18 (c) When a person is charged with an offense under Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
20 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, involving a victim who is a minor under
22 18 years of age living in the same household with the defendant
23 at the time of the offense, in granting bail or releasing the
24 defendant on his or her recognizance, the judge shall impose
25 conditions to restrict the defendant's access to the victim
26 which may include, but are not limited to conditions that he

1 will:

2 1. Vacate the household.

3 2. Make payment of temporary support to his
4 dependents.

5 3. Refrain from contact or communication with the
6 child victim, except as ordered by the court.

7 (d) When a person is charged with a criminal offense and
8 the victim is a family or household member as defined in
9 Article 112A, conditions shall be imposed at the time of the
10 defendant's release on bond that restrict the defendant's
11 access to the victim. Unless provided otherwise by the court,
12 the restrictions shall include requirements that the defendant
13 do the following:

14 (1) refrain from contact or communication with the
15 victim for a minimum period of 72 hours following the
16 defendant's release; and

17 (2) refrain from entering or remaining at the victim's
18 residence for a minimum period of 72 hours following the
19 defendant's release.

20 (e) Local law enforcement agencies shall develop
21 standardized bond ~~pretrial release~~ forms for use in cases
22 involving family or household members as defined in Article
23 112A, including specific conditions of bond ~~pretrial release~~
24 as provided in subsection (d). Failure of any law enforcement
25 department to develop or use those forms shall in no way limit
26 the applicability and enforcement of subsections (d) and (f).

1 (f) If the defendant is admitted to bail ~~released after~~
2 ~~conviction following appeal or other post conviction~~
3 ~~proceeding~~, the conditions of the bail bond ~~pretrial release~~
4 shall be that he will, in addition to the conditions set forth
5 in subsections (a) and (b) hereof:

6 (1) Duly prosecute his appeal;

7 (2) Appear at such time and place as the court may
8 direct;

9 (3) Not depart this State without leave of the court;

10 (4) Comply with such other reasonable conditions as
11 the court may impose; and

12 (5) If the judgment is affirmed or the cause reversed
13 and remanded for a new trial, forthwith surrender to the
14 officer from whose custody he was bailed ~~released~~.

15 (g) Upon a finding of guilty for any felony offense, the
16 defendant shall physically surrender, at a time and place
17 designated by the court, any and all firearms in his or her
18 possession and his or her Firearm Owner's Identification Card
19 as a condition of remaining on bond ~~being released~~ pending
20 sentencing.

21 (h) In the event the defendant is unable to post bond, the
22 court may impose a no contact provision with the victim or
23 other interested party that shall be enforced while the
24 defendant remains in custody.

25 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;
26 102-1104, eff. 1-1-23.)

1 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

2 Sec. 110-11. Bail ~~Pretrial release~~ on a new trial. If the
3 judgment of conviction is reversed and the cause remanded for
4 a new trial the trial court may order that the bail ~~conditions~~
5 ~~of pretrial release~~ stand pending such trial, or reduce or
6 increase bail ~~modify the conditions of pretrial release~~.

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

8 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

9 Sec. 110-12. Notice of change of address. A defendant who
10 has been admitted to bail ~~pretrial release~~ shall file a
11 written notice with the clerk of the court before which the
12 proceeding is pending of any change in his or her address
13 within 24 hours after such change, except that a defendant who
14 has been admitted to bail ~~pretrial release~~ for a forcible
15 felony as defined in Section 2-8 of the Criminal Code of 2012
16 shall file a written notice with the clerk of the court before
17 which the proceeding is pending and the clerk shall
18 immediately deliver a time stamped copy of the written notice
19 to the State's Attorney ~~prosecutor~~ charged with the
20 prosecution within 24 hours prior to such change. The address
21 of a defendant who has been admitted to bail ~~pretrial release~~
22 shall at all times remain a matter of public record with the
23 clerk of the court.

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

1 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

2 Sec. 111-2. Commencement of prosecutions.

3 (a) All prosecutions of felonies shall be by information
4 or by indictment. No prosecution may be pursued by information
5 unless a preliminary hearing has been held or waived in
6 accordance with Section 109-3 and at that hearing probable
7 cause to believe the defendant committed an offense was found,
8 and the provisions of Section 109-3.1 of this Code have been
9 complied with.

10 (b) All other prosecutions may be by indictment,
11 information or complaint.

12 (c) Upon the filing of an information or indictment in
13 open court charging the defendant with the commission of a sex
14 offense defined in any Section of Article 11 of the Criminal
15 Code of 1961 or the Criminal Code of 2012, and a minor as
16 defined in Section 1-3 of the Juvenile Court Act of 1987 is
17 alleged to be the victim of the commission of the acts of the
18 defendant in the commission of such offense, the court may
19 appoint a guardian ad litem for the minor as provided in
20 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
21 1987.

22 (d) Upon the filing of an information or indictment in
23 open court, the court shall immediately issue a warrant for
24 the arrest of each person charged with an offense directed to a
25 peace officer or some other person specifically named

1 commanding him to arrest such person.

2 (e) When the offense is bailable ~~eligible for pretrial~~
3 ~~release~~, the judge shall endorse on the warrant the amount of
4 bail ~~conditions of pretrial release~~ required by the order of
5 the court, and if the court orders the process returnable
6 forthwith, the warrant shall require that the accused be
7 arrested and brought immediately into court.

8 (f) Where the prosecution of a felony is by information or
9 complaint after preliminary hearing, or after a waiver of
10 preliminary hearing in accordance with paragraph (a) of this
11 Section, such prosecution may be for all offenses, arising
12 from the same transaction or conduct of a defendant even
13 though the complaint or complaints filed at the preliminary
14 hearing charged only one or some of the offenses arising from
15 that transaction or conduct.

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

17 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

18 Sec. 112A-23. Enforcement of protective orders.

19 (a) When violation is crime. A violation of any protective
20 order, whether issued in a civil, quasi-criminal proceeding or
21 by a military judge, shall be enforced by a criminal court
22 when:

23 (1) The respondent commits the crime of violation of a
24 domestic violence order of protection pursuant to Section
25 12-3.4 or 12-30 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, by having knowingly violated:

2 (i) remedies described in paragraph (1), (2), (3),
3 (14), or (14.5) of subsection (b) of Section 112A-14
4 of this Code,

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraph (1), (2), (3),
7 (14), or (14.5) of subsection (b) of Section 214 of the
8 Illinois Domestic Violence Act of 1986, in a valid
9 order of protection, which is authorized under the
10 laws of another state, tribe, or United States
11 territory, or

12 (iii) any other remedy when the act constitutes a
13 crime against the protected parties as defined by the
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 Prosecution for a violation of a domestic violence
16 order of protection shall not bar concurrent prosecution
17 for any other crime, including any crime that may have
18 been committed at the time of the violation of the
19 domestic violence order of protection; or

20 (2) The respondent commits the crime of child
21 abduction pursuant to Section 10-5 of the Criminal Code of
22 1961 or the Criminal Code of 2012, by having knowingly
23 violated:

24 (i) remedies described in paragraph (5), (6), or
25 (8) of subsection (b) of Section 112A-14 of this Code,
26 or

1 (ii) a remedy, which is substantially similar to
2 the remedies authorized under paragraph (1), (5), (6),
3 or (8) of subsection (b) of Section 214 of the Illinois
4 Domestic Violence Act of 1986, in a valid domestic
5 violence order of protection, which is authorized
6 under the laws of another state, tribe, or United
7 States territory.

8 (3) The respondent commits the crime of violation of a
9 civil no contact order when the respondent violates
10 Section 12-3.8 of the Criminal Code of 2012. Prosecution
11 for a violation of a civil no contact order shall not bar
12 concurrent prosecution for any other crime, including any
13 crime that may have been committed at the time of the
14 violation of the civil no contact order.

15 (4) The respondent commits the crime of violation of a
16 stalking no contact order when the respondent violates
17 Section 12-3.9 of the Criminal Code of 2012. Prosecution
18 for a violation of a stalking no contact order shall not
19 bar concurrent prosecution for any other crime, including
20 any crime that may have been committed at the time of the
21 violation of the stalking no contact order.

22 (b) When violation is contempt of court. A violation of
23 any valid protective order, whether issued in a civil or
24 criminal proceeding or by a military judge, may be enforced
25 through civil or criminal contempt procedures, as appropriate,
26 by any court with jurisdiction, regardless where the act or

1 acts which violated the protective order were committed, to
2 the extent consistent with the venue provisions of this
3 Article. Nothing in this Article shall preclude any Illinois
4 court from enforcing any valid protective order issued in
5 another state. Illinois courts may enforce protective orders
6 through both criminal prosecution and contempt proceedings,
7 unless the action which is second in time is barred by
8 collateral estoppel or the constitutional prohibition against
9 double jeopardy.

10 (1) In a contempt proceeding where the petition for a
11 rule to show cause sets forth facts evidencing an
12 immediate danger that the respondent will flee the
13 jurisdiction, conceal a child, or inflict physical abuse
14 on the petitioner or minor children or on dependent adults
15 in petitioner's care, the court may order the attachment
16 of the respondent without prior service of the rule to
17 show cause or the petition for a rule to show cause. Bond
18 shall be set unless specifically denied in writing.

19 (2) A petition for a rule to show cause for violation
20 of a protective order shall be treated as an expedited
21 proceeding.

22 (c) Violation of custody, allocation of parental
23 responsibility, or support orders. A violation of remedies
24 described in paragraph (5), (6), (8), or (9) of subsection (b)
25 of Section 112A-14 of this Code may be enforced by any remedy
26 provided by Section 607.5 of the Illinois Marriage and

1 Dissolution of Marriage Act. The court may enforce any order
2 for support issued under paragraph (12) of subsection (b) of
3 Section 112A-14 of this Code in the manner provided for under
4 Parts V and VII of the Illinois Marriage and Dissolution of
5 Marriage Act.

6 (d) Actual knowledge. A protective order may be enforced
7 pursuant to this Section if the respondent violates the order
8 after the respondent has actual knowledge of its contents as
9 shown through one of the following means:

10 (1) (Blank).

11 (2) (Blank).

12 (3) By service of a protective order under subsection
13 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

14 (4) By other means demonstrating actual knowledge of
15 the contents of the order.

16 (e) The enforcement of a protective order in civil or
17 criminal court shall not be affected by either of the
18 following:

19 (1) The existence of a separate, correlative order
20 entered under Section 112A-15 of this Code.

21 (2) Any finding or order entered in a conjoined
22 criminal proceeding.

23 (e-5) If a civil no contact order entered under subsection
24 (6) of Section 112A-20 of the Code of Criminal Procedure of
25 1963 conflicts with an order issued pursuant to the Juvenile
26 Court Act of 1987 or the Illinois Marriage and Dissolution of

1 Marriage Act, the conflicting order issued under subsection
2 (6) of Section 112A-20 of the Code of Criminal Procedure of
3 1963 shall be void.

4 (f) Circumstances. The court, when determining whether or
5 not a violation of a protective order has occurred, shall not
6 require physical manifestations of abuse on the person of the
7 victim.

8 (g) Penalties.

9 (1) Except as provided in paragraph (3) of this
10 subsection (g), where the court finds the commission of a
11 crime or contempt of court under subsection (a) or (b) of
12 this Section, the penalty shall be the penalty that
13 generally applies in such criminal or contempt
14 proceedings, and may include one or more of the following:
15 incarceration, payment of restitution, a fine, payment of
16 attorneys' fees and costs, or community service.

17 (2) The court shall hear and take into account
18 evidence of any factors in aggravation or mitigation
19 before deciding an appropriate penalty under paragraph (1)
20 of this subsection (g).

21 (3) To the extent permitted by law, the court is
22 encouraged to:

23 (i) increase the penalty for the knowing violation
24 of any protective order over any penalty previously
25 imposed by any court for respondent's violation of any
26 protective order or penal statute involving petitioner

1 as victim and respondent as defendant;

2 (ii) impose a minimum penalty of 24 hours
3 imprisonment for respondent's first violation of any
4 protective order; and

5 (iii) impose a minimum penalty of 48 hours
6 imprisonment for respondent's second or subsequent
7 violation of a protective order

8 unless the court explicitly finds that an increased
9 penalty or that period of imprisonment would be manifestly
10 unjust.

11 (4) In addition to any other penalties imposed for a
12 violation of a protective order, a criminal court may
13 consider evidence of any violations of a protective order:

14 (i) to increase, revoke, or modify the bail bond
15 ~~conditions of pretrial release~~ on an underlying
16 criminal charge pursuant to Section 110-6 of this
17 Code;

18 (ii) to revoke or modify an order of probation,
19 conditional discharge, or supervision, pursuant to
20 Section 5-6-4 of the Unified Code of Corrections;

21 (iii) to revoke or modify a sentence of periodic
22 imprisonment, pursuant to Section 5-7-2 of the Unified
23 Code of Corrections.

24 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
25 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
26 7-28-23.)

1 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)

2 Sec. 113-3.1. Payment for Court-Appointed Counsel.

3 (a) Whenever under either Section 113-3 of this Code or
4 Rule 607 of the Illinois Supreme Court the court appoints
5 counsel to represent a defendant, the court may order the
6 defendant to pay to the Clerk of the Circuit Court a reasonable
7 sum to reimburse either the county or the State for such
8 representation. In a hearing to determine the amount of the
9 payment, the court shall consider the affidavit prepared by
10 the defendant under Section 113-3 of this Code and any other
11 information pertaining to the defendant's financial
12 circumstances which may be submitted by the parties. Such
13 hearing shall be conducted on the court's own motion or on
14 motion of the prosecutor ~~State's Attorney~~ at any time after
15 the appointment of counsel but no later than 90 days after the
16 entry of a final order disposing of the case at the trial
17 level.

18 (b) Any sum ordered paid under this Section may not exceed
19 \$500 for a defendant charged with a misdemeanor, \$5,000 for a
20 defendant charged with a felony, or \$2,500 for a defendant who
21 is appealing a conviction of any class offense.

22 (c) The method of any payment required under this Section
23 shall be as specified by the Court. The court may order that
24 payments be made on a monthly basis during the term of
25 representation; however, the sum deposited as money bond shall

1 not be used to satisfy this court order. ~~Any sum deposited as~~
2 ~~money bond with the Clerk of the Circuit Court under Section~~
3 ~~110-7 of this Code may be used in the court's discretion in~~
4 ~~whole or in part to comply with any payment order entered in~~
5 ~~accordance with paragraph (a) of this Section. The court may~~
6 ~~give special consideration to the interests of relatives or~~
7 ~~other third parties who may have posted a money bond on the~~
8 ~~behalf of the defendant to secure his release.~~ At any time
9 prior to full payment of any payment order the court on its own
10 motion or the motion of any party may reduce, increase, or
11 suspend the ordered payment, or modify the method of payment,
12 as the interest of fairness may require. No increase,
13 suspension, or reduction may be ordered without a hearing and
14 notice to all parties.

15 (d) The Supreme Court or the circuit courts may provide by
16 rule for procedures for the enforcement of orders entered
17 under this Section. Such rules may provide for the assessment
18 of all costs, including attorneys' fees which are required for
19 the enforcement of orders entered under this Section when the
20 court in an enforcement proceeding has first found that the
21 defendant has willfully refused to pay. The Clerk of the
22 Circuit Court shall keep records and make reports to the court
23 concerning funds paid under this Section in whatever manner
24 the court directs.

25 (e) Whenever an order is entered under this Section for
26 the reimbursement of the State due to the appointment of the

1 State Appellate Defender as counsel on appeal, the order shall
2 provide that the Clerk of the Circuit Court shall retain all
3 funds paid pursuant to such order until the full amount of the
4 sum ordered to be paid by the defendant has been paid. When no
5 balance remains due on such order, the Clerk of the Circuit
6 Court shall inform the court of this fact and the court shall
7 promptly order the Clerk of the Circuit Court to pay to the
8 State Treasurer all of the sum paid.

9 (f) The Clerk of the Circuit Court shall retain all funds
10 under this Section paid for the reimbursement of the county,
11 and shall inform the court when no balance remains due on an
12 order entered hereunder. The Clerk of the Circuit Court shall
13 make payments of funds collected under this Section to the
14 County Treasurer in whatever manner and at whatever point as
15 the court may direct, including payments made on a monthly
16 basis during the term of representation.

17 (g) A defendant who fails to obey any order of court
18 entered under this Section may be punished for contempt of
19 court. Any arrearage in payments may be reduced to judgment in
20 the court's discretion and collected by any means authorized
21 for the collection of money judgments under the law of this
22 State.

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

24 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

25 Sec. 114-1. Motion to dismiss charge.

1 (a) Upon the written motion of the defendant made prior to
2 trial before or after a plea has been entered the court may
3 dismiss the indictment, information or complaint upon any of
4 the following grounds:

5 (1) The defendant has not been placed on trial in
6 compliance with Section 103-5 of this Code.

7 (2) The prosecution of the offense is barred by
8 Sections 3-3 through 3-8 of the Criminal Code of 2012.

9 (3) The defendant has received immunity from
10 prosecution for the offense charged.

11 (4) The indictment was returned by a Grand Jury which
12 was improperly selected and which results in substantial
13 injustice to the defendant.

14 (5) The indictment was returned by a Grand Jury which
15 acted contrary to Article 112 of this Code and which
16 results in substantial injustice to the defendant.

17 (6) The court in which the charge has been filed does
18 not have jurisdiction.

19 (7) The county is an improper place of trial.

20 (8) The charge does not state an offense.

21 (9) The indictment is based solely upon the testimony
22 of an incompetent witness.

23 (10) The defendant is misnamed in the charge and the
24 misnomer results in substantial injustice to the
25 defendant.

26 (11) The requirements of Section 109-3.1 have not been

1 complied with.

2 (b) The court shall require any motion to dismiss to be
3 filed within a reasonable time after the defendant has been
4 arraigned. Any motion not filed within such time or an
5 extension thereof shall not be considered by the court and the
6 grounds therefor, except as to subsections (a)(6) and (a)(8)
7 of this Section, are waived.

8 (c) If the motion presents only an issue of law the court
9 shall determine it without the necessity of further pleadings.
10 If the motion alleges facts not of record in the case the State
11 shall file an answer admitting or denying each of the factual
12 allegations of the motion.

13 (d) When an issue of fact is presented by a motion to
14 dismiss and the answer of the State the court shall conduct a
15 hearing and determine the issues.

16 (d-5) When a defendant seeks dismissal of the charge upon
17 the ground set forth in subsection (a)(7) of this Section, the
18 defendant shall make a prima facie showing that the county is
19 an improper place of trial. Upon such showing, the State shall
20 have the burden of proving, by a preponderance of the
21 evidence, that the county is the proper place of trial.

22 (d-6) When a defendant seeks dismissal of the charge upon
23 the grounds set forth in subsection (a)(2) of this Section,
24 the prosecution shall have the burden of proving, by a
25 preponderance of the evidence, that the prosecution of the
26 offense is not barred by Sections 3-3 through 3-8 of the

1 Criminal Code of 2012.

2 (e) Dismissal of the charge upon the grounds set forth in
3 subsections (a)(4) through (a)(11) of this Section shall not
4 prevent the return of a new indictment or the filing of a new
5 charge, and upon such dismissal the court may order that the
6 defendant be held in custody or, if the defendant had been
7 previously released on bail ~~pretrial release~~, that the bail
8 ~~pretrial release~~ be continued for a specified time pending the
9 return of a new indictment or the filing of a new charge.

10 (f) If the court determines that the motion to dismiss
11 based upon the grounds set forth in subsections (a)(6) and
12 (a)(7) is well founded it may, instead of dismissal, order the
13 cause transferred to a court of competent jurisdiction or to a
14 proper place of trial.

15 (Source: P.A. 100-434, eff. 1-1-18; 101-652, eff. 1-1-23.)

16 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

17 Sec. 115-4.1. Absence of defendant.

18 (a) When a defendant after arrest and an initial court
19 appearance for a non-capital felony or a misdemeanor, fails to
20 appear for trial, at the request of the State and after the
21 State has affirmatively proven through substantial evidence
22 that the defendant is willfully avoiding trial, the court may
23 commence trial in the absence of the defendant. Absence of a
24 defendant as specified in this Section shall not be a bar to
25 indictment of a defendant, return of information against a

1 defendant, or arraignment of a defendant for the charge for
2 which bail ~~pretrial release~~ has been granted. If a defendant
3 fails to appear at arraignment, the court may enter a plea of
4 "not guilty" on his behalf. If a defendant absents himself
5 before trial on a capital felony, trial may proceed as
6 specified in this Section provided that the State certifies
7 that it will not seek a death sentence following conviction.
8 Trial in the defendant's absence shall be by jury unless the
9 defendant had previously waived trial by jury. The absent
10 defendant must be represented by retained or appointed
11 counsel. The court, at the conclusion of all of the
12 proceedings, may order the clerk of the circuit court to pay
13 counsel such sum as the court deems reasonable, from any bond
14 monies which were posted by the defendant with the clerk,
15 after the clerk has first deducted all court costs. If trial
16 had previously commenced in the presence of the defendant and
17 the defendant willfully absents himself for two successive
18 court days, the court shall proceed to trial. All procedural
19 rights guaranteed by the United States Constitution,
20 Constitution of the State of Illinois, statutes of the State
21 of Illinois, and rules of court shall apply to the proceedings
22 the same as if the defendant were present in court and had not
23 either forfeited his or her bail bond ~~had his or her pretrial~~
24 ~~release revoked~~ or escaped from custody. The court may set the
25 case for a trial which may be conducted under this Section
26 despite the failure of the defendant to appear at the hearing

1 at which the trial date is set. When such trial date is set the
2 clerk shall send to the defendant, by certified mail at his
3 last known address indicated on his bond slip, notice of the
4 new date which has been set for trial. Such notification shall
5 be required when the defendant was not personally present in
6 open court at the time when the case was set for trial.

7 (b) The absence of a defendant from a trial conducted
8 pursuant to this Section does not operate as a bar to
9 concluding the trial, to a judgment of conviction resulting
10 therefrom, or to a final disposition of the trial in favor of
11 the defendant.

12 (c) Upon a verdict of not guilty, the court shall enter
13 judgment for the defendant. Upon a verdict of guilty, the
14 court shall set a date for the hearing of post-trial motions
15 and shall hear such motion in the absence of the defendant. If
16 post-trial motions are denied, the court shall proceed to
17 conduct a sentencing hearing and to impose a sentence upon the
18 defendant.

19 (d) A defendant who is absent for part of the proceedings
20 of trial, post-trial motions, or sentencing, does not thereby
21 forfeit his right to be present at all remaining proceedings.

22 (e) When a defendant who in his absence has been either
23 convicted or sentenced or both convicted and sentenced appears
24 before the court, he must be granted a new trial or new
25 sentencing hearing if the defendant can establish that his
26 failure to appear in court was both without his fault and due

1 to circumstances beyond his control. A hearing with notice to
2 the State's Attorney on the defendant's request for a new
3 trial or a new sentencing hearing must be held before any such
4 request may be granted. At any such hearing both the defendant
5 and the State may present evidence.

6 (f) If the court grants only the defendant's request for a
7 new sentencing hearing, then a new sentencing hearing shall be
8 held in accordance with the provisions of the Unified Code of
9 Corrections. At any such hearing, both the defendant and the
10 State may offer evidence of the defendant's conduct during his
11 period of absence from the court. The court may impose any
12 sentence authorized by the Unified Code of Corrections and is
13 not in any way limited or restricted by any sentence
14 previously imposed.

15 (g) A defendant whose motion under paragraph (e) for a new
16 trial or new sentencing hearing has been denied may file a
17 notice of appeal therefrom. Such notice may also include a
18 request for review of the judgment and sentence not vacated by
19 the trial court.

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

21 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

22 Sec. 122-6. Disposition in trial court. The court may
23 receive proof by affidavits, depositions, oral testimony, or
24 other evidence. In its discretion the court may order the
25 petitioner brought before the court for the hearing. If the

1 court finds in favor of the petitioner, it shall enter an
2 appropriate order with respect to the judgment or sentence in
3 the former proceedings and such supplementary orders as to
4 arraignment, retrial, custody, bail, ~~conditions of pretrial~~
5 ~~release~~ or discharge as may be necessary and proper.

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

7 (725 ILCS 5/102-10.5 rep.)

8 (725 ILCS 5/102-14.5 rep.)

9 (725 ILCS 5/110-6.6 rep.)

10 (725 ILCS 5/110-7.5 rep.)

11 (725 ILCS 5/110-1.5 rep.)

12 Section 2-225. The Code of Criminal Procedure of 1963 is
13 amended by repealing Sections 102-10.5, 102-14.5, 110-1.5
14 110-6.6, and 110-7.5.

15 Section 2-230. The Code of Criminal Procedure of 1963 is
16 amended by changing Sections 103-2 and 108-8 as follows:

17 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

18 Sec. 103-2. Treatment while in custody.

19 (a) On being taken into custody every person shall have
20 the right to remain silent.

21 (b) No unlawful means of any kind shall be used to obtain a
22 statement, admission or confession from any person in custody.

23 (c) Persons in custody shall be treated humanely and

1 provided with proper food, shelter and, if required, medical
2 treatment ~~without unreasonable delay if the need for the~~
3 ~~treatment is apparent.~~

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

5 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

6 Sec. 108-8. Use of force in execution of search warrant.

7 (a) All necessary and reasonable force may be used to
8 effect an entry into any building or property or part thereof
9 to execute a search warrant.

10 (b) The court issuing a warrant may authorize the officer
11 executing the warrant to make entry without first knocking and
12 announcing his or her office if it finds, based upon a showing
13 of specific facts, the existence of the following exigent
14 circumstances:

15 (1) That the officer reasonably believes that if
16 notice were given a weapon would be used:

17 (i) against the officer executing the search
18 warrant; or

19 (ii) against another person.

20 (2) That if notice were given there is an imminent
21 "danger" that evidence will be destroyed.

22 ~~(c) Prior to the issuing of a warrant under subsection~~
23 ~~(b), the officer must attest that:~~

24 ~~(1) prior to entering the location described in the~~
25 ~~search warrant, a supervising officer will ensure that~~

1 ~~each participating member is assigned a body worn camera~~
2 ~~and is following policies and procedures in accordance~~
3 ~~with Section 10-20 of the Law Enforcement Officer Worn~~
4 ~~Body Camera Act; provided that the law enforcement agency~~
5 ~~has implemented body worn camera in accordance with~~
6 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~
7 ~~Camera Act. If a law enforcement agency or each~~
8 ~~participating member of a multi jurisdictional team has~~
9 ~~not implemented a body camera in accordance with Section~~
10 ~~10-15 of the Law Enforcement Officer Worn Body Camera Act,~~
11 ~~the officer must attest that the interaction authorized by~~
12 ~~the warrant is otherwise recorded;~~

13 ~~(2) The supervising officer verified the subject~~
14 ~~address listed on the warrant for accuracy and planned for~~
15 ~~children or other vulnerable people on site; and~~

16 ~~(3) if an officer becomes aware the search warrant was~~
17 ~~executed at an address, unit, or apartment different from~~
18 ~~the location listed on the search warrant, that member~~
19 ~~will immediately notify a supervisor who will ensure an~~
20 ~~internal investigation or formal inquiry ensues.~~

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

22 Section 2-235. The Code of Criminal Procedure of 1963 is
23 amended by adding Sections 103-3.1, 110-4.1, 110-6.3-1,
24 110-6.5-1, 110-7.1, 110-8.1, 110-9.1, 110-13.1, 110-14.1,
25 110-15.1, 110-16.1, 110-17.1, and 110-18.1 and Article 110B as

1 follows:

2 (725 ILCS 5/103-3.1 new)

3 Sec. 103-3.1. Right to communicate with attorney and
4 family; transfers.

5 (a) Persons who are arrested shall have the right to
6 communicate with an attorney of their choice and a member of
7 their family by making a reasonable number of telephone calls
8 or in any other reasonable manner. Such communication shall be
9 permitted within a reasonable time after arrival at the first
10 place of custody.

11 (b) In the event the accused is transferred to a new place
12 of custody his right to communicate with an attorney and a
13 member of his family is renewed.

14 (725 ILCS 5/110-4.1 new)

15 Sec. 110-4.1. Bailable offenses.

16 (a) All persons shall be bailable before conviction,
17 except the following offenses where the proof is evident or
18 the presumption great that the defendant is guilty of the
19 offense: capital offenses; offenses for which a sentence of
20 life imprisonment may be imposed as a consequence of
21 conviction; felony offenses for which a sentence of
22 imprisonment, without conditional and revocable release, shall
23 be imposed by law as a consequence of conviction, where the
24 court after a hearing, determines that the release of the

1 defendant would pose a real and present threat to the physical
2 safety of any person or persons; stalking or aggravated
3 stalking, where the court, after a hearing, determines that
4 the release of the defendant would pose a real and present
5 threat to the physical safety of the alleged victim of the
6 offense and denial of bail is necessary to prevent fulfillment
7 of the threat upon which the charge is based; or unlawful use
8 of weapons in violation of item (4) of subsection (a) of
9 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
10 of 2012 when that offense occurred in a school or in any
11 conveyance owned, leased, or contracted by a school to
12 transport students to or from school or a school-related
13 activity, or on any public way within 1,000 feet of real
14 property comprising any school, where the court, after a
15 hearing, determines that the release of the defendant would
16 pose a real and present threat to the physical safety of any
17 person and denial of bail is necessary to prevent fulfillment
18 of that threat; or making a terrorist threat in violation of
19 Section 29D-20 of the Criminal Code of 1961 or the Criminal
20 Code of 2012 or an attempt to commit the offense of making a
21 terrorist threat, where the court, after a hearing, determines
22 that the release of the defendant would pose a real and present
23 threat to the physical safety of any person and denial of bail
24 is necessary to prevent fulfillment of that threat.

25 (b) A person seeking release on bail who is charged with a
26 capital offense or an offense for which a sentence of life

1 imprisonment may be imposed shall not beailable until a
2 hearing is held wherein such person has the burden of
3 demonstrating that the proof of his guilt is not evident and
4 the presumption is not great.

5 (c) Where it is alleged that bail should be denied to a
6 person upon the grounds that the person presents a real and
7 present threat to the physical safety of any person or
8 persons, the burden of proof of such allegations shall be upon
9 the State.

10 (d) When it is alleged that bail should be denied to a
11 person charged with stalking or aggravated stalking upon the
12 grounds set forth in Section 110-6.3-1 of this Code, the
13 burden of proof of those allegations shall be upon the State.

14 (725 ILCS 5/110-6.3-1 new)

15 Sec. 110-6.3-1. Denial of bail in stalking and aggravated
16 stalking offenses.

17 (a) Upon verified petition by the State, the court shall
18 hold a hearing to determine whether bail should be denied to a
19 defendant who is charged with stalking or aggravated stalking,
20 when it is alleged that the defendant's admission to bail
21 poses a real and present threat to the physical safety of the
22 alleged victim of the offense, and denial of release on bail or
23 personal recognizance is necessary to prevent fulfillment of
24 the threat upon which the charge is based.

25 (1) A petition may be filed without prior notice to

1 the defendant at the first appearance before a judge, or
2 within 21 calendar days, except as provided in Section
3 110-6, after arrest and release of the defendant upon
4 reasonable notice to defendant; provided that while the
5 petition is pending before the court, the defendant if
6 previously released shall not be detained.

7 (2) The hearing shall be held immediately upon the
8 defendant's appearance before the court, unless for good
9 cause shown the defendant or the State seeks a
10 continuance. A continuance on motion of the defendant may
11 not exceed 5 calendar days, and the defendant may be held
12 in custody during the continuance. A continuance on the
13 motion of the State may not exceed 3 calendar days;
14 however, the defendant may be held in custody during the
15 continuance under this provision if the defendant has been
16 previously found to have violated an order of protection
17 or has been previously convicted of, or granted court
18 supervision for, any of the offenses set forth in Sections
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
20 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
21 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, against the same
23 person as the alleged victim of the stalking or aggravated
24 stalking offense.

25 (b) The court may deny bail to the defendant when, after
26 the hearing, it is determined that:

1 (1) the proof is evident or the presumption great that
2 the defendant has committed the offense of stalking or
3 aggravated stalking; and

4 (2) the defendant poses a real and present threat to
5 the physical safety of the alleged victim of the offense;
6 and

7 (3) the denial of release on bail or personal
8 recognizance is necessary to prevent fulfillment of the
9 threat upon which the charge is based; and

10 (4) the court finds that no condition or combination
11 of conditions set forth in subsection (b) of Section
12 110-10 of this Code, including mental health treatment at
13 a community mental health center, hospital, or facility of
14 the Department of Human Services, can reasonably assure
15 the physical safety of the alleged victim of the offense.

16 (c) Conduct of the hearings.

17 (1) The hearing on the defendant's culpability and
18 threat to the alleged victim of the offense shall be
19 conducted in accordance with the following provisions:

20 (A) Information used by the court in its findings
21 or stated in or offered at the hearing may be by way of
22 proffer based upon reliable information offered by the
23 State or by defendant. Defendant has the right to be
24 represented by counsel, and if he is indigent, to have
25 counsel appointed for him. Defendant shall have the
26 opportunity to testify, to present witnesses in his

1 own behalf, and to cross-examine witnesses if any are
2 called by the State. The defendant has the right to
3 present witnesses in his favor. When the ends of
4 justice so require, the court may exercise its
5 discretion and compel the appearance of a complaining
6 witness. The court shall state on the record reasons
7 for granting a defense request to compel the presence
8 of a complaining witness. Cross-examination of a
9 complaining witness at the pretrial detention hearing
10 for the purpose of impeaching the witness' credibility
11 is insufficient reason to compel the presence of the
12 witness. In deciding whether to compel the appearance
13 of a complaining witness, the court shall be
14 considerate of the emotional and physical well-being
15 of the witness. The pretrial detention hearing is not
16 to be used for the purposes of discovery, and the post
17 arraignment rules of discovery do not apply. The State
18 shall tender to the defendant, prior to the hearing,
19 copies of defendant's criminal history, if any, if
20 available, and any written or recorded statements and
21 the substance of any oral statements made by any
22 person, if relied upon by the State. The rules
23 concerning the admissibility of evidence in criminal
24 trials do not apply to the presentation and
25 consideration of information at the hearing. At the
26 trial concerning the offense for which the hearing was

1 conducted 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 (B) A motion by the defendant to suppress evidence
7 or to suppress a confession shall not be entertained.
8 Evidence that proof may have been obtained as the
9 result of an unlawful search and seizure or through
10 improper interrogation is not relevant to this state
11 of the prosecution.

12 (2) The facts relied upon by the court to support a
13 finding that:

14 (A) the defendant poses a real and present threat
15 to the physical safety of the alleged victim of the
16 offense; and

17 (B) the denial of release on bail or personal
18 recognizance is necessary to prevent fulfillment of
19 the threat upon which the charge is based;

20 shall be supported by clear and convincing evidence
21 presented by the State.

22 (d) Factors to be considered in making a determination of
23 the threat to the alleged victim of the offense. The court may,
24 in determining whether the defendant poses, at the time of the
25 hearing, a real and present threat to the physical safety of
26 the alleged victim of the offense, consider but shall not be

1 limited to evidence or testimony concerning:

2 (1) The nature and circumstances of the offense
3 charged;

4 (2) The history and characteristics of the defendant
5 including:

6 (A) Any evidence of the defendant's prior criminal
7 history indicative of violent, abusive or assaultive
8 behavior, or lack of that behavior. The evidence may
9 include testimony or documents received in juvenile
10 proceedings, criminal, quasi-criminal, civil
11 commitment, domestic relations or other proceedings;

12 (B) Any evidence of the defendant's psychological,
13 psychiatric or other similar social history that tends
14 to indicate a violent, abusive, or assaultive nature,
15 or lack of any such history.

16 (3) The nature of the threat which is the basis of the
17 charge against the defendant;

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 any person
22 assaulted by the defendant;

23 (6) Whether the defendant is known to possess or have
24 access to any weapon or weapons;

25 (7) Whether, at the time of the current offense or any
26 other offense or arrest, the defendant was on probation,

1 parole, aftercare release, mandatory supervised release or
2 other release from custody pending trial, sentencing,
3 appeal or completion of sentence for an offense under
4 federal or state law;

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

10 (e) The court shall, in any order denying bail to a person
11 charged with stalking or aggravated stalking:

12 (1) briefly summarize the evidence of the defendant's
13 culpability and its reasons for concluding that the
14 defendant should be held without bail;

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

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

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

25 (f) If the court enters an order for the detention of the
26 defendant under subsection (e) of this Section, the defendant

1 shall be brought to trial on the offense for which he is
2 detained within 90 days after the date on which the order for
3 detention was entered. If the defendant is not brought to
4 trial within the 90 day period required by this subsection
5 (f), he shall not be held longer without bail. In computing the
6 90 day period, the court shall omit any period of delay
7 resulting from a continuance granted at the request of the
8 defendant. The court shall immediately notify the alleged
9 victim of the offense that the defendant has been admitted to
10 bail under this subsection.

11 (g) Any person shall be entitled to appeal any order
12 entered under this Section denying bail to the defendant.

13 (h) The State may appeal any order entered under this
14 Section denying any motion for denial of bail.

15 (i) Nothing in this Section shall be construed as
16 modifying or limiting in any way the defendant's presumption
17 of innocence in further criminal proceedings.

18 (725 ILCS 5/110-6.5-1 new)

19 Sec. 110-6.5-1. Drug testing program.

20 (a) The Chief Judge of the circuit may establish a drug
21 testing program as provided by this Section in any county in
22 the circuit if the county board has approved the establishment
23 of the program and the county probation department or pretrial
24 services agency has consented to administer it. The drug
25 testing program shall be conducted under the following

1 provisions:

2 (a-1) The court, in the case of a defendant charged with a
3 felony offense or any offense involving the possession or
4 delivery of cannabis or a controlled substance, shall:

5 (1) not consider the release of the defendant on his
6 or her own recognizance, unless the defendant consents to
7 periodic drug testing during the period of release on his
8 or her own recognizance, in accordance with this Section;

9 (2) consider the consent of the defendant to periodic
10 drug testing during the period of release on bail in
11 accordance with this Section as a favorable factor for the
12 defendant in determining the amount of bail, the
13 conditions of release or in considering the defendant's
14 motion to reduce the amount of bail.

15 (b) The drug testing shall be conducted by the pretrial
16 services agency or under the direction of the probation
17 department when a pretrial services agency does not exist in
18 accordance with this Section.

19 (c) A defendant who consents to periodic drug testing as
20 set forth in this Section shall sign an agreement with the
21 court that, during the period of release, the defendant shall
22 refrain from using illegal drugs and that the defendant will
23 comply with the conditions of the testing program. The
24 agreement shall be on a form prescribed by the court and shall
25 be executed at the time of the bail hearing. This agreement
26 shall be made a specific condition of bail.

1 (d) The drug testing program shall be conducted as
2 follows:

3 (1) The testing shall be done by urinalysis for the
4 detection of phencyclidine, heroin, cocaine, methadone and
5 amphetamines.

6 (2) The collection of samples shall be performed under
7 reasonable and sanitary conditions.

8 (3) Samples shall be collected and tested with due
9 regard for the privacy of the individual being tested and
10 in a manner reasonably calculated to prevent substitutions
11 or interference with the collection or testing of reliable
12 samples.

13 (4) Sample collection shall be documented, and the
14 documentation procedures shall include:

15 (i) Labeling of samples so as to reasonably
16 preclude the probability of erroneous identification
17 of test results; and

18 (ii) An opportunity for the defendant to provide
19 information on the identification of prescription or
20 nonprescription drugs used in connection with a
21 medical condition.

22 (5) Sample collection, storage, and transportation to
23 the place of testing shall be performed so as to
24 reasonably preclude the probability of sample
25 contamination or adulteration.

26 (6) Sample testing shall conform to scientifically

1 accepted analytical methods and procedures. Testing shall
2 include verification or confirmation of any positive test
3 result by a reliable analytical method before the result
4 of any test may be used as a basis for any action by the
5 court.

6 (e) The initial sample shall be collected before the
7 defendant's release on bail. Thereafter, the defendant shall
8 report to the pretrial services agency or probation department
9 as required by the agency or department. The pretrial services
10 agency or probation department shall immediately notify the
11 court of any defendant who fails to report for testing.

12 (f) After the initial test, a subsequent confirmed
13 positive test result indicative of continued drug use shall
14 result in the following:

15 (1) Upon the first confirmed positive test result, the
16 pretrial services agency or probation department, shall
17 place the defendant on a more frequent testing schedule
18 and shall warn the defendant of the consequences of
19 continued drug use.

20 (2) A second confirmed positive test result shall be
21 grounds for a hearing before the judge who authorized the
22 release of the defendant in accordance with the provisions
23 of subsection (g) of this Section.

24 (g) The court shall, upon motion of the State or upon its
25 own motion, conduct a hearing in connection with any defendant
26 who fails to appear for testing, fails to cooperate with the

1 persons conducting the testing program, attempts to submit a
2 sample not his or her own or has had a confirmed positive test
3 result indicative of continued drug use for the second or
4 subsequent time after the initial test. The hearing shall be
5 conducted in accordance with the procedures of Section 110-6.

6 Upon a finding by the court that the State has established
7 by clear and convincing evidence that the defendant has
8 violated the drug testing conditions of bail, the court may
9 consider any of the following sanctions:

10 (1) increase the amount of the defendant's bail or
11 conditions of release;

12 (2) impose a jail sentence of up to 5 days;

13 (3) revoke the defendant's bail; or

14 (4) enter such other orders which are within the power
15 of the court as deemed appropriate.

16 (h) The results of any drug testing conducted under this
17 Section shall not be admissible on the issue of the
18 defendant's guilt in connection with any criminal charge.

19 (i) The court may require that the defendant pay for the
20 cost of drug testing.

21 (725 ILCS 5/110-7.1 new)

22 Sec. 110-7.1. Deposit of bail security.

23 (a) The person for whom bail has been set shall execute the
24 bail bond and deposit with the clerk of the court before which
25 the proceeding is pending a sum of money equal to 10% of the

1 bail, but in no event shall such deposit be less than \$25. The
2 clerk of the court shall provide a space on each form for a
3 person other than the accused who has provided the money for
4 the posting of bail to so indicate and a space signed by an
5 accused who has executed the bail bond indicating whether a
6 person other than the accused has provided the money for the
7 posting of bail. The form shall also include a written notice
8 to such person who has provided the defendant with the money
9 for the posting of bail indicating that the bail may be used to
10 pay costs, attorney's fees, fines, or other purposes
11 authorized by the court and if the defendant fails to comply
12 with the conditions of the bail bond, the court shall enter an
13 order declaring the bail to be forfeited. The written notice
14 must be: (1) distinguishable from the surrounding text; (2) in
15 bold type or underscored; and (3) in a type size at least 2
16 points larger than the surrounding type. When a person for
17 whom bail has been set is charged with an offense under the
18 Illinois Controlled Substances Act or the Methamphetamine
19 Control and Community Protection Act which is a Class X
20 felony, or making a terrorist threat in violation of Section
21 29D-20 of the Criminal Code of 1961 or the Criminal Code of
22 2012 or an attempt to commit the offense of making a terrorist
23 threat, the court may require the defendant to deposit a sum
24 equal to 100% of the bail. Where any person is charged with a
25 forcible felony while free on bail and is the subject of
26 proceedings under Section 109-3 of this Code the judge

1 conducting the preliminary examination may also conduct a
2 hearing upon the application of the State pursuant to the
3 provisions of Section 110-6 of this Code to increase or revoke
4 the bail for that person's prior alleged offense.

5 (b) Upon depositing this sum and any bond fee authorized
6 by law, the person shall be released from custody subject to
7 the conditions of the bail bond.

8 (c) Once bail has been given and a charge is pending or is
9 thereafter filed in or transferred to a court of competent
10 jurisdiction the latter court shall continue the original bail
11 in that court subject to the provisions of Section 110-6 of
12 this Code.

13 (d) After conviction the court may order that the original
14 bail stand as bail pending appeal or deny, increase or reduce
15 bail subject to the provisions of Section 110-6.2.

16 (e) After the entry of an order by the trial court allowing
17 or denying bail pending appeal either party may apply to the
18 reviewing court having jurisdiction or to a justice thereof
19 sitting in vacation for an order increasing or decreasing the
20 amount of bail or allowing or denying bail pending appeal
21 subject to the provisions of Section 110-6.2.

22 (f) When the conditions of the bail bond have been
23 performed and the accused has been discharged from all
24 obligations in the cause the clerk of the court shall return to
25 the accused or to the defendant's designee by an assignment
26 executed at the time the bail amount is deposited, unless the

1 court orders otherwise, 90% of the sum which had been
2 deposited and shall retain as bail bond costs 10% of the amount
3 deposited. However, in no event shall the amount retained by
4 the clerk as bail bond costs be less than \$5. Notwithstanding
5 the foregoing, in counties with a population of 3,000,000 or
6 more, in no event shall the amount retained by the clerk as
7 bail bond costs exceed \$100. Bail bond deposited by or on
8 behalf of a defendant in one case may be used, in the court's
9 discretion, to satisfy financial obligations of that same
10 defendant incurred in a different case due to a fine, court
11 costs, restitution or fees of the defendant's attorney of
12 record. In counties with a population of 3,000,000 or more,
13 the court shall not order bail bond deposited by or on behalf
14 of a defendant in one case to be used to satisfy financial
15 obligations of that same defendant in a different case until
16 the bail bond is first used to satisfy court costs and
17 attorney's fees in the case in which the bail bond has been
18 deposited and any other unpaid child support obligations are
19 satisfied. In counties with a population of less than
20 3,000,000, the court shall not order bail bond deposited by or
21 on behalf of a defendant in one case to be used to satisfy
22 financial obligations of that same defendant in a different
23 case until the bail bond is first used to satisfy court costs
24 in the case in which the bail bond has been deposited.

25 At the request of the defendant the court may order such
26 90% of defendant's bail deposit, or whatever amount is

1 repayable to defendant from such deposit, to be paid to
2 defendant's attorney of record.

3 (g) If the accused does not comply with the conditions of
4 the bail bond the court having jurisdiction shall enter an
5 order declaring the bail to be forfeited. Notice of such order
6 of forfeiture shall be mailed forthwith to the accused at his
7 last known address. If the accused does not appear and
8 surrender to the court having jurisdiction within 30 days from
9 the date of the forfeiture or within such period satisfy the
10 court that appearance and surrender by the accused is
11 impossible and without his fault the court shall enter
12 judgment for the State if the charge for which the bond was
13 given was a felony or misdemeanor, or if the charge was
14 quasi-criminal or traffic, judgment for the political
15 subdivision of the State which prosecuted the case, against
16 the accused for the amount of the bail and costs of the court
17 proceedings; however, in counties with a population of less
18 than 3,000,000, instead of the court entering a judgment for
19 the full amount of the bond the court may, in its discretion,
20 enter judgment for the cash deposit on the bond, less costs,
21 retain the deposit for further disposition or, if a cash bond
22 was posted for failure to appear in a matter involving
23 enforcement of child support or maintenance, the amount of the
24 cash deposit on the bond, less outstanding costs, may be
25 awarded to the person or entity to whom the child support or
26 maintenance is due. The deposit made in accordance with

1 paragraph (a) shall be applied to the payment of costs. If
2 judgment is entered and any amount of such deposit remains
3 after the payment of costs it shall be applied to payment of
4 the judgment and transferred to the treasury of the municipal
5 corporation wherein the bond was taken if the offense was a
6 violation of any penal ordinance of a political subdivision of
7 this State, or to the treasury of the county wherein the bond
8 was taken if the offense was a violation of any penal statute
9 of this State. The balance of the judgment may be enforced and
10 collected in the same manner as a judgment entered in a civil
11 action.

12 (h) After a judgment for a fine and court costs or either
13 is entered in the prosecution of a cause in which a deposit had
14 been made in accordance with paragraph (a) the balance of such
15 deposit, after deduction of bail bond costs, shall be applied
16 to the payment of the judgment.

17 (i) When a court appearance is required for an alleged
18 violation of the Criminal Code of 1961, the Criminal Code of
19 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
20 and Aquatic Life Code, the Child Passenger Protection Act, or
21 a comparable offense of a unit of local government as
22 specified in Supreme Court Rule 551, and if the accused does
23 not appear in court on the date set for appearance or any date
24 to which the case may be continued and the court issues an
25 arrest warrant for the accused, based upon his or her failure
26 to appear when having so previously been ordered to appear by

1 the court, the accused upon his or her admission to bail shall
2 be assessed by the court a fee of \$75. Payment of the fee shall
3 be a condition of release unless otherwise ordered by the
4 court. The fee shall be in addition to any bail that the
5 accused is required to deposit for the offense for which the
6 accused has been charged and may not be used for the payment of
7 court costs or fines assessed for the offense. The clerk of the
8 court shall remit \$70 of the fee assessed to the arresting
9 agency who brings the offender in on the arrest warrant. If the
10 Department of State Police is the arresting agency, \$70 of the
11 fee assessed shall be remitted by the clerk of the court to the
12 State Treasurer within one month after receipt for deposit
13 into the State Police Operations Assistance Fund. The clerk of
14 the court shall remit \$5 of the fee assessed to the Circuit
15 Court Clerk Operation and Administrative Fund as provided in
16 Section 27.3d of the Clerks of Courts Act.

17 (725 ILCS 5/110-8.1 new)

18 Sec. 110-8.1. Cash, stocks, bonds and real estate as
19 security for bail.

20 (a) In lieu of the bail deposit provided for in Section
21 110-7.1 of this Code any person for whom bail has been set may
22 execute the bail bond with or without sureties which bond may
23 be secured:

24 (1) By a deposit, with the clerk of the court, of an amount
25 equal to the required bail, of cash, or stocks and bonds in

1 which trustees are authorized to invest trust funds under the
2 laws of this State; or

3 (2) By real estate situated in this State with
4 unencumbered equity not exempt owned by the accused or
5 sureties worth double the amount of bail set in the bond.

6 (b) If the bail bond is secured by stocks and bonds the
7 accused or sureties shall file with the bond a sworn schedule
8 which shall be approved by the court and shall contain:

9 (1) A list of the stocks and bonds deposited
10 describing each in sufficient detail that it may be
11 identified;

12 (2) The market value of each stock and bond;

13 (3) The total market value of the stocks and bonds
14 listed;

15 (4) A statement that the affiant is the sole owner of
16 the stocks and bonds listed and they are not exempt from
17 the enforcement of a judgment thereon;

18 (5) A statement that such stocks and bonds have not
19 previously been used or accepted as bail in this State
20 during the 12 months preceding the date of the bail bond;
21 and

22 (6) A statement that such stocks and bonds are
23 security for the appearance of the accused in accordance
24 with the conditions of the bail bond.

25 (c) If the bail bond is secured by real estate the accused
26 or sureties shall file with the bond a sworn schedule which

1 shall contain:

2 (1) A legal description of the real estate;

3 (2) A description of any and all encumbrances on the
4 real estate including the amount of each and the holder
5 thereof;

6 (3) The market value of the unencumbered equity owned
7 by the affiant;

8 (4) A statement that the affiant is the sole owner of
9 such unencumbered equity and that it is not exempt from
10 the enforcement of a judgment thereon;

11 (5) A statement that the real estate has not
12 previously been used or accepted as bail in this State
13 during the 12 months preceding the date of the bail bond;
14 and

15 (6) A statement that the real estate is security for
16 the appearance of the accused in accordance with the
17 conditions of the bail bond.

18 (d) The sworn schedule shall constitute a material part of
19 the bail bond. The affiant commits perjury if in the sworn
20 schedule he makes a false statement which he does not believe
21 to be true. He shall be prosecuted and punished accordingly,
22 or, he may be punished for contempt.

23 (e) A certified copy of the bail bond and schedule of real
24 estate shall be filed immediately in the office of the
25 registrar of titles or recorder of the county in which the real
26 estate is situated and the State shall have a lien on such real

1 estate from the time such copies are filed in the office of the
2 registrar of titles or recorder. The registrar of titles or
3 recorder shall enter, index and record (or register as the
4 case may be) such bail bonds and schedules without requiring
5 any advance fee, which fee shall be taxed as costs in the
6 proceeding and paid out of such costs when collected.

7 (f) When the conditions of the bail bond have been
8 performed and the accused has been discharged from his
9 obligations in the cause, the clerk of the court shall return
10 to him or his sureties the deposit of any cash, stocks or
11 bonds. If the bail bond has been secured by real estate the
12 clerk of the court shall forthwith notify in writing the
13 registrar of titles or recorder and the lien of the bail bond
14 on the real estate shall be discharged.

15 (g) If the accused does not comply with the conditions of
16 the bail bond the court having jurisdiction shall enter an
17 order declaring the bail to be forfeited. Notice of such order
18 of forfeiture shall be mailed forthwith by the clerk of the
19 court to the accused and his sureties at their last known
20 address. If the accused does not appear and surrender to the
21 court having jurisdiction within 30 days from the date of the
22 forfeiture or within such period satisfy the court that
23 appearance and surrender by the accused is impossible and
24 without his fault the court shall enter judgment for the State
25 against the accused and his sureties for the amount of the bail
26 and costs of the proceedings; however, in counties with a

1 population of less than 3,000,000, if the defendant has posted
2 a cash bond, instead of the court entering a judgment for the
3 full amount of the bond the court may, in its discretion, enter
4 judgment for the cash deposit on the bond, less costs, retain
5 the deposit for further disposition or, if a cash bond was
6 posted for failure to appear in a matter involving enforcement
7 of child support or maintenance, the amount of the cash
8 deposit on the bond, less outstanding costs, may be awarded to
9 the person or entity to whom the child support or maintenance
10 is due.

11 (h) When judgment is entered in favor of the State on any
12 bail bond given for a felony or misdemeanor, or judgment for a
13 political subdivision of the state on any bail bond given for a
14 quasi-criminal or traffic offense, the State's Attorney or
15 political subdivision's attorney shall forthwith obtain a
16 certified copy of the judgment and deliver same to the sheriff
17 to be enforced by levy on the stocks or bonds deposited with
18 the clerk of the court and the real estate described in the
19 bail bond schedule. Any cash forfeited under subsection (g) of
20 this Section shall be used to satisfy the judgment and costs
21 and, without necessity of levy, ordered paid into the treasury
22 of the municipal corporation wherein the bail bond was taken
23 if the offense was a violation of any penal ordinance of a
24 political subdivision of this State, or into the treasury of
25 the county wherein the bail bond was taken if the offense was a
26 violation of any penal statute of this State, or to the person

1 or entity to whom child support or maintenance is owed if the
2 bond was taken for failure to appear in a matter involving
3 child support or maintenance. The stocks, bonds and real
4 estate shall be sold in the same manner as in sales for the
5 enforcement of a judgment in civil actions and the proceeds of
6 such sale shall be used to satisfy all court costs, prior
7 encumbrances, if any, and from the balance a sufficient amount
8 to satisfy the judgment shall be paid into the treasury of the
9 municipal corporation wherein the bail bond was taken if the
10 offense was a violation of any penal ordinance of a political
11 subdivision of this State, or into the treasury of the county
12 wherein the bail bond was taken if the offense was a violation
13 of any penal statute of this State. The balance shall be
14 returned to the owner. The real estate so sold may be redeemed
15 in the same manner as real estate may be redeemed after
16 judicial sales or sales for the enforcement of judgments in
17 civil actions.

18 (i) No stocks, bonds or real estate may be used or accepted
19 as bail bond security in this State more than once in any 12
20 month period.

21 (725 ILCS 5/110-9.1 new)

22 Sec. 110-9.1. Taking of bail by peace officer. When bail
23 has been set by a judicial officer for a particular offense or
24 offender any sheriff or other peace officer may take bail in
25 accordance with the provisions of Section 110-7.1 or 110-8.1

1 of this Code and release the offender to appear in accordance
2 with the conditions of the bail bond, the Notice to Appear or
3 the Summons. The officer shall give a receipt to the offender
4 for the bail so taken and within a reasonable time deposit such
5 bail with the clerk of the court having jurisdiction of the
6 offense. A sheriff or other peace officer taking bail in
7 accordance with the provisions of Section 110-7.1 or 110-8.1
8 of this Code shall accept payments made in the form of
9 currency, and may accept other forms of payment as the sheriff
10 shall by rule authorize. For purposes of this Section,
11 "currency" has the meaning provided in subsection (a) of
12 Section 3 of the Currency Reporting Act.

13 (725 ILCS 5/110-13.1 new)

14 Sec. 110-13.1. 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 (725 ILCS 5/110-14.1 new)

21 Sec. 110-14.1. Credit for incarceration on bailable
22 offense; credit against monetary bail for certain offenses.

23 (a) Any person incarcerated on a bailable offense who does
24 not supply bail and against whom a fine is levied on conviction

1 of the offense shall be allowed a credit of \$30 for each day so
2 incarcerated upon application of the defendant. However, in no
3 case shall the amount so allowed or credited exceed the amount
4 of the fine.

5 (b) Subsection (a) does not apply to a person incarcerated
6 for sexual assault as defined in paragraph (1) of subsection
7 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

8 (c) A person subject to bail on a Category B offense,
9 before January 1, 2023, shall have \$30 deducted from his or her
10 10% cash bond amount every day the person is incarcerated. The
11 sheriff shall calculate and apply this \$30 per day reduction
12 and send notice to the circuit clerk if a defendant's 10% cash
13 bond amount is reduced to \$0, at which point the defendant
14 shall be released upon his or her own recognizance.

15 (d) The court may deny the incarceration credit in
16 subsection (c) of this Section if the person has failed to
17 appear as required before the court and is incarcerated based
18 on a warrant for failure to appear on the same original
19 criminal offense.

20 (725 ILCS 5/110-15.1 new)

21 Sec. 110-15.1. Applicability of provisions for giving and
22 taking bail. The provisions of Sections 110-7.1 and 110-8.1 of
23 this Code are exclusive of other provisions of law for the
24 giving, taking, or enforcement of bail. In all cases where a
25 person is admitted to bail the provisions of Sections 110-7.1

1 and 110-8.1 of this Code shall be applicable.

2 However, the Supreme Court may, by rule or order,
3 prescribe a uniform schedule of amounts of bail in all but
4 felony offenses. The uniform schedule shall not require a
5 person cited for violating the Illinois Vehicle Code or a
6 similar provision of a local ordinance for which a violation
7 is a petty offense as defined by Section 5-1-17 of the Unified
8 Code of Corrections, excluding business offenses as defined by
9 Section 5-1-2 of the Unified Code of Corrections or a
10 violation of Section 15-111 or subsection (d) of Section 3-401
11 of the Illinois Vehicle Code, to post bond to secure bail for
12 his or her release. Such uniform schedule may provide that the
13 cash deposit provisions of Section 110-7.1 shall not apply to
14 bail amounts established for alleged violations punishable by
15 fine alone, and the schedule may further provide that in
16 specified traffic cases a valid Illinois chauffeur's or
17 operator's license must be deposited, in addition to 10% of
18 the amount of the bail specified in the schedule.

19 (725 ILCS 5/110-16.1 new)

20 Sec. 110-16.1. Bail bond-forfeiture in same case or
21 absents self during trial-not bailable. If a person admitted
22 to bail on a felony charge forfeits his bond and fails to
23 appear in court during the 30 days immediately after such
24 forfeiture, on being taken into custody thereafter he shall
25 not be bailable in the case in question, unless the court finds

1 that his absence was not for the purpose of obstructing
2 justice or avoiding prosecution.

3 (725 ILCS 5/110-17.1 new)

4 Sec. 110-17.1. Unclaimed bail deposits. Any sum of money
5 deposited by any person to secure his or her release from
6 custody which remains unclaimed by the person entitled to its
7 return for 3 years after the conditions of the bail bond have
8 been performed and the accused has been discharged from all
9 obligations in the cause shall be presumed to be abandoned and
10 subject to disposition under the Revised Uniform Unclaimed
11 Property Act.

12 (725 ILCS 5/110-18.1 new)

13 Sec. 110-18.1. Reimbursement. The sheriff of each county
14 shall certify to the treasurer of each county the number of
15 days that persons had been detained in the custody of the
16 sheriff without a bond being set as a result of an order
17 entered pursuant to Section 110-6.1 of this Code. The county
18 treasurer shall, no later than January 1, annually certify to
19 the Supreme Court the number of days that persons had been
20 detained without bond during the twelve-month period ending
21 November 30. The Supreme Court shall reimburse, from funds
22 appropriated to it by the General Assembly for such purposes,
23 the treasurer of each county an amount of money for deposit in
24 the county general revenue fund at a rate of \$50 per day for

1 each day that persons were detained in custody without bail as
2 a result of an order entered pursuant to Section 110-6.1 of
3 this Code.

4 (725 ILCS 5/Art. 110B heading new)

5 ARTICLE 110B. PEACE BONDS

6 (725 ILCS 5/110B-5 new)

7 Sec. 110B-5. Courts as conservators of the peace. All
8 courts are conservators of the peace, shall cause to be kept
9 all laws made for the preservation of the peace, and may
10 require persons to give security to keep the peace or for their
11 good behavior, or both, as provided by this Article.

12 (725 ILCS 5/110B-10 new)

13 Sec. 110B-10. Complaints. When complaint is made to a
14 judge that a person has threatened or is about to commit an
15 offense against the person or property of another, the court
16 shall examine on oath the complaint, and any witness who may be
17 produced, and reduce the complaint to writing, and cause it to
18 be subscribed and sworn to by the complainant.

19 The complaint may be issued electronically or
20 electromagnetically by use of a facsimile transmission
21 machine, and that complaint has the same validity as a written
22 complaint.

1 (725 ILCS 5/110B-15 new)

2 Sec. 110B-15. Warrants. If the court is satisfied that
3 there is danger that an offense will be committed, the court
4 shall issue a warrant requiring the proper officer to whom it
5 is directed forthwith to apprehend the person complained of
6 and bring him or her before the court having jurisdiction in
7 the premises.

8 The warrant may be issued electronically or
9 electromagnetically by use of a facsimile transmission
10 machine, and that warrant has the same validity as a written
11 warrant.

12 (725 ILCS 5/110B-20 new)

13 Sec. 110B-20. Hearing. When the person complained of is
14 brought before the court if the charge is controverted, the
15 testimony produced on behalf of the plaintiff and defendant
16 shall be heard.

17 (725 ILCS 5/110B-25 new)

18 Sec. 110B-25. Malicious prosecution; costs. If it appears
19 that there is no just reason to fear the commission of the
20 offense, the defendant shall be discharged. If the court is of
21 the opinion that the prosecution was commenced maliciously
22 without probable cause, the court may enter judgment against
23 the complainant for the costs of the prosecution.

1 (725 ILCS 5/110B-30 new)

2 Sec. 110B-30. Recognizance. If there is just reason to
3 fear the commission of an offense, the defendant shall be
4 required to give a recognizance, with sufficient security, in
5 the sum as the court may direct, to keep the peace towards all
6 people of this State, and especially towards the person
7 against whom or whose property there is reason to fear the
8 offense may be committed, for such time, not exceeding 12
9 months, as the court may order. But he or she shall not be
10 bound over to the next court unless he or she is also charged
11 with some other offense for which he or she ought to be held to
12 answer at the court.

13 (725 ILCS 5/110B-35 new)

14 Sec. 110B-35. Refusal to give recognizance. If the person
15 so ordered to recognize complies with the order, he or she
16 shall be discharged; but if he or she refuses or neglects, the
17 court shall commit him or her to jail during the period for
18 which he or she was required to give security, or until he or
19 she so recognizes, stating in the warrant the cause of
20 commitment, with the sum and time for which the security was
21 required.

22 (725 ILCS 5/110B-40 new)

23 Sec. 110B-40. Costs of prosecution. When a person is
24 required to give security to keep the peace, or for his or her

1 good behavior, the court may further order that the costs of
2 the prosecution, or any part of the costs, shall be paid by
3 that person, who shall stand committed until the costs are
4 paid or he or she is otherwise legally discharged.

5 (725 ILCS 5/110B-45 new)

6 Sec. 110B-45. Discharge upon giving recognizance. A person
7 committed for not finding sureties, or refusing to recognize
8 as required by the court, may be discharged on giving the
9 security as was required.

10 (725 ILCS 5/110B-50 new)

11 Sec. 110B-50. Filing of recognizance; breach of condition.
12 Every recognizance taken in accordance with the foregoing
13 provisions shall be filed of record by the clerk and upon a
14 breach of the condition the same shall be prosecuted by the
15 State's Attorney.

16 (725 ILCS 5/110B-55 new)

17 Sec. 110B-55. Conviction not needed. In proceeding upon a
18 recognizance it is not necessary to show a conviction of the
19 defendant of an offense against the person or property of
20 another.

21 (725 ILCS 5/110B-60 new)

22 Sec. 110B-60. Threat made in court. A person who, in the

1 presence of a court, commits or threatens to commit an offense
2 against the person or property of another, may be ordered,
3 without process, to enter into a recognizance to keep the
4 peace for a period not exceeding 12 months, and in case of
5 refusal be committed as in other cases.

6 (725 ILCS 5/110B-65 new)

7 Sec. 110B-65. Remitting recognizance. When, upon an action
8 brought upon a recognizance, the penalty for the action is
9 adjudged forfeited, the court may, on the petition of a
10 defendant, remit the portion of it as the circumstances of the
11 case render just and reasonable.

12 (725 ILCS 5/110B-70 new)

13 Sec. 110B-70. Surrender of principal. The sureties of a
14 person bound to keep the peace may, at any time, surrender
15 their principal to the sheriff of the county in which the
16 principal was bound, under the same rules and regulations
17 governing the surrender of the principal in other criminal
18 cases.

19 (725 ILCS 5/110B-75 new)

20 Sec. 110B-75. New recognizance. The person so surrendered
21 may recognize anew, with sufficient sureties, before a court,
22 for the residue of the time, and shall thereupon be
23 discharged.

1 (725 ILCS 5/110B-80 new)

2 Sec. 110B-80. Amended complaint. No proceeding to prevent
3 a breach of the peace shall be dismissed on account of any
4 informality or insufficiency in the complaint, or any process
5 or proceeding, but the complaint may be amended, by order of
6 the court, to conform to the facts in the case.

7 Section 2-236. The Firearm Seizure Act is amended by
8 changing Section 4 as follows:

9 (725 ILCS 165/4) (from Ch. 38, par. 161-4)

10 Sec. 4. In lieu of requiring the surrender of any firearm,
11 the court may require the defendant to give a recognizance as
12 provided in Article 110B ~~110A~~ of the Code of Criminal
13 Procedure of 1963.

14 (Source: P.A. 96-328, eff. 8-11-09.)

15 Section 2-240. The Rights of Crime Victims and Witnesses
16 Act is amended by changing Sections 3, 4 and 4.5 as follows:

17 (725 ILCS 120/3) (from Ch. 38, par. 1403)

18 Sec. 3. The terms used in this Act shall have the following
19 meanings:

20 (a) "Crime victim" or "victim" means: (1) any natural
21 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-6) "DNA database" means a collection of DNA profiles
6 from forensic casework or specimens from anonymous,
7 identified, and unidentified sources that is created to search
8 DNA records against each other to develop investigative leads
9 among forensic cases.

10 (a-7) "Sentence" includes, but is not limited to, the
11 imposition of sentence, a request for a reduction in sentence,
12 parole, mandatory supervised release, aftercare release, early
13 release, inpatient treatment, outpatient treatment,
14 conditional release after a finding that the defendant is not
15 guilty by reason of insanity, clemency, or a proposal that
16 would reduce the defendant's sentence or result in the
17 defendant's release. "Early release" refers to a discretionary
18 release.

19 (a-9) "Sentencing" includes, but is not limited to, the
20 imposition of sentence and a request for a reduction in
21 sentence, parole, mandatory supervised release, aftercare
22 release, early release, consideration of inpatient treatment
23 or outpatient treatment, or conditional release after a
24 finding that the defendant is not guilty by reason of
25 insanity.

26 (a-10) "Status hearing" means a hearing designed to

1 provide information to the court, at which no motion of a
2 substantive nature and no constitutional or statutory right of
3 a crime victim is implicated or at issue.

4 (b) "Witness" means: any person who personally observed
5 the commission of a crime and who will testify on behalf of the
6 State of Illinois; or a person who will be called by the
7 prosecution to give testimony establishing a necessary nexus
8 between the offender and the violent crime.

9 (c) "Violent crime" means: (1) any felony in which force
10 or threat of force was used against the victim; (2) any offense
11 involving sexual exploitation, sexual conduct, or sexual
12 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
13 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
14 Criminal Code of 2012; (4) domestic battery or stalking; (5)
15 violation of an order of protection, a civil no contact order,
16 or a stalking no contact order; (6) any misdemeanor which
17 results in death or great bodily harm to the victim; or (7) any
18 violation of Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, or Section 11-501 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance, if
21 the violation resulted in personal injury or death. "Violent
22 crime" includes any action committed by a juvenile that would
23 be a violent crime if committed by an adult. For the purposes
24 of this paragraph, "personal injury" shall include any Type A
25 injury as indicated on the traffic crash report completed by a
26 law enforcement officer that requires immediate professional

1 attention in either a doctor's office or medical facility. A
2 type A injury shall include severely bleeding wounds,
3 distorted extremities, and injuries that require the injured
4 party to be carried from the scene.

5 (d) (Blank).

6 (e) "Court proceedings" includes, but is not limited to,
7 the preliminary hearing, any post-arraignment hearing the
8 effect of which may be the release of the defendant from
9 custody or to alter the conditions of bond, change of plea
10 hearing, the trial, any pretrial or post-trial hearing,
11 sentencing, any oral argument or hearing before an Illinois
12 appellate court, any hearing under the Mental Health and
13 Developmental Disabilities Code or Section 5-2-4 of the
14 Unified Code of Corrections after a finding that the defendant
15 is not guilty by reason of insanity, including a hearing for
16 conditional release, any hearing related to a modification of
17 sentence, probation revocation hearing, aftercare release or
18 parole hearings, post-conviction relief proceedings, habeas
19 corpus proceedings and clemency proceedings related to the
20 defendant's conviction or sentence. For purposes of the
21 victim's right to be present, "court proceedings" does not
22 include (1) hearings under Section 109-1 of the Code of
23 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
24 ~~(2)~~ status hearings, or (4) ~~(3)~~ the issuance of an order or
25 decision of an Illinois court that dismisses a charge,
26 reverses a conviction, reduces a sentence, or releases an

1 offender under a court rule.

2 (f) "Concerned citizen" includes relatives of the victim,
3 friends of the victim, witnesses to the crime, or any other
4 person associated with the victim or prisoner.

5 (g) "Victim's attorney" means an attorney retained by the
6 victim for the purposes of asserting the victim's
7 constitutional and statutory rights. An attorney retained by
8 the victim means an attorney who is hired to represent the
9 victim at the victim's expense or an attorney who has agreed to
10 provide pro bono representation. Nothing in this statute
11 creates a right to counsel at public expense for a victim.

12 (h) "Support person" means a person chosen by a victim to
13 be present at court proceedings.

14 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23;
15 103-792, eff. 1-1-25.)

16 (725 ILCS 120/4) (from Ch. 38, par. 1404)

17 Sec. 4. Rights of crime victims.

18 (a) Crime victims shall have the following rights:

19 (1) The right to be treated with fairness and respect
20 for their dignity and privacy and to be free from
21 harassment, intimidation, and abuse throughout the
22 criminal justice process.

23 (1.5) The right to notice and to a hearing before a
24 court ruling on a request for access to any of the victim's
25 records, information, or communications which are

1 privileged or confidential by law.

2 (1.6) Except as otherwise provided in Section 9.5 of
3 the Criminal Identification Act or Section 3-3013 of the
4 Counties Code, whenever a person's DNA profile is
5 collected due to the person being a victim of a crime, as
6 identified by law enforcement, that specific profile
7 collected in conjunction with that criminal investigation
8 shall not be entered into any DNA database. Nothing in
9 this paragraph (1.6) shall be interpreted to contradict
10 rules and regulations developed by the Federal Bureau of
11 Investigation relating to the National DNA Index System or
12 Combined DNA Index System.

13 (2) The right to timely notification of all court
14 proceedings.

15 (3) The right to communicate with the prosecution.

16 (4) The right to be heard at any post-arraignment
17 court proceeding in which a right of the victim is at issue
18 and any court proceeding involving a post-arraignment
19 release decision, plea, or sentencing.

20 (5) The right to be notified of the conviction, the
21 sentence, the imprisonment and the release of the accused.

22 (6) The right to the timely disposition of the case
23 following the arrest of the accused.

24 (7) The right to be reasonably protected from the
25 accused through the criminal justice process.

26 (7.5) The right to have the safety of the victim and

1 the victim's family considered in denying or fixing the
2 amount of bail, determining whether to release the
3 defendant, and setting conditions of release after arrest
4 and conviction.

5 (8) The right to be present at the trial and all other
6 court proceedings on the same basis as the accused, unless
7 the victim is to testify and the court determines that the
8 victim's testimony would be materially affected if the
9 victim hears other testimony at the trial.

10 (9) The right to have present at all court
11 proceedings, including proceedings under the Juvenile
12 Court Act of 1987, subject to the rules of evidence, an
13 advocate and other support person of the victim's choice.

14 (10) The right to restitution.

15 (b) Any law enforcement agency that investigates an
16 offense committed in this State shall provide a crime victim
17 with a written statement and explanation of the rights of
18 crime victims under this amendatory Act of the 99th General
19 Assembly within 48 hours of law enforcement's initial contact
20 with a victim. The statement shall include information about
21 crime victim compensation, including how to contact the Office
22 of the Illinois Attorney General to file a claim, and
23 appropriate referrals to local and State programs that provide
24 victim services. The content of the statement shall be
25 provided to law enforcement by the Attorney General. Law
26 enforcement shall also provide a crime victim with a sign-off

1 sheet that the victim shall sign and date as an
2 acknowledgement that he or she has been furnished with
3 information and an explanation of the rights of crime victims
4 and compensation set forth in this Act.

5 (b-5) Upon the request of the victim, the law enforcement
6 agency having jurisdiction shall provide a free copy of the
7 police report concerning the victim's incident, as soon as
8 practicable, but in no event later than 5 business days from
9 the request.

10 (c) The Clerk of the Circuit Court shall post the rights of
11 crime victims set forth in Article I, Section 8.1(a) of the
12 Illinois Constitution and subsection (a) of this Section
13 within 3 feet of the door to any courtroom where criminal
14 proceedings are conducted. The clerk may also post the rights
15 in other locations in the courthouse.

16 (d) At any point, the victim has the right to retain a
17 victim's attorney who may be present during all stages of any
18 interview, investigation, or other interaction with
19 representatives of the criminal justice system. Treatment of
20 the victim should not be affected or altered in any way as a
21 result of the victim's decision to exercise this right.

22 (Source: P.A. 103-792, eff. 1-1-25.)

23 (725 ILCS 120/4.5)

24 Sec. 4.5. Procedures to implement the rights of crime
25 victims. To afford crime victims their rights, law

1 enforcement, prosecutors, judges, and corrections will provide
2 information, as appropriate, of the following procedures:

3 (a) At the request of the crime victim, law enforcement
4 authorities investigating the case shall provide notice of the
5 status of the investigation, except where the State's Attorney
6 determines that disclosure of such information would
7 unreasonably interfere with the investigation, until such time
8 as the alleged assailant is apprehended or the investigation
9 is closed.

10 (a-5) When law enforcement authorities reopen a closed
11 case to resume investigating, they shall provide notice of the
12 reopening of the case, except where the State's Attorney
13 determines that disclosure of such information would
14 unreasonably interfere with the investigation.

15 (b) The office of the State's Attorney:

16 (1) shall provide notice of the filing of an
17 information, the return of an indictment, or the filing of
18 a petition to adjudicate a minor as a delinquent for a
19 violent crime;

20 (2) shall provide timely notice of the date, time, and
21 place of court proceedings; of any change in the date,
22 time, and place of court proceedings; and of any
23 cancellation of court proceedings. Notice shall be
24 provided in sufficient time, wherever possible, for the
25 victim to make arrangements to attend or to prevent an
26 unnecessary appearance at court proceedings;

1 (3) or victim advocate personnel shall provide
2 information of social services and financial assistance
3 available for victims of crime, including information of
4 how to apply for these services and assistance;

5 (3.5) or victim advocate personnel shall provide
6 information about available victim services, including
7 referrals to programs, counselors, and agencies that
8 assist a victim to deal with trauma, loss, and grief;

9 (4) shall assist in having any stolen or other
10 personal property held by law enforcement authorities for
11 evidentiary or other purposes returned as expeditiously as
12 possible, pursuant to the procedures set out in Section
13 115-9 of the Code of Criminal Procedure of 1963;

14 (5) or victim advocate personnel shall provide
15 appropriate employer intercession services to ensure that
16 employers of victims will cooperate with the criminal
17 justice system in order to minimize an employee's loss of
18 pay and other benefits resulting from court appearances;

19 (6) shall provide, whenever possible, a secure waiting
20 area during court proceedings that does not require
21 victims to be in close proximity to defendants or
22 juveniles accused of a violent crime, and their families
23 and friends;

24 (7) shall provide notice to the crime victim of the
25 right to have a translator present at all court
26 proceedings and, in compliance with the federal Americans

1 with Disabilities Act of 1990, the right to communications
2 access through a sign language interpreter or by other
3 means;

4 (8) (blank);

5 (8.5) shall inform the victim of the right to be
6 present at all court proceedings, unless the victim is to
7 testify and the court determines that the victim's
8 testimony would be materially affected if the victim hears
9 other testimony at trial;

10 (9) shall inform the victim of the right to have
11 present at all court proceedings, subject to the rules of
12 evidence and confidentiality, an advocate and other
13 support person of the victim's choice;

14 (9.3) shall inform the victim of the right to retain
15 an attorney, at the victim's own expense, who, upon
16 written notice filed with the clerk of the court and
17 State's Attorney, is to receive copies of all notices,
18 motions, and court orders filed thereafter in the case, in
19 the same manner as if the victim were a named party in the
20 case;

21 (9.5) shall inform the victim of (A) the victim's
22 right under Section 6 of this Act to make a statement at
23 the sentencing hearing; (B) the right of the victim's
24 spouse, guardian, parent, grandparent, and other immediate
25 family and household members under Section 6 of this Act
26 to present a statement at sentencing; and (C) if a

1 presentence report is to be prepared, the right of the
2 victim's spouse, guardian, parent, grandparent, and other
3 immediate family and household members to submit
4 information to the preparer of the presentence report
5 about the effect the offense has had on the victim and the
6 person;

7 (10) at the sentencing shall make a good faith attempt
8 to explain the minimum amount of time during which the
9 defendant may actually be physically imprisoned. The
10 Office of the State's Attorney shall further notify the
11 crime victim of the right to request from the Prisoner
12 Review Board or Department of Juvenile Justice information
13 concerning the release of the defendant;

14 (11) shall request restitution at sentencing and as
15 part of a plea agreement if the victim requests
16 restitution;

17 (12) shall, upon the court entering a verdict of not
18 guilty by reason of insanity, inform the victim of the
19 notification services available from the Department of
20 Human Services, including the statewide telephone number,
21 under subparagraph (d) (2) of this Section;

22 (13) shall provide notice within a reasonable time
23 after receipt of notice from the custodian, of the release
24 of the defendant on ~~pretrial-release~~ bail or personal
25 recognizance or the release from detention of a minor who
26 has been detained;

1 (14) shall explain in nontechnical language the
2 details of any plea or verdict of a defendant, or any
3 adjudication of a juvenile as a delinquent;

4 (15) shall make all reasonable efforts to consult with
5 the crime victim before the Office of the State's Attorney
6 makes an offer of a plea bargain to the defendant or enters
7 into negotiations with the defendant concerning a possible
8 plea agreement, and shall consider the written statement,
9 if prepared prior to entering into a plea agreement. The
10 right to consult with the prosecutor does not include the
11 right to veto a plea agreement or to insist the case go to
12 trial. If the State's Attorney has not consulted with the
13 victim prior to making an offer or entering into plea
14 negotiations with the defendant, the Office of the State's
15 Attorney shall notify the victim of the offer or the
16 negotiations within 2 business days and confer with the
17 victim;

18 (16) shall provide notice of the ultimate disposition
19 of the cases arising from an indictment or an information,
20 or a petition to have a juvenile adjudicated as a
21 delinquent for a violent crime;

22 (17) shall provide notice of any appeal taken by the
23 defendant and information on how to contact the
24 appropriate agency handling the appeal, and how to request
25 notice of any hearing, oral argument, or decision of an
26 appellate court;

1 (18) shall provide timely notice of any request for
2 post-conviction review filed by the defendant under
3 Article 122 of the Code of Criminal Procedure of 1963, and
4 of the date, time and place of any hearing concerning the
5 petition. Whenever possible, notice of the hearing shall
6 be given within 48 hours of the court's scheduling of the
7 hearing;

8 (19) shall forward a copy of any statement presented
9 under Section 6 to the Prisoner Review Board or Department
10 of Juvenile Justice to be considered in making a
11 determination under Section 3-2.5-85 or subsection (b) of
12 Section 3-3-8 of the Unified Code of Corrections;

13 (20) shall, within a reasonable time, offer to meet
14 with the crime victim regarding the decision of the
15 State's Attorney not to charge an offense, and shall meet
16 with the victim, if the victim agrees. The victim has a
17 right to have an attorney, advocate, and other support
18 person of the victim's choice attend this meeting with the
19 victim; and

20 (21) shall give the crime victim timely notice of any
21 decision not to pursue charges and consider the safety of
22 the victim when deciding how to give such notice.

23 (c) The court shall ensure that the rights of the victim
24 are afforded.

25 (c-5) The following procedures shall be followed to afford
26 victims the rights guaranteed by Article I, Section 8.1 of the

1 Illinois Constitution:

2 (1) Written notice. A victim may complete a written
3 notice of intent to assert rights on a form prepared by the
4 Office of the Attorney General and provided to the victim
5 by the State's Attorney. The victim may at any time
6 provide a revised written notice to the State's Attorney.
7 The State's Attorney shall file the written notice with
8 the court. At the beginning of any court proceeding in
9 which the right of a victim may be at issue, the court and
10 prosecutor shall review the written notice to determine
11 whether the victim has asserted the right that may be at
12 issue.

13 (2) Victim's retained attorney. A victim's attorney
14 shall file an entry of appearance limited to assertion of
15 the victim's rights. Upon the filing of the entry of
16 appearance and service on the State's Attorney and the
17 defendant, the attorney is to receive copies of all
18 notices, motions and court orders filed thereafter in the
19 case.

20 (3) Standing. The victim has standing to assert the
21 rights enumerated in subsection (a) of Article I, Section
22 8.1 of the Illinois Constitution and the statutory rights
23 under Section 4 of this Act in any court exercising
24 jurisdiction over the criminal case. The prosecuting
25 attorney, a victim, or the victim's retained attorney may
26 assert the victim's rights. The defendant in the criminal

1 case has no standing to assert a right of the victim in any
2 court proceeding, including on appeal.

3 (4) Assertion of and enforcement of rights.

4 (A) The prosecuting attorney shall assert a
5 victim's right or request enforcement of a right by
6 filing a motion or by orally asserting the right or
7 requesting enforcement in open court in the criminal
8 case outside the presence of the jury. The prosecuting
9 attorney shall consult with the victim and the
10 victim's attorney regarding the assertion or
11 enforcement of a right. If the prosecuting attorney
12 decides not to assert or enforce a victim's right, the
13 prosecuting attorney shall notify the victim or the
14 victim's attorney in sufficient time to allow the
15 victim or the victim's attorney to assert the right or
16 to seek enforcement of a right.

17 (B) If the prosecuting attorney elects not to
18 assert a victim's right or to seek enforcement of a
19 right, the victim or the victim's attorney may assert
20 the victim's right or request enforcement of a right
21 by filing a motion or by orally asserting the right or
22 requesting enforcement in open court in the criminal
23 case outside the presence of the jury.

24 (C) If the prosecuting attorney asserts a victim's
25 right or seeks enforcement of a right, unless the
26 prosecuting attorney objects or the trial court does

1 not allow it, the victim or the victim's attorney may
2 be heard regarding the prosecuting attorney's motion
3 or may file a simultaneous motion to assert or request
4 enforcement of the victim's right. If the victim or
5 the victim's attorney was not allowed to be heard at
6 the hearing regarding the prosecuting attorney's
7 motion, and the court denies the prosecuting
8 attorney's assertion of the right or denies the
9 request for enforcement of a right, the victim or
10 victim's attorney may file a motion to assert the
11 victim's right or to request enforcement of the right
12 within 10 days of the court's ruling. The motion need
13 not demonstrate the grounds for a motion for
14 reconsideration. The court shall rule on the merits of
15 the motion.

16 (D) The court shall take up and decide any motion
17 or request asserting or seeking enforcement of a
18 victim's right without delay, unless a specific time
19 period is specified by law or court rule. The reasons
20 for any decision denying the motion or request shall
21 be clearly stated on the record.

22 (E) No later than January 1, 2023, the Office of
23 the Attorney General shall:

24 (i) designate an administrative authority
25 within the Office of the Attorney General to
26 receive and investigate complaints relating to the

1 provision or violation of the rights of a crime
2 victim as described in Article I, Section 8.1 of
3 the Illinois Constitution and in this Act;

4 (ii) create and administer a course of
5 training for employees and offices of the State of
6 Illinois that fail to comply with provisions of
7 Illinois law pertaining to the treatment of crime
8 victims as described in Article I, Section 8.1 of
9 the Illinois Constitution and in this Act as
10 required by the court under Section 5 of this Act;
11 and

12 (iii) have the authority to make
13 recommendations to employees and offices of the
14 State of Illinois to respond more effectively to
15 the needs of crime victims, including regarding
16 the violation of the rights of a crime victim.

17 (F) Crime victims' rights may also be asserted by
18 filing a complaint for mandamus, injunctive, or
19 declaratory relief in the jurisdiction in which the
20 victim's right is being violated or where the crime is
21 being prosecuted. For complaints or motions filed by
22 or on behalf of the victim, the clerk of court shall
23 waive filing fees that would otherwise be owed by the
24 victim for any court filing with the purpose of
25 enforcing crime victims' rights. If the court denies
26 the relief sought by the victim, the reasons for the

1 denial shall be clearly stated on the record in the
2 transcript of the proceedings, in a written opinion,
3 or in the docket entry, and the victim may appeal the
4 circuit court's decision to the appellate court. The
5 court shall issue prompt rulings regarding victims'
6 rights. Proceedings seeking to enforce victims' rights
7 shall not be stayed or subject to unreasonable delay
8 via continuances.

9 (5) Violation of rights and remedies.

10 (A) If the court determines that a victim's right
11 has been violated, the court shall determine the
12 appropriate remedy for the violation of the victim's
13 right by hearing from the victim and the parties,
14 considering all factors relevant to the issue, and
15 then awarding appropriate relief to the victim.

16 (A-5) Consideration of an issue of a substantive
17 nature or an issue that implicates the constitutional
18 or statutory right of a victim at a court proceeding
19 labeled as a status hearing shall constitute a per se
20 violation of a victim's right.

21 (B) The appropriate remedy shall include only
22 actions necessary to provide the victim the right to
23 which the victim was entitled. Remedies may include,
24 but are not limited to: injunctive relief requiring
25 the victim's right to be afforded; declaratory
26 judgment recognizing or clarifying the victim's

1 rights; a writ of mandamus; and may include reopening
2 previously held proceedings; however, in no event
3 shall the court vacate a conviction. Any remedy shall
4 be tailored to provide the victim an appropriate
5 remedy without violating any constitutional right of
6 the defendant. In no event shall the appropriate
7 remedy to the victim be a new trial or damages.

8 The court shall impose a mandatory training course
9 provided by the Attorney General for the employee under
10 item (ii) of subparagraph (E) of paragraph (4), which must
11 be successfully completed within 6 months of the entry of
12 the court order.

13 This paragraph (5) takes effect January 2, 2023.

14 (6) Right to be heard. Whenever a victim has the right
15 to be heard, the court shall allow the victim to exercise
16 the right in any reasonable manner the victim chooses.

17 (7) Right to attend trial. A party must file a written
18 motion to exclude a victim from trial at least 60 days
19 prior to the date set for trial. The motion must state with
20 specificity the reason exclusion is necessary to protect a
21 constitutional right of the party, and must contain an
22 offer of proof. The court shall rule on the motion within
23 30 days. If the motion is granted, the court shall set
24 forth on the record the facts that support its finding
25 that the victim's testimony will be materially affected if
26 the victim hears other testimony at trial.

1 (8) Right to have advocate and support person present
2 at court proceedings.

3 (A) A party who intends to call an advocate as a
4 witness at trial must seek permission of the court
5 before the subpoena is issued. The party must file a
6 written motion at least 90 days before trial that sets
7 forth specifically the issues on which the advocate's
8 testimony is sought and an offer of proof regarding
9 (i) the content of the anticipated testimony of the
10 advocate; and (ii) the relevance, admissibility, and
11 materiality of the anticipated testimony. The court
12 shall consider the motion and make findings within 30
13 days of the filing of the motion. If the court finds by
14 a preponderance of the evidence that: (i) the
15 anticipated testimony is not protected by an absolute
16 privilege; and (ii) the anticipated testimony contains
17 relevant, admissible, and material evidence that is
18 not available through other witnesses or evidence, the
19 court shall issue a subpoena requiring the advocate to
20 appear to testify at an in camera hearing. The
21 prosecuting attorney and the victim shall have 15 days
22 to seek appellate review before the advocate is
23 required to testify at an ex parte in camera
24 proceeding.

25 The prosecuting attorney, the victim, and the
26 advocate's attorney shall be allowed to be present at

1 the ex parte in camera proceeding. If, after
2 conducting the ex parte in camera hearing, the court
3 determines that due process requires any testimony
4 regarding confidential or privileged information or
5 communications, the court shall provide to the
6 prosecuting attorney, the victim, and the advocate's
7 attorney a written memorandum on the substance of the
8 advocate's testimony. The prosecuting attorney, the
9 victim, and the advocate's attorney shall have 15 days
10 to seek appellate review before a subpoena may be
11 issued for the advocate to testify at trial. The
12 presence of the prosecuting attorney at the ex parte
13 in camera proceeding does not make the substance of
14 the advocate's testimony that the court has ruled
15 inadmissible subject to discovery.

16 (B) If a victim has asserted the right to have a
17 support person present at the court proceedings, the
18 victim shall provide the name of the person the victim
19 has chosen to be the victim's support person to the
20 prosecuting attorney, within 60 days of trial. The
21 prosecuting attorney shall provide the name to the
22 defendant. If the defendant intends to call the
23 support person as a witness at trial, the defendant
24 must seek permission of the court before a subpoena is
25 issued. The defendant must file a written motion at
26 least 45 days prior to trial that sets forth

1 specifically the issues on which the support person
2 will testify and an offer of proof regarding: (i) the
3 content of the anticipated testimony of the support
4 person; and (ii) the relevance, admissibility, and
5 materiality of the anticipated testimony.

6 If the prosecuting attorney intends to call the
7 support person as a witness during the State's
8 case-in-chief, the prosecuting attorney shall inform
9 the court of this intent in the response to the
10 defendant's written motion. The victim may choose a
11 different person to be the victim's support person.
12 The court may allow the defendant to inquire about
13 matters outside the scope of the direct examination
14 during cross-examination. If the court allows the
15 defendant to do so, the support person shall be
16 allowed to remain in the courtroom after the support
17 person has testified. A defendant who fails to
18 question the support person about matters outside the
19 scope of direct examination during the State's
20 case-in-chief waives the right to challenge the
21 presence of the support person on appeal. The court
22 shall allow the support person to testify if called as
23 a witness in the defendant's case-in-chief or the
24 State's rebuttal.

25 If the court does not allow the defendant to
26 inquire about matters outside the scope of the direct

1 examination, the support person shall be allowed to
2 remain in the courtroom after the support person has
3 been called by the defendant or the defendant has
4 rested. The court shall allow the support person to
5 testify in the State's rebuttal.

6 If the prosecuting attorney does not intend to
7 call the support person in the State's case-in-chief,
8 the court shall verify with the support person whether
9 the support person, if called as a witness, would
10 testify as set forth in the offer of proof. If the
11 court finds that the support person would testify as
12 set forth in the offer of proof, the court shall rule
13 on the relevance, materiality, and admissibility of
14 the anticipated testimony. If the court rules the
15 anticipated testimony is admissible, the court shall
16 issue the subpoena. The support person may remain in
17 the courtroom after the support person testifies and
18 shall be allowed to testify in rebuttal.

19 If the court excludes the victim's support person
20 during the State's case-in-chief, the victim shall be
21 allowed to choose another support person to be present
22 in court.

23 If the victim fails to designate a support person
24 within 60 days of trial and the defendant has
25 subpoenaed the support person to testify at trial, the
26 court may exclude the support person from the trial

1 until the support person testifies. If the court
2 excludes the support person the victim may choose
3 another person as a support person.

4 (9) Right to notice and hearing before disclosure of
5 confidential or privileged information or records.

6 (A) A defendant who seeks to subpoena testimony or
7 records of or concerning the victim that are
8 confidential or privileged by law must seek permission
9 of the court before the subpoena is issued. The
10 defendant must file a written motion and an offer of
11 proof regarding the relevance, admissibility and
12 materiality of the testimony or records. If the court
13 finds by a preponderance of the evidence that:

14 (i) the testimony or records are not protected
15 by an absolute privilege and

16 (ii) the testimony or records contain
17 relevant, admissible, and material evidence that
18 is not available through other witnesses or
19 evidence, the court shall issue a subpoena
20 requiring the witness to appear in camera or a
21 sealed copy of the records be delivered to the
22 court to be reviewed in camera. If, after
23 conducting an in camera review of the witness
24 statement or records, the court determines that
25 due process requires disclosure of any potential
26 testimony or any portion of the records, the court

1 shall provide copies of the records that it
2 intends to disclose to the prosecuting attorney
3 and the victim. The prosecuting attorney and the
4 victim shall have 30 days to seek appellate review
5 before the records are disclosed to the defendant,
6 used in any court proceeding, or disclosed to
7 anyone or in any way that would subject the
8 testimony or records to public review. The
9 disclosure of copies of any portion of the
10 testimony or records to the prosecuting attorney
11 under this Section does not make the records
12 subject to discovery or required to be provided to
13 the defendant.

14 (B) A prosecuting attorney who seeks to subpoena
15 information or records concerning the victim that are
16 confidential or privileged by law must first request
17 the written consent of the crime victim. If the victim
18 does not provide such written consent, including where
19 necessary the appropriate signed document required for
20 waiving privilege, the prosecuting attorney must serve
21 the subpoena at least 21 days prior to the date a
22 response or appearance is required to allow the
23 subject of the subpoena time to file a motion to quash
24 or request a hearing. The prosecuting attorney must
25 also send a written notice to the victim at least 21
26 days prior to the response date to allow the victim to

1 file a motion or request a hearing. The notice to the
2 victim shall inform the victim (i) that a subpoena has
3 been issued for confidential information or records
4 concerning the victim, (ii) that the victim has the
5 right to request a hearing prior to the response date
6 of the subpoena, and (iii) how to request the hearing.
7 The notice to the victim shall also include a copy of
8 the subpoena. If requested, a hearing regarding the
9 subpoena shall occur before information or records are
10 provided to the prosecuting attorney.

11 (10) Right to notice of court proceedings. If the
12 victim is not present at a court proceeding in which a
13 right of the victim is at issue, the court shall ask the
14 prosecuting attorney whether the victim was notified of
15 the time, place, and purpose of the court proceeding and
16 that the victim had a right to be heard at the court
17 proceeding. If the court determines that timely notice was
18 not given or that the victim was not adequately informed
19 of the nature of the court proceeding, the court shall not
20 rule on any substantive issues, accept a plea, or impose a
21 sentence and shall continue the hearing for the time
22 necessary to notify the victim of the time, place and
23 nature of the court proceeding. The time between court
24 proceedings shall not be attributable to the State under
25 Section 103-5 of the Code of Criminal Procedure of 1963.

26 (11) Right to timely disposition of the case. A victim

1 has the right to timely disposition of the case so as to
2 minimize the stress, cost, and inconvenience resulting
3 from the victim's involvement in the case. Before ruling
4 on a motion to continue trial or other court proceeding,
5 the court shall inquire into the circumstances for the
6 request for the delay and, if the victim has provided
7 written notice of the assertion of the right to a timely
8 disposition, and whether the victim objects to the delay.
9 If the victim objects, the prosecutor shall inform the
10 court of the victim's objections. If the prosecutor has
11 not conferred with the victim about the continuance, the
12 prosecutor shall inform the court of the attempts to
13 confer. If the court finds the attempts of the prosecutor
14 to confer with the victim were inadequate to protect the
15 victim's right to be heard, the court shall give the
16 prosecutor at least 3 but not more than 5 business days to
17 confer with the victim. In ruling on a motion to continue,
18 the court shall consider the reasons for the requested
19 continuance, the number and length of continuances that
20 have been granted, the victim's objections and procedures
21 to avoid further delays. If a continuance is granted over
22 the victim's objection, the court shall specify on the
23 record the reasons for the continuance and the procedures
24 that have been or will be taken to avoid further delays.

25 (12) Right to Restitution.

26 (A) If the victim has asserted the right to

1 restitution and the amount of restitution is known at
2 the time of sentencing, the court shall enter the
3 judgment of restitution at the time of sentencing.

4 (B) If the victim has asserted the right to
5 restitution and the amount of restitution is not known
6 at the time of sentencing, the prosecutor shall,
7 within 5 days after sentencing, notify the victim what
8 information and documentation related to restitution
9 is needed and that the information and documentation
10 must be provided to the prosecutor within 45 days
11 after sentencing. Failure to timely provide
12 information and documentation related to restitution
13 shall be deemed a waiver of the right to restitution.
14 The prosecutor shall file and serve within 60 days
15 after sentencing a proposed judgment for restitution
16 and a notice that includes information concerning the
17 identity of any victims or other persons seeking
18 restitution, whether any victim or other person
19 expressly declines restitution, the nature and amount
20 of any damages together with any supporting
21 documentation, a restitution amount recommendation,
22 and the names of any co-defendants and their case
23 numbers. Within 30 days after receipt of the proposed
24 judgment for restitution, the defendant shall file any
25 objection to the proposed judgment, a statement of
26 grounds for the objection, and a financial statement.

1 If the defendant does not file an objection, the court
2 may enter the judgment for restitution without further
3 proceedings. If the defendant files an objection and
4 either party requests a hearing, the court shall
5 schedule a hearing.

6 (13) Access to presentence reports.

7 (A) The victim may request a copy of the
8 presentence report prepared under the Unified Code of
9 Corrections from the State's Attorney. The State's
10 Attorney shall redact the following information before
11 providing a copy of the report:

12 (i) the defendant's mental history and
13 condition;

14 (ii) any evaluation prepared under subsection
15 (b) or (b-5) of Section 5-3-2; and

16 (iii) the name, address, phone number, and
17 other personal information about any other victim.

18 (B) The State's Attorney or the defendant may
19 request the court redact other information in the
20 report that may endanger the safety of any person.

21 (C) The State's Attorney may orally disclose to
22 the victim any of the information that has been
23 redacted if there is a reasonable likelihood that the
24 information will be stated in court at the sentencing.

25 (D) The State's Attorney must advise the victim
26 that the victim must maintain the confidentiality of

1 the report and other information. Any dissemination of
2 the report or information that was not stated at a
3 court proceeding constitutes indirect criminal
4 contempt of court.

5 (14) Appellate relief. If the trial court denies the
6 relief requested, the victim, the victim's attorney, or
7 the prosecuting attorney may file an appeal within 30 days
8 of the trial court's ruling. The trial or appellate court
9 may stay the court proceedings if the court finds that a
10 stay would not violate a constitutional right of the
11 defendant. If the appellate court denies the relief
12 sought, the reasons for the denial shall be clearly stated
13 in a written opinion. In any appeal in a criminal case, the
14 State may assert as error the court's denial of any crime
15 victim's right in the proceeding to which the appeal
16 relates.

17 (15) Limitation on appellate relief. In no case shall
18 an appellate court provide a new trial to remedy the
19 violation of a victim's right.

20 (16) The right to be reasonably protected from the
21 accused throughout the criminal justice process and the
22 right to have the safety of the victim and the victim's
23 family considered in denying or fixing the amount of bail,
24 determining whether to release the defendant, and setting
25 conditions of release after arrest and conviction. A
26 victim of domestic violence, a sexual offense, or stalking

1 may request the entry of a protective order under Article
2 112A of the Code of Criminal Procedure of 1963.

3 (d) Procedures after the imposition of sentence.

4 (1) The Prisoner Review Board shall inform a victim or
5 any other concerned citizen, upon written request, of the
6 prisoner's release on parole, mandatory supervised
7 release, electronic detention, work release, international
8 transfer or exchange, or by the custodian, other than the
9 Department of Juvenile Justice, of the discharge of any
10 individual who was adjudicated a delinquent for a crime
11 from State custody and by the sheriff of the appropriate
12 county of any such person's final discharge from county
13 custody. The Prisoner Review Board, upon written request,
14 shall provide to a victim or any other concerned citizen a
15 recent photograph of any person convicted of a felony,
16 upon his or her release from custody. The Prisoner Review
17 Board, upon written request, shall inform a victim or any
18 other concerned citizen when feasible at least 7 days
19 prior to the prisoner's release on furlough of the times
20 and dates of such furlough. Upon written request by the
21 victim or any other concerned citizen, the State's
22 Attorney shall notify the person once of the times and
23 dates of release of a prisoner sentenced to periodic
24 imprisonment. Notification shall be based on the most
25 recent information as to the victim's or other concerned
26 citizen's residence or other location available to the

1 notifying authority.

2 (2) When the defendant has been committed to the
3 Department of Human Services pursuant to Section 5-2-4 or
4 any other provision of the Unified Code of Corrections,
5 the victim may request to be notified by the releasing
6 authority of the approval by the court of an on-grounds
7 pass, a supervised off-grounds pass, an unsupervised
8 off-grounds pass, or conditional release; the release on
9 an off-grounds pass; the return from an off-grounds pass;
10 transfer to another facility; conditional release; escape;
11 death; or final discharge from State custody. The
12 Department of Human Services shall establish and maintain
13 a statewide telephone number to be used by victims to make
14 notification requests under these provisions and shall
15 publicize this telephone number on its website and to the
16 State's Attorney of each county.

17 (3) In the event of an escape from State custody, the
18 Department of Corrections or the Department of Juvenile
19 Justice immediately shall notify the Prisoner Review Board
20 of the escape and the Prisoner Review Board shall notify
21 the victim. The notification shall be based upon the most
22 recent information as to the victim's residence or other
23 location available to the Board. When no such information
24 is available, the Board shall make all reasonable efforts
25 to obtain the information and make the notification. When
26 the escapee is apprehended, the Department of Corrections

1 or the Department of Juvenile Justice immediately shall
2 notify the Prisoner Review Board and the Board shall
3 notify the victim.

4 (4) The victim of the crime for which the prisoner has
5 been sentenced has the right to register with the Prisoner
6 Review Board's victim registry. Victims registered with
7 the Board shall receive reasonable written notice not less
8 than 30 days prior to the parole hearing or target
9 aftercare release date. The victim has the right to submit
10 a victim statement for consideration by the Prisoner
11 Review Board or the Department of Juvenile Justice in
12 writing, on film, videotape, or other electronic means, or
13 in the form of a recording prior to the parole hearing or
14 target aftercare release date, or in person at the parole
15 hearing or aftercare release protest hearing, or by
16 calling the toll-free number established in subsection (f)
17 of this Section. The victim shall be notified within 7
18 days after the prisoner has been granted parole or
19 aftercare release and shall be informed of the right to
20 inspect the registry of parole decisions, established
21 under subsection (g) of Section 3-3-5 of the Unified Code
22 of Corrections. The provisions of this paragraph (4) are
23 subject to the Open Parole Hearings Act. Victim statements
24 provided to the Board shall be confidential and
25 privileged, including any statements received prior to
26 January 1, 2020 (the effective date of Public Act

1 101-288), except if the statement was an oral statement
2 made by the victim at a hearing open to the public.

3 (4-1) The crime victim has the right to submit a
4 victim statement for consideration by the Prisoner Review
5 Board or the Department of Juvenile Justice prior to or at
6 a hearing to determine the conditions of mandatory
7 supervised release of a person sentenced to a determinate
8 sentence or at a hearing on revocation of mandatory
9 supervised release of a person sentenced to a determinate
10 sentence. A victim statement may be submitted in writing,
11 on film, videotape, or other electronic means, or in the
12 form of a recording, or orally at a hearing, or by calling
13 the toll-free number established in subsection (f) of this
14 Section. Victim statements provided to the Board shall be
15 confidential and privileged, including any statements
16 received prior to January 1, 2020 (the effective date of
17 Public Act 101-288), except if the statement was an oral
18 statement made by the victim at a hearing open to the
19 public.

20 (4-2) The crime victim has the right to submit a
21 victim statement to the Prisoner Review Board for
22 consideration at an executive clemency hearing as provided
23 in Section 3-3-13 of the Unified Code of Corrections. A
24 victim statement may be submitted in writing, on film,
25 videotape, or other electronic means, or in the form of a
26 recording prior to a hearing, or orally at a hearing, or by

1 calling the toll-free number established in subsection (f)
2 of this Section. Victim statements provided to the Board
3 shall be confidential and privileged, including any
4 statements received prior to January 1, 2020 (the
5 effective date of Public Act 101-288), except if the
6 statement was an oral statement made by the victim at a
7 hearing open to the public.

8 (5) If a statement is presented under Section 6, the
9 Prisoner Review Board or Department of Juvenile Justice
10 shall inform the victim of any order of discharge pursuant
11 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
12 Corrections.

13 (6) At the written or oral request of the victim of the
14 crime for which the prisoner was sentenced or the State's
15 Attorney of the county where the person seeking parole or
16 aftercare release was prosecuted, the Prisoner Review
17 Board or Department of Juvenile Justice shall notify the
18 victim and the State's Attorney of the county where the
19 person seeking parole or aftercare release was prosecuted
20 of the death of the prisoner if the prisoner died while on
21 parole or aftercare release or mandatory supervised
22 release.

23 (7) When a defendant who has been committed to the
24 Department of Corrections, the Department of Juvenile
25 Justice, or the Department of Human Services is released
26 or discharged and subsequently committed to the Department

1 of Human Services as a sexually violent person and the
2 victim had requested to be notified by the releasing
3 authority of the defendant's discharge, conditional
4 release, death, or escape from State custody, the
5 releasing authority shall provide to the Department of
6 Human Services such information that would allow the
7 Department of Human Services to contact the victim.

8 (8) When a defendant has been convicted of a sex
9 offense as defined in Section 2 of the Sex Offender
10 Registration Act and has been sentenced to the Department
11 of Corrections or the Department of Juvenile Justice, the
12 Prisoner Review Board or the Department of Juvenile
13 Justice shall notify the victim of the sex offense of the
14 prisoner's eligibility for release on parole, aftercare
15 release, mandatory supervised release, electronic
16 detention, work release, international transfer or
17 exchange, or by the custodian of the discharge of any
18 individual who was adjudicated a delinquent for a sex
19 offense from State custody and by the sheriff of the
20 appropriate county of any such person's final discharge
21 from county custody. The notification shall be made to the
22 victim at least 30 days, whenever possible, before release
23 of the sex offender.

24 (e) The officials named in this Section may satisfy some
25 or all of their obligations to provide notices and other
26 information through participation in a statewide victim and

1 witness notification system established by the Attorney
2 General under Section 8.5 of this Act.

3 (f) The Prisoner Review Board shall establish a toll-free
4 number that may be accessed by the crime victim to present a
5 victim statement to the Board in accordance with paragraphs
6 (4), (4-1), and (4-2) of subsection (d).

7 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
8 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
9 8-20-21; 102-813, eff. 5-13-22.)

10 Section 2-245. The Pretrial Services Act is amended by
11 changing Sections 7, 11, 19, 20, 22, and 34 as follows:

12 (725 ILCS 185/7) (from Ch. 38, par. 307)

13 Sec. 7. Pretrial services agencies shall perform the
14 following duties for the circuit court:

15 (a) Interview and assemble verified information and data
16 concerning the community ties, employment, residency, criminal
17 record, and social background of arrested persons who are to
18 be, or have been, presented in court for first appearance on
19 felony charges, to assist the court in determining the
20 appropriate terms and conditions of bail ~~pretrial release~~;

21 (b) Submit written reports of those investigations to the
22 court along with such findings and recommendations, if any, as
23 may be necessary to assess ~~appropriate conditions which shall~~
24 ~~be imposed to protect against the risks of nonappearance and~~

1 ~~commission of new offenses or other interference with the~~
2 ~~orderly administration of justice before trial;~~

3 (1) the need for financial security to assure the
4 defendant's appearance at later proceedings; and

5 (2) appropriate conditions which shall be imposed to
6 protect against the risks of nonappearance and commission of
7 new offenses or other interference with the orderly
8 administration of justice before trial;

9 (c) Supervise compliance with bail ~~pretrial release~~
10 conditions, and promptly report violations of those conditions
11 to the court and prosecutor to ~~ensure~~ assure effective
12 enforcement;

13 (d) Cooperate with the court and all other criminal
14 justice agencies in the development of programs to minimize
15 unnecessary pretrial detention and protect the public against
16 breaches of bail ~~pretrial release~~ conditions; and

17 (e) Monitor the local operations of the bail ~~pretrial~~
18 ~~release~~ system and maintain accurate and comprehensive records
19 of program activities.

20 (Source: P.A. 102-1104, eff. 1-1-23.)

21 (725 ILCS 185/11) (from Ch. 38, par. 311)

22 Sec. 11. No person shall be interviewed by a pretrial
23 services agency unless he or she has first been apprised of the
24 identity and purpose of the interviewer, the scope of the
25 interview, the right to secure legal advice, and the right to

1 refuse cooperation. Inquiry of the defendant shall carefully
2 exclude questions concerning the details of the current
3 charge. Statements made by the defendant during the interview,
4 or evidence derived therefrom, are admissible in evidence only
5 when the court is considering the imposition of pretrial or
6 posttrial conditions to bail or recognizance ~~of release,~~
7 ~~denial of pretrial release,~~ or when considering the
8 modification of a prior release order.

9 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 12-6-22.)

10 (725 ILCS 185/19) (from Ch. 38, par. 319)

11 Sec. 19. Written reports under Section 17 shall set forth
12 all factual findings on which any recommendation and
13 conclusions contained therein are based together with the
14 source of each fact, and shall contain information and data
15 relevant to ~~appropriate conditions imposed to protect against~~
16 ~~the risk of nonappearance and commission of new offenses or~~
17 ~~other interference with the orderly administration of justice~~
18 ~~before trial.~~ the following issues:

19 (a) The need for financial security to assure the
20 defendant's appearance for later court proceedings; and

21 (b) Appropriate conditions imposed to protect against the
22 risk of nonappearance and commission of new offenses or other
23 interference with the orderly administration of justice before
24 trial.

25 (Source: P.A. 102-1104, eff. 1-1-23.)

1 (725 ILCS 185/20) (from Ch. 38, par. 320)

2 Sec. 20. In preparing and presenting its written reports
3 under Sections 17 and 19, pretrial services agencies shall in
4 appropriate cases include specific recommendations for the
5 setting, increase, or decrease ~~the conditions~~ of bail ~~pretrial~~
6 ~~release~~; the release of the interviewee on his own
7 recognizance in sums certain; and the imposition of pretrial
8 conditions to bail ~~of pretrial release~~ or recognizance
9 designed to minimize the risks of nonappearance, the
10 commission of new offenses while awaiting trial, and other
11 potential interference with the orderly administration of
12 justice. In establishing objective internal criteria of any
13 such recommendation policies, the agency may utilize so-called
14 "point scales" for evaluating the aforementioned risks, but no
15 interviewee shall be considered as ineligible for particular
16 agency recommendations by sole reference to such procedures.

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

18 (725 ILCS 185/22) (from Ch. 38, par. 322)

19 (Text of Section before amendment by P.A. 103-602)

20 Sec. 22. If so ordered by the court, the pretrial services
21 agency shall prepare and submit for the court's approval and
22 signature a uniform release order on the uniform form
23 established by the Supreme Court in all cases where an
24 interviewee may be released from custody under conditions

1 contained in an agency report. Such conditions shall become
2 part of the conditions of pretrial release. A copy of the
3 uniform release order shall be provided to the defendant and
4 defendant's attorney of record, and the prosecutor.

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

6 (Text of Section after amendment by P.A. 103-602)

7 Sec. 22. If so ordered by the court, the pretrial services
8 agency shall prepare and submit for the court's approval and
9 signature a uniform release order on the uniform form
10 established by the Office in all cases where an interviewee
11 may be released from custody under conditions contained in an
12 agency report. Such conditions shall become part of the
13 conditions of the bail bond ~~pretrial release~~. A copy of the
14 uniform release order shall be provided to the defendant and
15 defendant's attorney of record, and the prosecutor.

16 (Source: P.A. 103-602, eff. 7-1-25.)

17 (725 ILCS 185/34)

18 Sec. 34. Probation and court services departments
19 considered pretrial services agencies. For the purposes of
20 administering the provisions of Public Act 95-773, known as
21 the Cindy Bischof Law, all probation and court services
22 departments are to be considered pretrial services agencies
23 under this Act and under the bail bond ~~pretrial release~~
24 provisions of the Code of Criminal Procedure of 1963.

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

2 Section 2-250. The Quasi-criminal and Misdemeanor Bail Act
3 is amended by changing the title of the Act and Sections 0.01,
4 1, 2, 3, and 5 as follows:

5 (725 ILCS 195/Act title)

6 An Act to authorize designated officers to let persons
7 charged with quasi-criminal offenses and misdemeanors to
8 ~~pretrial release~~ bail and to accept and receipt for fines on
9 pleas of guilty in minor offenses, in accordance with
10 schedules established by rule of court.

11 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

12 Sec. 0.01. Short title. This Act may be cited as the
13 Quasi-criminal and Misdemeanor Bail ~~Pretrial Release~~ Act.

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

15 (725 ILCS 195/1) (from Ch. 16, par. 81)

16 Sec. 1. Whenever in any circuit there shall be in force a
17 rule or order of the Supreme Court establishing a uniform
18 schedule ~~form~~ prescribing the amounts of bail ~~conditions of~~
19 ~~pretrial release~~ for specified conservation cases, traffic
20 cases, quasi-criminal offenses and misdemeanors, any general
21 superintendent, chief, captain, lieutenant, or sergeant of
22 police, or other police officer, the sheriff, the circuit

1 clerk, and any deputy sheriff or deputy circuit clerk
2 designated by the Circuit Court for the purpose, are
3 authorized to let to bail ~~pretrial release~~ any person charged
4 with a quasi-criminal offense or misdemeanor and to accept and
5 receipt for bonds or cash bail in accordance with regulations
6 established by rule or order of the Supreme Court. Unless
7 otherwise provided by Supreme Court Rule, no such bail may be
8 posted or accepted in any place other than a police station,
9 sheriff's office or jail, or other county, municipal or other
10 building housing governmental units, or a division
11 headquarters building of the Illinois State Police. Bonds and
12 cash so received shall be delivered to the office of the
13 circuit clerk or that of his designated deputy as provided by
14 regulation. Such cash and securities so received shall be
15 delivered to the office of such clerk or deputy clerk within at
16 least 48 hours of receipt or within the time set for the
17 accused's appearance in court whichever is earliest.

18 In all cases where a person is admitted to bail under a
19 uniform schedule prescribing the amount of bail for specified
20 conservation cases, traffic cases, quasi-criminal offenses and
21 misdemeanors the provisions of Section 110-15.1 of the Code of
22 Criminal Procedure of 1963 shall be applicable.

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

24 (725 ILCS 195/2) (from Ch. 16, par. 82)

25 Sec. 2. The conditions of the bail bond or deposit of cash

1 ~~bail pretrial release~~ shall be that the accused will appear to
2 answer the charge in court at a time and place specified in the
3 ~~bond pretrial release form~~ and thereafter as ordered by the
4 court until discharged on final order of the court and to
5 submit himself to the orders and process of the court. The
6 accused shall be furnished with an official receipt on a form
7 prescribed by rule of court for any cash or other security
8 deposited, and shall receive a copy of the ~~bond pretrial~~
9 ~~release form~~ specifying the time and place of his court
10 appearance.

11 Upon performance of the conditions of the ~~bond pretrial~~
12 ~~release,~~ the ~~bond pretrial release form~~ shall be null and void
13 any cash bail or other security shall be returned to the
14 accused and any cash bail or other security shall be returned
15 to the accused ~~the accused shall be released from the~~
16 ~~conditions of pretrial release.~~

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

18 (725 ILCS 195/3) (from Ch. 16, par. 83)

19 Sec. 3. In lieu of making bond or depositing cash bail as
20 provided in this Act or the deposit of other security
21 authorized by law ~~complying with the conditions of pretrial~~
22 ~~release,~~ any accused person has the right to be brought
23 without unnecessary delay before the nearest or most
24 accessible judge of the circuit to be dealt with according to
25 law.

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

2 (725 ILCS 195/5) (from Ch. 16, par. 85)

3 Sec. 5. Any person authorized to accept bail ~~pretrial~~
4 ~~release~~ or pleas of guilty by this Act who violates any
5 provision of this Act is guilty of a Class B misdemeanor.

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

7 Section 2-255. The Unified Code of Corrections is amended
8 by changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7,
9 and 8-2-1 as follows:

10 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

11 Sec. 5-3-2. Presentence report.

12 (a) In felony cases, the presentence report shall set
13 forth:

14 (1) the defendant's history of delinquency or
15 criminality, physical and mental history and condition,
16 family situation and background, economic status,
17 education, occupation and personal habits;

18 (2) information about special resources within the
19 community which might be available to assist the
20 defendant's rehabilitation, including treatment centers,
21 residential facilities, vocational training services,
22 correctional manpower programs, employment opportunities,
23 special educational programs, alcohol and drug abuse

1 programming, psychiatric and marriage counseling, and
2 other programs and facilities which could aid the
3 defendant's successful reintegration into society;

4 (3) the effect the offense committed has had upon the
5 victim or victims thereof, and any compensatory benefit
6 that various sentencing alternatives would confer on such
7 victim or victims;

8 (3.5) information provided by the victim's spouse,
9 guardian, parent, grandparent, and other immediate family
10 and household members about the effect the offense
11 committed has had on the victim and on the person
12 providing the information; if the victim's spouse,
13 guardian, parent, grandparent, or other immediate family
14 or household member has provided a written statement, the
15 statement shall be attached to the report;

16 (4) information concerning the defendant's status
17 since arrest, including his record if released on his own
18 recognizance, or the defendant's achievement record if
19 released on a conditional pre-trial supervision program;

20 (5) when appropriate, a plan, based upon the personal,
21 economic and social adjustment needs of the defendant,
22 utilizing public and private community resources as an
23 alternative to institutional sentencing;

24 (6) any other matters that the investigatory officer
25 deems relevant or the court directs to be included;

26 (7) information concerning the defendant's eligibility

1 for a sentence to a county impact incarceration program
2 under Section 5-8-1.2 of this Code; and

3 (8) information concerning the defendant's eligibility
4 for a sentence to an impact incarceration program
5 administered by the Department under Section 5-8-1.1.

6 (b) The investigation shall include a physical and mental
7 examination of the defendant when so ordered by the court. If
8 the court determines that such an examination should be made,
9 it shall issue an order that the defendant submit to
10 examination at such time and place as designated by the court
11 and that such examination be conducted by a physician,
12 psychologist or psychiatrist designated by the court. Such an
13 examination may be conducted in a court clinic if so ordered by
14 the court. The cost of such examination shall be paid by the
15 county in which the trial is held.

16 (b-5) In cases involving felony sex offenses in which the
17 offender is being considered for probation only or any felony
18 offense that is sexually motivated as defined in the Sex
19 Offender Management Board Act in which the offender is being
20 considered for probation only, the investigation shall include
21 a sex offender evaluation by an evaluator approved by the
22 Board and conducted in conformance with the standards
23 developed under the Sex Offender Management Board Act. In
24 cases in which the offender is being considered for any
25 mandatory prison sentence, the investigation shall not include
26 a sex offender evaluation.

1 (c) In misdemeanor, business offense or petty offense
2 cases, except as specified in subsection (d) of this Section,
3 when a presentence report has been ordered by the court, such
4 presentence report shall contain information on the
5 defendant's history of delinquency or criminality and shall
6 further contain only those matters listed in any of paragraphs
7 (1) through (6) of subsection (a) or in subsection (b) of this
8 Section as are specified by the court in its order for the
9 report.

10 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
11 12-30 of the Criminal Code of 1961 or the Criminal Code of
12 2012, the presentence report shall set forth information about
13 alcohol, drug abuse, psychiatric, and marriage counseling or
14 other treatment programs and facilities, information on the
15 defendant's history of delinquency or criminality, and shall
16 contain those additional matters listed in any of paragraphs
17 (1) through (6) of subsection (a) or in subsection (b) of this
18 Section as are specified by the court.

19 (e) Nothing in this Section shall cause the defendant to
20 be held without ~~pretrial release~~ bail or to have his ~~pretrial~~
21 ~~release~~ bail revoked for the purpose of preparing the
22 presentence report or making an examination.

23 (Source: P.A. 101-105, eff. 1-1-20; 101-652, eff. 1-1-23;
24 102-558, eff. 8-20-21.)

25 (730 ILCS 5/5-5-3.2)

1 Sec. 5-5-3.2. Factors in aggravation and extended-term
2 sentencing.

3 (a) The following factors shall be accorded weight in
4 favor of imposing a term of imprisonment or may be considered
5 by the court as reasons to impose a more severe sentence under
6 Section 5-8-1 or Article 4.5 of Chapter V:

7 (1) the defendant's conduct caused or threatened
8 serious harm;

9 (2) the defendant received compensation for committing
10 the offense;

11 (3) the defendant has a history of prior delinquency
12 or criminal activity;

13 (4) the defendant, by the duties of his office or by
14 his position, was obliged to prevent the particular
15 offense committed or to bring the offenders committing it
16 to justice;

17 (5) the defendant held public office at the time of
18 the offense, and the offense related to the conduct of
19 that office;

20 (6) the defendant utilized his professional reputation
21 or position in the community to commit the offense, or to
22 afford him an easier means of committing it;

23 (7) the sentence is necessary to deter others from
24 committing the same crime;

25 (8) the defendant committed the offense against a
26 person 60 years of age or older or such person's property;

1 (9) the defendant committed the offense against a
2 person who has a physical disability or such person's
3 property;

4 (10) by reason of another individual's actual or
5 perceived race, color, creed, religion, ancestry, gender,
6 sexual orientation, physical or mental disability, or
7 national origin, the defendant committed the offense
8 against (i) the person or property of that individual;
9 (ii) the person or property of a person who has an
10 association with, is married to, or has a friendship with
11 the other individual; or (iii) the person or property of a
12 relative (by blood or marriage) of a person described in
13 clause (i) or (ii). For the purposes of this Section,
14 "sexual orientation" has the meaning ascribed to it in
15 paragraph (O-1) of Section 1-103 of the Illinois Human
16 Rights Act;

17 (11) the offense took place in a place of worship or on
18 the grounds of a place of worship, immediately prior to,
19 during or immediately following worship services. For
20 purposes of this subparagraph, "place of worship" shall
21 mean any church, synagogue or other building, structure or
22 place used primarily for religious worship;

23 (12) the defendant was convicted of a felony committed
24 while he was released on bail ~~on pretrial release~~ or his
25 own recognizance pending trial for a prior felony and was
26 convicted of such prior felony, or the defendant was

1 convicted of a felony committed while he was serving a
2 period of probation, conditional discharge, or mandatory
3 supervised release under subsection (d) of Section 5-8-1
4 for a prior felony;

5 (13) the defendant committed or attempted to commit a
6 felony while he was wearing a bulletproof vest. For the
7 purposes of this paragraph (13), a bulletproof vest is any
8 device which is designed for the purpose of protecting the
9 wearer from bullets, shot or other lethal projectiles;

10 (14) the defendant held a position of trust or
11 supervision such as, but not limited to, family member as
12 defined in Section 11-0.1 of the Criminal Code of 2012,
13 teacher, scout leader, baby sitter, or day care worker, in
14 relation to a victim under 18 years of age, and the
15 defendant committed an offense in violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
17 11-14.4 except for an offense that involves keeping a
18 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
19 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
20 or 12-16 of the Criminal Code of 1961 or the Criminal Code
21 of 2012 against that victim;

22 (15) the defendant committed an offense related to the
23 activities of an organized gang. For the purposes of this
24 factor, "organized gang" has the meaning ascribed to it in
25 Section 10 of the Streetgang Terrorism Omnibus Prevention
26 Act;

1 (16) the defendant committed an offense in violation
2 of one of the following Sections while in a school,
3 regardless of the time of day or time of year; on any
4 conveyance owned, leased, or contracted by a school to
5 transport students to or from school or a school related
6 activity; on the real property of a school; or on a public
7 way within 1,000 feet of the real property comprising any
8 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
9 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
10 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
11 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
12 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
13 for subdivision (a)(4) or (g)(1), of the Criminal Code of
14 1961 or the Criminal Code of 2012;

15 (16.5) the defendant committed an offense in violation
16 of one of the following Sections while in a day care
17 center, regardless of the time of day or time of year; on
18 the real property of a day care center, regardless of the
19 time of day or time of year; or on a public way within
20 1,000 feet of the real property comprising any day care
21 center, regardless of the time of day or time of year:
22 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
24 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
25 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
26 18-2, or 33A-2, or Section 12-3.05 except for subdivision

1 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
2 Criminal Code of 2012;

3 (17) the defendant committed the offense by reason of
4 any person's activity as a community policing volunteer or
5 to prevent any person from engaging in activity as a
6 community policing volunteer. For the purpose of this
7 Section, "community policing volunteer" has the meaning
8 ascribed to it in Section 2-3.5 of the Criminal Code of
9 2012;

10 (18) the defendant committed the offense in a nursing
11 home or on the real property comprising a nursing home.
12 For the purposes of this paragraph (18), "nursing home"
13 means a skilled nursing or intermediate long term care
14 facility that is subject to license by the Illinois
15 Department of Public Health under the Nursing Home Care
16 Act, the Specialized Mental Health Rehabilitation Act of
17 2013, the ID/DD Community Care Act, or the MC/DD Act;

18 (19) the defendant was a federally licensed firearm
19 dealer and was previously convicted of a violation of
20 subsection (a) of Section 3 of the Firearm Owners
21 Identification Card Act and has now committed either a
22 felony violation of the Firearm Owners Identification Card
23 Act or an act of armed violence while armed with a firearm;

24 (20) the defendant (i) committed the offense of
25 reckless homicide under Section 9-3 of the Criminal Code
26 of 1961 or the Criminal Code of 2012 or the offense of

1 driving under the influence of alcohol, other drug or
2 drugs, intoxicating compound or compounds or any
3 combination thereof under Section 11-501 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance
5 and (ii) was operating a motor vehicle in excess of 20
6 miles per hour over the posted speed limit as provided in
7 Article VI of Chapter 11 of the Illinois Vehicle Code;

8 (21) the defendant (i) committed the offense of
9 reckless driving or aggravated reckless driving under
10 Section 11-503 of the Illinois Vehicle Code and (ii) was
11 operating a motor vehicle in excess of 20 miles per hour
12 over the posted speed limit as provided in Article VI of
13 Chapter 11 of the Illinois Vehicle Code;

14 (22) the defendant committed the offense against a
15 person that the defendant knew, or reasonably should have
16 known, was a member of the Armed Forces of the United
17 States serving on active duty. For purposes of this clause
18 (22), the term "Armed Forces" means any of the Armed
19 Forces of the United States, including a member of any
20 reserve component thereof or National Guard unit called to
21 active duty;

22 (23) the defendant committed the offense against a
23 person who was elderly or infirm or who was a person with a
24 disability by taking advantage of a family or fiduciary
25 relationship with the elderly or infirm person or person
26 with a disability;

1 (24) the defendant committed any offense under Section
2 11-20.1 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 and possessed 100 or more images;

4 (25) the defendant committed the offense while the
5 defendant or the victim was in a train, bus, or other
6 vehicle used for public transportation;

7 (26) the defendant committed the offense of child
8 pornography or aggravated child pornography, specifically
9 including paragraph (1), (2), (3), (4), (5), or (7) of
10 subsection (a) of Section 11-20.1 of the Criminal Code of
11 1961 or the Criminal Code of 2012 where a child engaged in,
12 solicited for, depicted in, or posed in any act of sexual
13 penetration or bound, fettered, or subject to sadistic,
14 masochistic, or sadomasochistic abuse in a sexual context
15 and specifically including paragraph (1), (2), (3), (4),
16 (5), or (7) of subsection (a) of Section 11-20.1B or
17 Section 11-20.3 of the Criminal Code of 1961 where a child
18 engaged in, solicited for, depicted in, or posed in any
19 act of sexual penetration or bound, fettered, or subject
20 to sadistic, masochistic, or sadomasochistic abuse in a
21 sexual context;

22 (26.5) the defendant committed the offense of obscene
23 depiction of a purported child, specifically including
24 paragraph (2) of subsection (b) of Section 11-20.4 of the
25 Criminal Code of 2012 if a child engaged in, solicited
26 for, depicted in, or posed in any act of sexual

1 penetration or bound, fettered, or subject to sadistic,
2 masochistic, or sadomasochistic abuse in a sexual context;

3 (27) the defendant committed the offense of first
4 degree murder, assault, aggravated assault, battery,
5 aggravated battery, robbery, armed robbery, or aggravated
6 robbery against a person who was a veteran and the
7 defendant knew, or reasonably should have known, that the
8 person was a veteran performing duties as a representative
9 of a veterans' organization. For the purposes of this
10 paragraph (27), "veteran" means an Illinois resident who
11 has served as a member of the United States Armed Forces, a
12 member of the Illinois National Guard, or a member of the
13 United States Reserve Forces; and "veterans' organization"
14 means an organization comprised of members of which
15 substantially all are individuals who are veterans or
16 spouses, widows, or widowers of veterans, the primary
17 purpose of which is to promote the welfare of its members
18 and to provide assistance to the general public in such a
19 way as to confer a public benefit;

20 (28) the defendant committed the offense of assault,
21 aggravated assault, battery, aggravated battery, robbery,
22 armed robbery, or aggravated robbery against a person that
23 the defendant knew or reasonably should have known was a
24 letter carrier or postal worker while that person was
25 performing his or her duties delivering mail for the
26 United States Postal Service;

1 (29) the defendant committed the offense of criminal
2 sexual assault, aggravated criminal sexual assault,
3 criminal sexual abuse, or aggravated criminal sexual abuse
4 against a victim with an intellectual disability, and the
5 defendant holds a position of trust, authority, or
6 supervision in relation to the victim;

7 (30) the defendant committed the offense of promoting
8 juvenile prostitution, patronizing a prostitute, or
9 patronizing a minor engaged in prostitution and at the
10 time of the commission of the offense knew that the
11 prostitute or minor engaged in prostitution was in the
12 custody or guardianship of the Department of Children and
13 Family Services;

14 (31) the defendant (i) committed the offense of
15 driving while under the influence of alcohol, other drug
16 or drugs, intoxicating compound or compounds or any
17 combination thereof in violation of Section 11-501 of the
18 Illinois Vehicle Code or a similar provision of a local
19 ordinance and (ii) the defendant during the commission of
20 the offense was driving his or her vehicle upon a roadway
21 designated for one-way traffic in the opposite direction
22 of the direction indicated by official traffic control
23 devices;

24 (32) the defendant committed the offense of reckless
25 homicide while committing a violation of Section 11-907 of
26 the Illinois Vehicle Code;

1 (33) the defendant was found guilty of an
2 administrative infraction related to an act or acts of
3 public indecency or sexual misconduct in the penal
4 institution. In this paragraph (33), "penal institution"
5 has the same meaning as in Section 2-14 of the Criminal
6 Code of 2012; or

7 (34) the defendant committed the offense of leaving
8 the scene of a crash in violation of subsection (b) of
9 Section 11-401 of the Illinois Vehicle Code and the crash
10 resulted in the death of a person and at the time of the
11 offense, the defendant was: (i) driving under the
12 influence of alcohol, other drug or drugs, intoxicating
13 compound or compounds or any combination thereof as
14 defined by Section 11-501 of the Illinois Vehicle Code; or
15 (ii) operating the motor vehicle while using an electronic
16 communication device as defined in Section 12-610.2 of the
17 Illinois Vehicle Code.

18 For the purposes of this Section:

19 "School" is defined as a public or private elementary or
20 secondary school, community college, college, or university.

21 "Day care center" means a public or private State
22 certified and licensed day care center as defined in Section
23 2.09 of the Child Care Act of 1969 that displays a sign in
24 plain view stating that the property is a day care center.

25 "Intellectual disability" means significantly subaverage
26 intellectual functioning which exists concurrently with

1 impairment in adaptive behavior.

2 "Public transportation" means the transportation or
3 conveyance of persons by means available to the general
4 public, and includes paratransit services.

5 "Traffic control devices" means all signs, signals,
6 markings, and devices that conform to the Illinois Manual on
7 Uniform Traffic Control Devices, placed or erected by
8 authority of a public body or official having jurisdiction,
9 for the purpose of regulating, warning, or guiding traffic.

10 (b) The following factors, related to all felonies, may be
11 considered by the court as reasons to impose an extended term
12 sentence under Section 5-8-2 upon any offender:

13 (1) When a defendant is convicted of any felony, after
14 having been previously convicted in Illinois or any other
15 jurisdiction of the same or similar class felony or
16 greater class felony, when such conviction has occurred
17 within 10 years after the previous conviction, excluding
18 time spent in custody, and such charges are separately
19 brought and tried and arise out of different series of
20 acts; or

21 (2) When a defendant is convicted of any felony and
22 the court finds that the offense was accompanied by
23 exceptionally brutal or heinous behavior indicative of
24 wanton cruelty; or

25 (3) When a defendant is convicted of any felony
26 committed against:

1 (i) a person under 12 years of age at the time of
2 the offense or such person's property;

3 (ii) a person 60 years of age or older at the time
4 of the offense or such person's property; or

5 (iii) a person who had a physical disability at
6 the time of the offense or such person's property; or

7 (4) When a defendant is convicted of any felony and
8 the offense involved any of the following types of
9 specific misconduct committed as part of a ceremony, rite,
10 initiation, observance, performance, practice or activity
11 of any actual or ostensible religious, fraternal, or
12 social group:

13 (i) the brutalizing or torturing of humans or
14 animals;

15 (ii) the theft of human corpses;

16 (iii) the kidnapping of humans;

17 (iv) the desecration of any cemetery, religious,
18 fraternal, business, governmental, educational, or
19 other building or property; or

20 (v) ritualized abuse of a child; or

21 (5) When a defendant is convicted of a felony other
22 than conspiracy and the court finds that the felony was
23 committed under an agreement with 2 or more other persons
24 to commit that offense and the defendant, with respect to
25 the other individuals, occupied a position of organizer,
26 supervisor, financier, or any other position of management

1 or leadership, and the court further finds that the felony
2 committed was related to or in furtherance of the criminal
3 activities of an organized gang or was motivated by the
4 defendant's leadership in an organized gang; or

5 (6) When a defendant is convicted of an offense
6 committed while using a firearm with a laser sight
7 attached to it. For purposes of this paragraph, "laser
8 sight" has the meaning ascribed to it in Section 26-7 of
9 the Criminal Code of 2012; or

10 (7) When a defendant who was at least 17 years of age
11 at the time of the commission of the offense is convicted
12 of a felony and has been previously adjudicated a
13 delinquent minor under the Juvenile Court Act of 1987 for
14 an act that if committed by an adult would be a Class X or
15 Class 1 felony when the conviction has occurred within 10
16 years after the previous adjudication, excluding time
17 spent in custody; or

18 (8) When a defendant commits any felony and the
19 defendant used, possessed, exercised control over, or
20 otherwise directed an animal to assault a law enforcement
21 officer engaged in the execution of his or her official
22 duties or in furtherance of the criminal activities of an
23 organized gang in which the defendant is engaged; or

24 (9) When a defendant commits any felony and the
25 defendant knowingly video or audio records the offense
26 with the intent to disseminate the recording.

1 (c) The following factors may be considered by the court
2 as reasons to impose an extended term sentence under Section
3 5-8-2 ~~(730 ILCS 5/5-8-2)~~ upon any offender for the listed
4 offenses:

5 (1) When a defendant is convicted of first degree
6 murder, after having been previously convicted in Illinois
7 of any offense listed under paragraph (c)(2) of Section
8 5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has
9 occurred within 10 years after the previous conviction,
10 excluding time spent in custody, and the charges are
11 separately brought and tried and arise out of different
12 series of acts.

13 (1.5) When a defendant is convicted of first degree
14 murder, after having been previously convicted of domestic
15 battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery
16 ~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after
17 having been previously convicted of violation of an order
18 of protection ~~(720 ILCS 5/12-30)~~ in which the same victim
19 was the protected person.

20 (2) When a defendant is convicted of voluntary
21 manslaughter, second degree murder, involuntary
22 manslaughter, or reckless homicide in which the defendant
23 has been convicted of causing the death of more than one
24 individual.

25 (3) When a defendant is convicted of aggravated
26 criminal sexual assault or criminal sexual assault, when

1 there is a finding that aggravated criminal sexual assault
2 or criminal sexual assault was also committed on the same
3 victim by one or more other individuals, and the defendant
4 voluntarily participated in the crime with the knowledge
5 of the participation of the others in the crime, and the
6 commission of the crime was part of a single course of
7 conduct during which there was no substantial change in
8 the nature of the criminal objective.

9 (4) If the victim was under 18 years of age at the time
10 of the commission of the offense, when a defendant is
11 convicted of aggravated criminal sexual assault or
12 predatory criminal sexual assault of a child under
13 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
14 of Section 12-14.1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 ~~(720 ILCS 5/11-1.40 or 5/12-14.1)~~.

16 (5) When a defendant is convicted of a felony
17 violation of Section 24-1 of the Criminal Code of 1961 or
18 the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a
19 finding that the defendant is a member of an organized
20 gang.

21 (6) When a defendant was convicted of unlawful
22 possession of weapons under Section 24-1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~
24 for possessing a weapon that is not readily
25 distinguishable as one of the weapons enumerated in
26 Section 24-1 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 ~~(720 ILCS 5/24-1)~~.

2 (7) When a defendant is convicted of an offense
3 involving the illegal manufacture of a controlled
4 substance under Section 401 of the Illinois Controlled
5 Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture
6 of methamphetamine under Section 25 of the Methamphetamine
7 Control and Community Protection Act ~~(720 ILCS 646/25)~~, or
8 the illegal possession of explosives and an emergency
9 response officer in the performance of his or her duties
10 is killed or injured at the scene of the offense while
11 responding to the emergency caused by the commission of
12 the offense. In this paragraph, "emergency" means a
13 situation in which a person's life, health, or safety is
14 in jeopardy; and "emergency response officer" means a
15 peace officer, community policing volunteer, fireman,
16 emergency medical technician-ambulance, emergency medical
17 technician-intermediate, emergency medical
18 technician-paramedic, ambulance driver, other medical
19 assistance or first aid personnel, or hospital emergency
20 room personnel.

21 (8) When the defendant is convicted of attempted mob
22 action, solicitation to commit mob action, or conspiracy
23 to commit mob action under Section 8-1, 8-2, or 8-4 of the
24 Criminal Code of 2012, where the criminal object is a
25 violation of Section 25-1 of the Criminal Code of 2012,
26 and an electronic communication is used in the commission

1 of the offense. For the purposes of this paragraph (8),
2 "electronic communication" shall have the meaning provided
3 in Section 26.5-0.1 of the Criminal Code of 2012.

4 (d) For the purposes of this Section, "organized gang" has
5 the meaning ascribed to it in Section 10 of the Illinois
6 Streetgang Terrorism Omnibus Prevention Act.

7 (e) The court may impose an extended term sentence under
8 Article 4.5 of Chapter V upon an offender who has been
9 convicted of a felony violation of Section 11-1.20, 11-1.30,
10 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
11 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
12 when the victim of the offense is under 18 years of age at the
13 time of the commission of the offense and, during the
14 commission of the offense, the victim was under the influence
15 of alcohol, regardless of whether or not the alcohol was
16 supplied by the offender; and the offender, at the time of the
17 commission of the offense, knew or should have known that the
18 victim had consumed alcohol.

19 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;
20 103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

21 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

22 Sec. 5-6-4. Violation, modification or revocation of
23 probation, of conditional discharge or supervision or of a
24 sentence of county impact incarceration - hearing.

25 (a) Except in cases where conditional discharge or

1 supervision was imposed for a petty offense as defined in
2 Section 5-1-17, when a petition is filed charging a violation
3 of a condition, the court may:

4 (1) in the case of probation violations, order the
5 issuance of a notice to the offender to be present by the
6 County Probation Department or such other agency
7 designated by the court to handle probation matters; and
8 in the case of conditional discharge or supervision
9 violations, such notice to the offender shall be issued by
10 the Circuit Court Clerk; and in the case of a violation of
11 a sentence of county impact incarceration, such notice
12 shall be issued by the Sheriff;

13 (2) order a summons to the offender to be present for
14 hearing; or

15 (3) order a warrant for the offender's arrest where
16 there is danger of his fleeing the jurisdiction or causing
17 serious harm to others or when the offender fails to
18 answer a summons or notice from the clerk of the court or
19 Sheriff.

20 Personal service of the petition for violation of
21 probation or the issuance of such warrant, summons or notice
22 shall toll the period of probation, conditional discharge,
23 supervision, or sentence of county impact incarceration until
24 the final determination of the charge, and the term of
25 probation, conditional discharge, supervision, or sentence of
26 county impact incarceration shall not run until the hearing

1 and disposition of the petition for violation.

2 (b) The court shall conduct a hearing of the alleged
3 violation. The court shall admit the offender to bail ~~pretrial~~
4 ~~release~~ pending the hearing unless the alleged violation is
5 itself a criminal offense in which case the offender shall be
6 admitted to bail ~~pretrial-release~~ on such terms as are
7 provided in the Code of Criminal Procedure of 1963, as
8 amended. In any case where an offender remains incarcerated
9 only as a result of his alleged violation of the court's
10 earlier order of probation, supervision, conditional
11 discharge, or county impact incarceration such hearing shall
12 be held within 14 days of the onset of said incarceration,
13 unless the alleged violation is the commission of another
14 offense by the offender during the period of probation,
15 supervision or conditional discharge in which case such
16 hearing shall be held within the time limits described in
17 Section 103-5 of the Code of Criminal Procedure of 1963, as
18 amended.

19 (c) The State has the burden of going forward with the
20 evidence and proving the violation by the preponderance of the
21 evidence. The evidence shall be presented in open court with
22 the right of confrontation, cross-examination, and
23 representation by counsel.

24 (d) Probation, conditional discharge, periodic
25 imprisonment and supervision shall not be revoked for failure
26 to comply with conditions of a sentence or supervision, which

1 imposes financial obligations upon the offender unless such
2 failure is due to his willful refusal to pay.

3 (e) If the court finds that the offender has violated a
4 condition at any time prior to the expiration or termination
5 of the period, it may continue him on the existing sentence,
6 with or without modifying or enlarging the conditions, or may
7 impose any other sentence that was available under Article 4.5
8 of Chapter V of this Code or Section 11-501 of the Illinois
9 Vehicle Code at the time of initial sentencing. If the court
10 finds that the person has failed to successfully complete his
11 or her sentence to a county impact incarceration program, the
12 court may impose any other sentence that was available under
13 Article 4.5 of Chapter V of this Code or Section 11-501 of the
14 Illinois Vehicle Code at the time of initial sentencing,
15 except for a sentence of probation or conditional discharge.
16 If the court finds that the offender has violated paragraph
17 (8.6) of subsection (a) of Section 5-6-3, the court shall
18 revoke the probation of the offender. If the court finds that
19 the offender has violated subsection (o) of Section 5-6-3.1,
20 the court shall revoke the supervision of the offender.

21 (f) The conditions of probation, of conditional discharge,
22 of supervision, or of a sentence of county impact
23 incarceration may be modified by the court on motion of the
24 supervising agency or on its own motion or at the request of
25 the offender after notice and a hearing.

26 (g) A judgment revoking supervision, probation,

1 conditional discharge, or a sentence of county impact
2 incarceration is a final appealable order.

3 (h) Resentencing after revocation of probation,
4 conditional discharge, supervision, or a sentence of county
5 impact incarceration shall be under Article 4. The term on
6 probation, conditional discharge or supervision shall not be
7 credited by the court against a sentence of imprisonment or
8 periodic imprisonment unless the court orders otherwise. The
9 amount of credit to be applied against a sentence of
10 imprisonment or periodic imprisonment when the defendant
11 served a term or partial term of periodic imprisonment shall
12 be calculated upon the basis of the actual days spent in
13 confinement rather than the duration of the term.

14 (i) Instead of filing a violation of probation,
15 conditional discharge, supervision, or a sentence of county
16 impact incarceration, an agent or employee of the supervising
17 agency with the concurrence of his or her supervisor may serve
18 on the defendant a Notice of Intermediate Sanctions. The
19 Notice shall contain the technical violation or violations
20 involved, the date or dates of the violation or violations,
21 and the intermediate sanctions to be imposed. Upon receipt of
22 the Notice, the defendant shall immediately accept or reject
23 the intermediate sanctions. If the sanctions are accepted,
24 they shall be imposed immediately. If the intermediate
25 sanctions are rejected or the defendant does not respond to
26 the Notice, a violation of probation, conditional discharge,

1 supervision, or a sentence of county impact incarceration
2 shall be immediately filed with the court. The State's
3 Attorney and the sentencing court shall be notified of the
4 Notice of Sanctions. Upon successful completion of the
5 intermediate sanctions, a court may not revoke probation,
6 conditional discharge, supervision, or a sentence of county
7 impact incarceration or impose additional sanctions for the
8 same violation. A notice of intermediate sanctions may not be
9 issued for any violation of probation, conditional discharge,
10 supervision, or a sentence of county impact incarceration
11 which could warrant an additional, separate felony charge. The
12 intermediate sanctions shall include a term of home detention
13 as provided in Article 8A of Chapter V of this Code for
14 multiple or repeat violations of the terms and conditions of a
15 sentence of probation, conditional discharge, or supervision.

16 (j) When an offender is re-sentenced after revocation of
17 probation that was imposed in combination with a sentence of
18 imprisonment for the same offense, the aggregate of the
19 sentences may not exceed the maximum term authorized under
20 Article 4.5 of Chapter V.

21 (k) (1) On and after the effective date of this amendatory
22 Act of the 101st General Assembly, this subsection (k) shall
23 apply to arrest warrants in Cook County only. An arrest
24 warrant issued under paragraph (3) of subsection (a) when the
25 underlying conviction is for the offense of theft, retail
26 theft, or possession of a controlled substance shall remain

1 active for a period not to exceed 10 years from the date the
2 warrant was issued unless a motion to extend the warrant is
3 filed by the office of the State's Attorney or by, or on behalf
4 of, the agency supervising the wanted person. A motion to
5 extend the warrant shall be filed within one year before the
6 warrant expiration date and notice shall be provided to the
7 office of the sheriff.

8 (2) If a motion to extend a warrant issued under paragraph
9 (3) of subsection (a) is not filed, the warrant shall be
10 quashed and recalled as a matter of law under paragraph (1) of
11 this subsection (k) and the wanted person's period of
12 probation, conditional discharge, or supervision shall
13 terminate unsatisfactorily as a matter of law.

14 (Source: P.A. 101-406, eff. 1-1-20; 101-652, eff. 1-1-23.)

15 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

16 Sec. 5-6-4.1. Violation, modification or revocation of
17 conditional discharge or supervision - hearing.)

18 (a) In cases where a defendant was placed upon supervision
19 or conditional discharge for the commission of a petty
20 offense, upon the oral or written motion of the State, or on
21 the court's own motion, which charges that a violation of a
22 condition of that conditional discharge or supervision has
23 occurred, the court may:

24 (1) conduct a hearing instanter if the offender is
25 present in court;

- 1 (2) order the issuance by the court clerk of a notice
2 to the offender to be present for a hearing for violation;
3 (3) order summons to the offender to be present; or
4 (4) order a warrant for the offender's arrest.

5 The oral motion, if the defendant is present, or the
6 issuance of such warrant, summons or notice shall toll the
7 period of conditional discharge or supervision until the final
8 determination of the charge, and the term of conditional
9 discharge or supervision shall not run until the hearing and
10 disposition of the petition for violation.

11 (b) The Court shall admit the offender to bail ~~pretrial~~
12 ~~release~~ pending the hearing.

13 (c) The State has the burden of going forward with the
14 evidence and proving the violation by the preponderance of the
15 evidence. The evidence shall be presented in open court with
16 the right of confrontation, cross-examination, and
17 representation by counsel.

18 (d) Conditional discharge or supervision shall not be
19 revoked for failure to comply with the conditions of the
20 discharge or supervision which imposed financial obligations
21 upon the offender unless such failure is due to his wilful
22 refusal to pay.

23 (e) If the court finds that the offender has violated a
24 condition at any time prior to the expiration or termination
25 of the period, it may continue him on the existing sentence or
26 supervision with or without modifying or enlarging the

1 conditions, or may impose any other sentence that was
2 available under Article 4.5 of Chapter V of this Code or
3 Section 11-501 of the Illinois Vehicle Code at the time of
4 initial sentencing.

5 (f) The conditions of conditional discharge and of
6 supervision may be modified by the court on motion of the
7 probation officer or on its own motion or at the request of the
8 offender after notice to the defendant and a hearing.

9 (g) A judgment revoking supervision is a final appealable
10 order.

11 (h) Resentencing after revocation of conditional discharge
12 or of supervision shall be under Article 4. Time served on
13 conditional discharge or supervision shall be credited by the
14 court against a sentence of imprisonment or periodic
15 imprisonment unless the court orders otherwise.

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

17 (730 ILCS 5/5-8A-7)

18 Sec. 5-8A-7. Domestic violence surveillance program. If
19 the Prisoner Review Board, Department of Corrections,
20 Department of Juvenile Justice, or court (the supervising
21 authority) orders electronic surveillance as a condition of
22 parole, aftercare release, mandatory supervised release, early
23 release, probation, or conditional discharge for a violation
24 of an order of protection or as a condition of bail ~~pretrial~~
25 ~~release~~ for a person charged with a violation of an order of

1 protection, the supervising authority shall use the best
2 available global positioning technology to track domestic
3 violence offenders. Best available technology must have
4 real-time and interactive capabilities that facilitate the
5 following objectives: (1) immediate notification to the
6 supervising authority of a breach of a court ordered exclusion
7 zone; (2) notification of the breach to the offender; and (3)
8 communication between the supervising authority, law
9 enforcement, and the victim, regarding the breach. The
10 supervising authority may also require that the electronic
11 surveillance ordered under this Section monitor the
12 consumption of alcohol or drugs.

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

14 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

15 Sec. 8-2-1. Saving clause. The repeal of Acts or parts of
16 Acts enumerated in Section 8-5-1 does not: (1) affect any
17 offense committed, act done, prosecution pending, penalty,
18 punishment or forfeiture incurred, or rights, powers or
19 remedies accrued under any law in effect immediately prior to
20 the effective date of this Code; (2) impair, avoid, or affect
21 any grant or conveyance made or right acquired or cause of
22 action then existing under any such repealed Act or amendment
23 thereto; (3) affect or impair the validity of any bail or other
24 bond ~~pretrial release~~ or other obligation issued or sold and
25 constituting a valid obligation of the issuing authority

1 immediately prior to the effective date of this Code; (4) the
2 validity of any contract; or (5) the validity of any tax levied
3 under any law in effect prior to the effective date of this
4 Code. The repeal of any validating Act or part thereof shall
5 not avoid the effect of the validation. No Act repealed by
6 Section 8-5-1 shall repeal any Act or part thereof which
7 embraces the same or a similar subject matter as the Act
8 repealed.

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

10 Section 2-260. The Unified Code of Corrections is amended
11 by changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,
12 5-8-4, 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 as follows:

13 (730 ILCS 5/3-6-3)

14 Sec. 3-6-3. Rules and regulations for sentence credit.

15 (a) (1) The Department of Corrections shall prescribe rules
16 and regulations for awarding and revoking sentence credit for
17 persons committed to the Department of Corrections and the
18 Department of Juvenile Justice shall prescribe rules and
19 regulations for awarding and revoking sentence credit for
20 persons committed to the Department of Juvenile Justice under
21 Section 5-8-6 of the Unified Code of Corrections, which shall
22 be subject to review by the Prisoner Review Board.

23 (1.5) As otherwise provided by law, sentence credit may be
24 awarded for the following:

1 (A) successful completion of programming while in
2 custody of the Department of Corrections or the Department
3 of Juvenile Justice or while in custody prior to
4 sentencing;

5 (B) compliance with the rules and regulations of the
6 Department; or

7 (C) service to the institution, service to a
8 community, or service to the State.

9 (2) 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 offenses listed in clause (i),
12 (ii), or (iii) of this paragraph (2) committed on or after June
13 19, 1998 or with respect to the offense listed in clause (iv)
14 of this paragraph (2) committed on or after June 23, 2005 (the
15 effective date of Public Act 94-71) or with respect to offense
16 listed in clause (vi) committed on or after June 1, 2008 (the
17 effective date of Public Act 95-625) or with respect to the
18 offense of unlawful possession of a firearm by a repeat felony
19 offender committed on or after August 2, 2005 (the effective
20 date of Public Act 94-398) or with respect to the offenses
21 listed in clause (v) of this paragraph (2) committed on or
22 after August 13, 2007 (the effective date of Public Act
23 95-134) or with respect to the offense of aggravated domestic
24 battery committed on or after July 23, 2010 (the effective
25 date of Public Act 96-1224) or with respect to the offense of
26 attempt to commit terrorism committed on or after January 1,

1 2013 (the effective date of Public Act 97-990), the following:

2 (i) that a prisoner who is serving a term of
3 imprisonment for first degree murder or for the offense of
4 terrorism shall receive no sentence credit and shall serve
5 the entire sentence imposed by the court;

6 (ii) that a prisoner serving a sentence for attempt to
7 commit terrorism, attempt to commit first degree murder,
8 solicitation of murder, solicitation of murder for hire,
9 intentional homicide of an unborn child, predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, criminal sexual assault, aggravated
12 kidnapping, aggravated battery with a firearm as described
13 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
14 or (e) (4) of Section 12-3.05, heinous battery as described
15 in Section 12-4.1 or subdivision (a) (2) of Section
16 12-3.05, unlawful possession of a firearm by a repeat
17 felony offender, aggravated battery of a senior citizen as
18 described in Section 12-4.6 or subdivision (a) (4) of
19 Section 12-3.05, or aggravated battery of a child as
20 described in Section 12-4.3 or subdivision (b) (1) of
21 Section 12-3.05 shall receive no more than 4.5 days of
22 sentence credit for each month of his or her sentence of
23 imprisonment;

24 (iii) that a prisoner serving a sentence for home
25 invasion, armed robbery, aggravated vehicular hijacking,
26 aggravated discharge of a firearm, or armed violence with

1 a category I weapon or category II weapon, when the court
2 has made and entered a finding, pursuant to subsection
3 (c-1) of Section 5-4-1 of this Code, that the conduct
4 leading to conviction for the enumerated offense resulted
5 in great bodily harm to a victim, shall receive no more
6 than 4.5 days of sentence credit for each month of his or
7 her sentence of imprisonment;

8 (iv) that a prisoner serving a sentence for aggravated
9 discharge of a firearm, whether or not the conduct leading
10 to conviction for the offense resulted in great bodily
11 harm to the victim, shall receive no more than 4.5 days of
12 sentence credit for each month of his or her sentence of
13 imprisonment;

14 (v) that a person serving a sentence for gunrunning,
15 narcotics racketeering, controlled substance trafficking,
16 methamphetamine trafficking, drug-induced homicide,
17 aggravated methamphetamine-related child endangerment,
18 money laundering pursuant to clause (c) (4) or (5) of
19 Section 29B-1 of the Criminal Code of 1961 or the Criminal
20 Code of 2012, or a Class X felony conviction for delivery
21 of a controlled substance, possession of a controlled
22 substance with intent to manufacture or deliver,
23 calculated criminal drug conspiracy, criminal drug
24 conspiracy, street gang criminal drug conspiracy,
25 participation in methamphetamine manufacturing,
26 aggravated participation in methamphetamine

1 manufacturing, delivery of methamphetamine, possession
2 with intent to deliver methamphetamine, aggravated
3 delivery of methamphetamine, aggravated possession with
4 intent to deliver methamphetamine, methamphetamine
5 conspiracy when the substance containing the controlled
6 substance or methamphetamine is 100 grams or more shall
7 receive no more than 7.5 days sentence credit for each
8 month of his or her sentence of imprisonment;

9 (vi) that a prisoner serving a sentence for a second
10 or subsequent offense of luring a minor shall receive no
11 more than 4.5 days of sentence credit for each month of his
12 or her sentence of imprisonment; and

13 (vii) that a prisoner serving a sentence for
14 aggravated domestic battery shall receive no more than 4.5
15 days of sentence credit for each month of his or her
16 sentence of imprisonment.

17 (2.1) For all offenses, other than those enumerated in
18 subdivision (a)(2)(i), (ii), or (iii) committed on or after
19 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
20 June 23, 2005 (the effective date of Public Act 94-71) or
21 subdivision (a)(2)(v) committed on or after August 13, 2007
22 (the effective date of Public Act 95-134) or subdivision
23 (a)(2)(vi) committed on or after June 1, 2008 (the effective
24 date of Public Act 95-625) or subdivision (a)(2)(vii)
25 committed on or after July 23, 2010 (the effective date of
26 Public Act 96-1224), and other than the offense of aggravated

1 driving under the influence of alcohol, other drug or drugs,
2 or intoxicating compound or compounds, or any combination
3 thereof as defined in subparagraph (F) of paragraph (1) of
4 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
5 and other than the offense of aggravated driving under the
6 influence of alcohol, other drug or drugs, or intoxicating
7 compound or compounds, or any combination thereof as defined
8 in subparagraph (C) of paragraph (1) of subsection (d) of
9 Section 11-501 of the Illinois Vehicle Code committed on or
10 after January 1, 2011 (the effective date of Public Act
11 96-1230), the rules and regulations shall provide that a
12 prisoner who is serving a term of imprisonment shall receive
13 one day of sentence credit for each day of his or her sentence
14 of imprisonment or recommitment under Section 3-3-9. Each day
15 of sentence credit shall reduce by one day the prisoner's
16 period of imprisonment or recommitment under Section 3-3-9.

17 (2.2) A prisoner serving a term of natural life
18 imprisonment shall receive no sentence credit.

19 (2.3) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide that a prisoner who is serving a sentence for
22 aggravated driving under the influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds, or any
24 combination thereof as defined in subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code, shall receive no more than 4.5 days of

1 sentence credit for each month of his or her sentence of
2 imprisonment.

3 (2.4) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide with respect to the offenses of aggravated
6 battery with a machine gun or a firearm equipped with any
7 device or attachment designed or used for silencing the report
8 of a firearm or aggravated discharge of a machine gun or a
9 firearm equipped with any device or attachment designed or
10 used for silencing the report of a firearm, committed on or
11 after July 15, 1999 (the effective date of Public Act 91-121),
12 that a prisoner serving a sentence for any of these offenses
13 shall receive no more than 4.5 days of sentence credit for each
14 month of his or her sentence of imprisonment.

15 (2.5) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide that a prisoner who is serving a sentence for
18 aggravated arson committed on or after July 27, 2001 (the
19 effective date of Public Act 92-176) shall receive no more
20 than 4.5 days of sentence credit for each month of his or her
21 sentence of imprisonment.

22 (2.6) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations on sentence credit
24 shall provide that a prisoner who is serving a sentence for
25 aggravated driving under the influence of alcohol, other drug
26 or drugs, or intoxicating compound or compounds or any

1 combination thereof as defined in subparagraph (C) of
2 paragraph (1) of subsection (d) of Section 11-501 of the
3 Illinois Vehicle Code committed on or after January 1, 2011
4 (the effective date of Public Act 96-1230) shall receive no
5 more than 4.5 days of sentence credit for each month of his or
6 her sentence of imprisonment.

7 (3) In addition to the sentence credits earned under
8 paragraphs (2.1), (4), (4.1), ~~(4.2)~~, and (4.7) of this
9 subsection (a), the rules and regulations shall also provide
10 that the Director of Corrections ~~or the Director of Juvenile~~
11 ~~Justice~~ may award up to 180 days of earned sentence credit ~~for~~
12 ~~prisoners serving a sentence of incarceration of less than 5~~
13 ~~years, and up to 365 days of earned sentence credit for~~
14 ~~prisoners serving a sentence of 5 years or longer. The~~
15 ~~Director may grant this credit~~ for good conduct in specific
16 instances as the ~~either~~ Director deems proper ~~for eligible~~
17 ~~persons in the custody of each Director's respective~~
18 ~~Department~~. The good conduct may include, but is not limited
19 to, compliance with the rules and regulations of the
20 Department, service to the Department, service to a community,
21 or service to the State.

22 Eligible inmates for an award of earned sentence credit
23 under this paragraph (3) may be selected to receive the credit
24 at the ~~either~~ Director's or his or her designee's sole
25 discretion. Eligibility for the additional earned sentence
26 credit under this paragraph (3) shall ~~may~~ be based on, but is

1 not limited to, ~~participation in programming offered by the~~
2 ~~Department as appropriate for the prisoner based on the~~
3 results of any available risk/needs assessment or other
4 relevant assessments or evaluations administered by the
5 Department using a validated instrument, the circumstances of
6 the crime, any ~~demonstrated commitment to rehabilitation by a~~
7 prisoner with a history of conviction for a forcible felony
8 enumerated in Section 2-8 of the Criminal Code of 2012, the
9 inmate's behavior and ~~improvements in~~ disciplinary history
10 while incarcerated, and the inmate's commitment to
11 rehabilitation, including participation in programming offered
12 by the Department.

13 The Director of Corrections or the Director of Juvenile
14 Justice shall not award sentence credit under this paragraph
15 (3) to an inmate unless the inmate has served a minimum of 60
16 days of the sentence, including time served in a county jail;
17 except nothing in this paragraph shall be construed to permit
18 either Director to extend an inmate's sentence beyond that
19 which was imposed by the court. Prior to awarding credit under
20 this paragraph (3), each Director shall make a written
21 determination that the inmate:

22 (A) is eligible for the earned sentence credit;

23 (B) has served a minimum of 60 days, or as close to 60
24 days as the sentence will allow;

25 (B-1) has received a risk/needs assessment or other
26 relevant evaluation or assessment administered by the

1 Department using a validated instrument; and

2 (C) has met the eligibility criteria established by
3 rule for earned sentence credit.

4 The Director of Corrections or the Director of Juvenile
5 Justice shall determine the form and content of the written
6 determination required in this subsection.

7 (3.5) The Department shall provide annual written reports
8 to the Governor and the General Assembly on the award of earned
9 sentence credit no later than February 1 of each year. The
10 Department must publish both reports on its website within 48
11 hours of transmitting the reports to the Governor and the
12 General Assembly. The reports must include:

13 (A) the number of inmates awarded earned sentence
14 credit;

15 (B) the average amount of earned sentence credit
16 awarded;

17 (C) the holding offenses of inmates awarded earned
18 sentence credit; and

19 (D) the number of earned sentence credit revocations.

20 (4)(A) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations shall also provide
22 that the sentence credit accumulated and retained under
23 paragraph (2.1) of subsection (a) of this Section by any
24 inmate during specific periods of time in which such inmate
25 ~~any prisoner who~~ is engaged full-time in substance abuse
26 programs, correctional industry assignments, educational

1 programs, ~~work-release programs or activities in accordance~~
2 ~~with Article 13 of Chapter III of this Code,~~ behavior
3 modification programs, life skills courses, or re-entry
4 planning provided by the Department under this paragraph (4)
5 and satisfactorily completes the assigned program as
6 determined by the standards of the Department, shall be
7 multiplied by a factor of 1.25 for program participation
8 before August 11, 1993 and 1.50 for program participation on
9 or after that date ~~receive one day of sentence credit for each~~
10 ~~day in which that prisoner is engaged in the activities~~
11 ~~described in this paragraph.~~ The rules and regulations shall
12 also provide that sentence credit, subject to the same offense
13 limits and multiplier provided in this paragraph, may be
14 provided to an inmate who was held in pre-trial detention
15 prior to his or her current commitment to the Department of
16 Corrections and successfully completed a full-time, 60-day or
17 longer substance abuse program, educational program, behavior
18 modification program, life skills course, or re-entry planning
19 provided by the county department of corrections or county
20 jail. Calculation of this county program credit shall be done
21 at sentencing as provided in Section 5-4.5-100 of this Code
22 and shall be included in the sentencing order. However, no
23 inmate shall be eligible for the additional sentence credit
24 under this paragraph (4) or (4.1) of this subsection (a) while
25 assigned to a boot camp or electronic detention ~~The rules and~~
26 ~~regulations shall also provide that sentence credit may be~~

1 ~~provided to an inmate who is in compliance with programming~~
2 ~~requirements in an adult transition center.~~

3 (B) The Department shall award sentence credit under this
4 paragraph (4) accumulated prior to January 1, 2020 (the
5 effective date of Public Act 101-440) in an amount specified
6 in subparagraph (C) of this paragraph (4) to an inmate serving
7 a sentence for an offense committed prior to June 19, 1998, if
8 the Department determines that the inmate is entitled to this
9 sentence credit, based upon:

10 (i) documentation provided by the Department that the
11 inmate engaged in any full-time substance abuse programs,
12 correctional industry assignments, educational programs,
13 behavior modification programs, life skills courses, or
14 re-entry planning provided by the Department under this
15 paragraph (4) and satisfactorily completed the assigned
16 program as determined by the standards of the Department
17 during the inmate's current term of incarceration; or

18 (ii) the inmate's own testimony in the form of an
19 affidavit or documentation, or a third party's
20 documentation or testimony in the form of an affidavit
21 that the inmate likely engaged in any full-time substance
22 abuse programs, correctional industry assignments,
23 educational programs, behavior modification programs, life
24 skills courses, or re-entry planning provided by the
25 Department under paragraph (4) and satisfactorily
26 completed the assigned program as determined by the

1 standards of the Department during the inmate's current
2 term of incarceration.

3 (C) If the inmate can provide documentation that he or she
4 is entitled to sentence credit under subparagraph (B) in
5 excess of 45 days of participation in those programs, the
6 inmate shall receive 90 days of sentence credit. If the inmate
7 cannot provide documentation of more than 45 days of
8 participation in those programs, the inmate shall receive 45
9 days of sentence credit. In the event of a disagreement
10 between the Department and the inmate as to the amount of
11 credit accumulated under subparagraph (B), if the Department
12 provides documented proof of a lesser amount of days of
13 participation in those programs, that proof shall control. If
14 the Department provides no documentary proof, the inmate's
15 proof as set forth in clause (ii) of subparagraph (B) shall
16 control as to the amount of sentence credit provided.

17 (D) If the inmate has been convicted of a sex offense as
18 defined in Section 2 of the Sex Offender Registration Act,
19 sentencing credits under subparagraph (B) of this paragraph
20 (4) shall be awarded by the Department only if the conditions
21 set forth in paragraph (4.6) of subsection (a) are satisfied.
22 No inmate serving a term of natural life imprisonment shall
23 receive sentence credit under subparagraph (B) of this
24 paragraph (4).

25 (E) The rules and regulations shall provide for the
26 recalculation of program credits awarded pursuant to this

1 paragraph (4) prior to July 1, 2021 (the effective date of
2 Public Act 101-652) at the rate set for such credits on and
3 after July 1, 2021.

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) (Blank). ~~(A) The rules and regulations shall also~~
19 ~~provide that any prisoner engaged in self improvement~~
20 ~~programs, volunteer work, or work assignments that are not~~
21 ~~otherwise eligible activities under paragraph (4), shall~~
22 ~~receive up to 0.5 days of sentence credit for each day in which~~
23 ~~the prisoner is engaged in activities described in this~~
24 ~~paragraph.~~

25 ~~(B) The rules and regulations shall provide for the award~~
26 ~~of sentence credit under this paragraph (4.2) for qualifying~~

1 ~~days of engagement in eligible activities occurring prior to~~
2 ~~July 1, 2021 (the effective date of Public Act 101-652).~~

3 (4.5) The rules and regulations on sentence credit shall
4 also provide that when the court's sentencing order recommends
5 a prisoner for substance abuse treatment and the crime was
6 committed on or after September 1, 2003 (the effective date of
7 Public Act 93-354), the prisoner shall receive no sentence
8 credit awarded under clause (3) of this subsection (a) unless
9 he or she participates in and completes a substance abuse
10 treatment program. The Director of Corrections may waive the
11 requirement to participate in or complete a substance abuse
12 treatment program in specific instances if the prisoner is not
13 a good candidate for a substance abuse treatment program for
14 medical, programming, or operational reasons. Availability of
15 substance abuse treatment shall be subject to the limits of
16 fiscal resources appropriated by the General Assembly for
17 these purposes. If treatment is not available and the
18 requirement to participate and complete the treatment has not
19 been waived by the Director, the prisoner shall be placed on a
20 waiting list under criteria established by the Department. The
21 Director may allow a prisoner placed on a waiting list to
22 participate in and complete a substance abuse education class
23 or attend substance abuse self-help meetings in lieu of a
24 substance abuse treatment program. A prisoner on a waiting
25 list who is not placed in a substance abuse program prior to
26 release may be eligible for a waiver and receive sentence

1 credit under clause (3) of this subsection (a) at the
2 discretion of the Director.

3 (4.6) The rules and regulations on sentence credit shall
4 also provide that a prisoner who has been convicted of a sex
5 offense as defined in Section 2 of the Sex Offender
6 Registration Act shall receive no sentence credit unless he or
7 she either has successfully completed or is participating in
8 sex offender treatment as defined by the Sex Offender
9 Management Board. However, prisoners who are waiting to
10 receive treatment, but who are unable to do so due solely to
11 the lack of resources on the part of the Department, may, at
12 either Director's sole discretion, be awarded sentence credit
13 at a rate as the Director shall determine.

14 (4.7) On or after January 1, 2018 (the effective date of
15 Public Act 100-3), sentence credit under paragraph (3), (4),
16 or (4.1) of this subsection (a) may be awarded to a prisoner
17 who is serving a sentence for an offense described in
18 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
19 on or after January 1, 2018 (the effective date of Public Act
20 100-3); provided, the award of the credits under this
21 paragraph (4.7) shall not reduce the sentence of the prisoner
22 to less than the following amounts:

23 (i) 85% of his or her sentence if the prisoner is
24 required to serve 85% of his or her sentence; or

25 (ii) 60% of his or her sentence if the prisoner is
26 required to serve 75% of his or her sentence, except if the

1 prisoner is serving a sentence for gunrunning his or her
2 sentence shall not be reduced to less than 75%.

3 (iii) 100% of his or her sentence if the prisoner is
4 required to serve 100% of his or her sentence.

5 (5) Whenever the Department is to release any inmate
6 earlier than it otherwise would because of a grant of earned
7 sentence credit under paragraph (3) of subsection (a) of this
8 Section given at any time during the term, the Department
9 shall give reasonable notice of the impending release not less
10 than 14 days prior to the date of the release to the State's
11 Attorney of the county where the prosecution of the inmate
12 took place, and if applicable, the State's Attorney of the
13 county into which the inmate will be released. The Department
14 must also make identification information and a recent photo
15 of the inmate being released accessible on the Internet by
16 means of a hyperlink labeled "Community Notification of Inmate
17 Early Release" on the Department's World Wide Web homepage.
18 The identification information shall include the inmate's:
19 name, any known alias, date of birth, physical
20 characteristics, commitment offense, and county where
21 conviction was imposed. The identification information shall
22 be placed on the website within 3 days of the inmate's release
23 and the information may not be removed until either:
24 completion of the first year of mandatory supervised release
25 or return of the inmate to custody of the Department.

26 (b) Whenever a person is or has been committed under

1 several convictions, with separate sentences, the sentences
2 shall be construed under Section 5-8-4 in granting and
3 forfeiting of sentence credit.

4 (c) ~~(1)~~ The Department shall prescribe rules and
5 regulations for revoking sentence credit, including revoking
6 sentence credit awarded under paragraph (3) of subsection (a)
7 of this Section. ~~The Department shall prescribe rules and~~
8 ~~regulations establishing and requiring the use of a sanctions~~
9 ~~matrix for revoking sentence credit.~~ The Department shall
10 prescribe rules and regulations for suspending or reducing the
11 rate of accumulation of sentence credit for specific rule
12 violations, during imprisonment. These rules and regulations
13 shall provide that no inmate may be penalized more than one
14 year of sentence credit for any one infraction.

15 (2) When the Department seeks to revoke, suspend, or
16 reduce the rate of accumulation of any sentence credits for an
17 alleged infraction of its rules, it shall bring charges
18 therefor against the prisoner sought to be so deprived of
19 sentence credits before the Prisoner Review Board as provided
20 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the
21 amount of credit at issue exceeds 30 days, ~~whether from one~~
22 ~~infraction or cumulatively from multiple infractions arising~~
23 ~~out of a single event,~~ or when, during any 12-month period, the
24 cumulative amount of credit revoked exceeds 30 days except
25 where the infraction is committed or discovered within 60 days
26 of scheduled release. In those cases, the Department of

1 Corrections may revoke up to 30 days of sentence credit. The
2 Board may subsequently approve the revocation of additional
3 sentence credit, if the Department seeks to revoke sentence
4 credit in excess of 30 days. However, the Board shall not be
5 empowered to review the Department's decision with respect to
6 the loss of 30 days of sentence credit within any calendar year
7 for any prisoner or to increase any penalty beyond the length
8 requested by the Department.

9 ~~(3) The Director of Corrections or the Director of~~
10 ~~Juvenile Justice, in appropriate cases, may restore up to 30~~
11 ~~days of sentence credits which have been revoked, suspended,~~
12 ~~or reduced. Any restoration of sentence credits in excess of~~
13 ~~30 days shall be subject to review by the Prisoner Review~~
14 ~~Board. However, the Board may not restore sentence credit in~~
15 ~~excess of the amount requested by the Director ~~The Department~~~~
16 ~~shall prescribe rules and regulations governing the~~
17 ~~restoration of sentence credits. These rules and regulations~~
18 ~~shall provide for the automatic restoration of sentence~~
19 ~~credits following a period in which the prisoner maintains a~~
20 ~~record without a disciplinary violation.~~

21 Nothing contained in this Section shall prohibit the
22 Prisoner Review Board from ordering, pursuant to Section
23 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
24 sentence imposed by the court that was not served due to the
25 accumulation of sentence credit.

26 (d) If a lawsuit is filed by a prisoner in an Illinois or

1 federal court against the State, the Department of
2 Corrections, or the Prisoner Review Board, or against any of
3 their officers or employees, and the court makes a specific
4 finding that a pleading, motion, or other paper filed by the
5 prisoner is frivolous, the Department of Corrections shall
6 conduct a hearing to revoke up to 180 days of sentence credit
7 by bringing charges against the prisoner sought to be deprived
8 of the sentence credits before the Prisoner Review Board as
9 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
10 If the prisoner has not accumulated 180 days of sentence
11 credit at the time of the finding, then the Prisoner Review
12 Board may revoke all sentence credit accumulated by the
13 prisoner.

14 For purposes of this subsection (d):

15 (1) "Frivolous" means that a pleading, motion, or
16 other filing which purports to be a legal document filed
17 by a prisoner in his or her lawsuit meets any or all of the
18 following criteria:

19 (A) it lacks an arguable basis either in law or in
20 fact;

21 (B) it is being presented for any improper
22 purpose, such as to harass or to cause unnecessary
23 delay or needless increase in the cost of litigation;

24 (C) the claims, defenses, and other legal
25 contentions therein are not warranted by existing law
26 or by a nonfrivolous argument for the extension,

1 modification, or reversal of existing law or the
2 establishment of new law;

3 (D) the allegations and other factual contentions
4 do not have evidentiary support or, if specifically so
5 identified, are not likely to have evidentiary support
6 after a reasonable opportunity for further
7 investigation or discovery; or

8 (E) the denials of factual contentions are not
9 warranted on the evidence, or if specifically so
10 identified, are not reasonably based on a lack of
11 information or belief.

12 (2) "Lawsuit" means a motion pursuant to Section 116-3
13 of the Code of Criminal Procedure of 1963, a habeas corpus
14 action under Article X of the Code of Civil Procedure or
15 under federal law (28 U.S.C. 2254), a petition for claim
16 under the Court of Claims Act, an action under the federal
17 Civil Rights Act (42 U.S.C. 1983), or a second or
18 subsequent petition for post-conviction relief under
19 Article 122 of the Code of Criminal Procedure of 1963
20 whether filed with or without leave of court or a second or
21 subsequent petition for relief from judgment under Section
22 2-1401 of the Code of Civil Procedure.

23 (e) Nothing in Public Act 90-592 or 90-593 affects the
24 validity of Public Act 89-404.

25 (f) Whenever the Department is to release any inmate who
26 has been convicted of a violation of an order of protection

1 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, earlier than it otherwise would
3 because of a grant of sentence credit, the Department, as a
4 condition of release, shall require that the person, upon
5 release, be placed under electronic surveillance as provided
6 in Section 5-8A-7 of this Code.

7 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
8 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
9 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; 103-605,
10 eff. 7-1-24; 103-822, eff. 1-1-25.)

11 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

12 Sec. 5-4-1. Sentencing hearing.

13 (a) After a determination of guilt, a hearing shall be
14 held to impose the sentence. However, prior to the imposition
15 of sentence on an individual being sentenced for an offense
16 based upon a charge for a violation of Section 11-501 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance, the individual must undergo a professional
19 evaluation to determine if an alcohol or other drug abuse
20 problem exists and the extent of such a problem. Programs
21 conducting these evaluations shall be licensed by the
22 Department of Human Services. However, if the individual is
23 not a resident of Illinois, the court may, in its discretion,
24 accept an evaluation from a program in the state of such
25 individual's residence. The court shall make a specific

1 finding about whether the defendant is eligible for
2 participation in a Department impact incarceration program as
3 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
4 explanation as to why a sentence to impact incarceration is
5 not an appropriate sentence. The court may in its sentencing
6 order recommend a defendant for placement in a Department of
7 Corrections substance abuse treatment program as provided in
8 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
9 upon the defendant being accepted in a program by the
10 Department of Corrections. At the hearing the court shall:

11 (1) consider the evidence, if any, received upon the
12 trial;

13 (2) consider any presentence reports;

14 (3) consider the financial impact of incarceration
15 based on the financial impact statement filed with the
16 clerk of the court by the Department of Corrections;

17 (4) consider evidence and information offered by the
18 parties in aggravation and mitigation;

19 (4.5) consider substance abuse treatment, eligibility
20 screening, and an assessment, if any, of the defendant by
21 an agent designated by the State of Illinois to provide
22 assessment services for the Illinois courts;

23 (5) hear arguments as to sentencing alternatives;

24 (6) afford the defendant the opportunity to make a
25 statement in his own behalf;

26 (7) afford the victim of a violent crime or a

1 violation of Section 11-501 of the Illinois Vehicle Code,
2 or a similar provision of a local ordinance, the
3 opportunity to present an oral or written statement, as
4 guaranteed by Article I, Section 8.1 of the Illinois
5 Constitution and provided in Section 6 of the Rights of
6 Crime Victims and Witnesses Act. The court shall allow a
7 victim to make an oral statement if the victim is present
8 in the courtroom and requests to make an oral or written
9 statement. An oral or written statement includes the
10 victim or a representative of the victim reading the
11 written statement. The court may allow persons impacted by
12 the crime who are not victims under subsection (a) of
13 Section 3 of the Rights of Crime Victims and Witnesses Act
14 to present an oral or written statement. A victim and any
15 person making an oral statement shall not be put under
16 oath or subject to cross-examination. All statements
17 offered under this paragraph (7) shall become part of the
18 record of the court. In this paragraph (7), "victim of a
19 violent crime" means a person who is a victim of a violent
20 crime for which the defendant has been convicted after a
21 bench or jury trial or a person who is the victim of a
22 violent crime with which the defendant was charged and the
23 defendant has been convicted under a plea agreement of a
24 crime that is not a violent crime as defined in subsection
25 (c) of 3 of the Rights of Crime Victims and Witnesses Act;
26 (7.5) afford a qualified person affected by: (i) a

1 violation of Section 405, 405.1, 405.2, or 407 of the
2 Illinois Controlled Substances Act or a violation of
3 Section 55 or Section 65 of the Methamphetamine Control
4 and Community Protection Act; or (ii) a Class 4 felony
5 violation of Section 11-14, 11-14.3 except as described in
6 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,
7 11-18.1, or 11-19 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, committed by the defendant the
9 opportunity to make a statement concerning the impact on
10 the qualified person and to offer evidence in aggravation
11 or mitigation; provided that the statement and evidence
12 offered in aggravation or mitigation shall first be
13 prepared in writing in conjunction with the State's
14 Attorney before it may be presented orally at the hearing.
15 Sworn testimony offered by the qualified person is subject
16 to the defendant's right to cross-examine. All statements
17 and evidence offered under this paragraph (7.5) shall
18 become part of the record of the court. In this paragraph
19 (7.5), "qualified person" means any person who: (i) lived
20 or worked within the territorial jurisdiction where the
21 offense took place when the offense took place; or (ii) is
22 familiar with various public places within the territorial
23 jurisdiction where the offense took place when the offense
24 took place. "Qualified person" includes any peace officer
25 or any member of any duly organized State, county, or
26 municipal peace officer unit assigned to the territorial

1 jurisdiction where the offense took place when the offense
2 took place;

3 (8) in cases of reckless homicide afford the victim's
4 spouse, guardians, parents or other immediate family
5 members an opportunity to make oral statements;

6 (9) in cases involving a felony sex offense as defined
7 under the Sex Offender Management Board Act, consider the
8 results of the sex offender evaluation conducted pursuant
9 to Section 5-3-2 of this Act; and

10 (10) make a finding of whether a motor vehicle was
11 used in the commission of the offense for which the
12 defendant is being sentenced.

13 (b) All sentences shall be imposed by the judge based upon
14 his independent assessment of the elements specified above and
15 any agreement as to sentence reached by the parties. The judge
16 who presided at the trial or the judge who accepted the plea of
17 guilty shall impose the sentence unless he is no longer
18 sitting as a judge in that court. Where the judge does not
19 impose sentence at the same time on all defendants who are
20 convicted as a result of being involved in the same offense,
21 the defendant or the State's Attorney may advise the
22 sentencing court of the disposition of any other defendants
23 who have been sentenced.

24 (b-1) In imposing a sentence of imprisonment or periodic
25 imprisonment for a Class 3 or Class 4 felony for which a
26 sentence of probation or conditional discharge is an available

1 sentence, if the defendant has no prior sentence of probation
2 or conditional discharge and no prior conviction for a violent
3 crime, the defendant shall not be sentenced to imprisonment
4 before review and consideration of a presentence report and
5 determination and explanation of why the particular evidence,
6 information, factor in aggravation, factual finding, or other
7 reasons support a sentencing determination that one or more of
8 the factors under subsection (a) of Section 5-6-1 of this Code
9 apply and that probation or conditional discharge is not an
10 appropriate sentence.

11 (c) In imposing a sentence for a violent crime or for an
12 offense of operating or being in physical control of a vehicle
13 while under the influence of alcohol, any other drug or any
14 combination thereof, or a similar provision of a local
15 ordinance, when such offense resulted in the personal injury
16 to someone other than the defendant, the trial judge shall
17 specify on the record the particular evidence, information,
18 factors in mitigation and aggravation or other reasons that
19 led to his sentencing determination. The full verbatim record
20 of the sentencing hearing shall be filed with the clerk of the
21 court and shall be a public record.

22 (c-1) In imposing a sentence for the offense of aggravated
23 kidnapping for ransom, home invasion, armed robbery,
24 aggravated vehicular hijacking, aggravated discharge of a
25 firearm, or armed violence with a category I weapon or
26 category II weapon, the trial judge shall make a finding as to

1 whether the conduct leading to conviction for the offense
2 resulted in great bodily harm to a victim, and shall enter that
3 finding and the basis for that finding in the record.

4 (c-1.5) (Blank). ~~Notwithstanding any other provision of~~
5 ~~law to the contrary, in imposing a sentence for an offense that~~
6 ~~requires a mandatory minimum sentence of imprisonment, the~~
7 ~~court may instead sentence the offender to probation,~~
8 ~~conditional discharge, or a lesser term of imprisonment it~~
9 ~~deems appropriate if: (1) the offense involves the use or~~
10 ~~possession of drugs, retail theft, or driving on a revoked~~
11 ~~license due to unpaid financial obligations; (2) the court~~
12 ~~finds that the defendant does not pose a risk to public safety;~~
13 ~~and (3) the interest of justice requires imposing a term of~~
14 ~~probation, conditional discharge, or a lesser term of~~
15 ~~imprisonment. The court must state on the record its reasons~~
16 ~~for imposing probation, conditional discharge, or a lesser~~
17 ~~term of imprisonment.~~

18 (c-2) If the defendant is sentenced to prison, other than
19 when a sentence of natural life imprisonment is imposed, at
20 the time the sentence is imposed the judge shall state on the
21 record in open court the approximate period of time the
22 defendant will serve in custody according to the then current
23 statutory rules and regulations for sentence credit found in
24 Section 3-6-3 and other related provisions of this Code. This
25 statement is intended solely to inform the public, has no
26 legal effect on the defendant's actual release, and may not be

1 relied on by the defendant on appeal.

2 The judge's statement, to be given after pronouncing the
3 sentence, other than when the sentence is imposed for one of
4 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
5 shall include the following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois
10 as applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, assuming the defendant receives all of his or her
13 sentence credit, the period of estimated actual custody is ...
14 years and ... months, less up to 180 days additional earned
15 sentence credit. If the defendant, because of his or her own
16 misconduct or failure to comply with the institutional
17 regulations, does not receive those credits, the actual time
18 served in prison will be longer. The defendant may also
19 receive an additional one-half day sentence credit for each
20 day of participation in vocational, industry, substance abuse,
21 and educational programs as provided for by Illinois statute."

22 When the sentence is imposed for one of the offenses
23 enumerated in paragraph (a)(2) of Section 3-6-3, other than
24 first degree murder, and the offense was committed on or after
25 June 19, 1998, and when the sentence is imposed for reckless
26 homicide as defined in subsection (e) of Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the
2 offense was committed on or after January 1, 1999, and when the
3 sentence is imposed for aggravated driving under the influence
4 of alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof as defined in
6 subparagraph (F) of paragraph (1) of subsection (d) of Section
7 11-501 of the Illinois Vehicle Code, and when the sentence is
8 imposed for aggravated arson if the offense was committed on
9 or after July 27, 2001 (the effective date of Public Act
10 92-176), and when the sentence is imposed for aggravated
11 driving under the influence of alcohol, other drug or drugs,
12 or intoxicating compound or compounds, or any combination
13 thereof as defined in subparagraph (C) of paragraph (1) of
14 subsection (d) of Section 11-501 of the Illinois Vehicle Code
15 committed on or after January 1, 2011 (the effective date of
16 Public Act 96-1230), the judge's statement, to be given after
17 pronouncing the sentence, shall include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois
22 as applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, the defendant is entitled to no more than 4 1/2 days of
25 sentence credit for each month of his or her sentence of
26 imprisonment. Therefore, this defendant will serve at least

1 85% of his or her sentence. Assuming the defendant receives 4
2 1/2 days credit for each month of his or her sentence, the
3 period of estimated actual custody is ... years and ...
4 months. If the defendant, because of his or her own misconduct
5 or failure to comply with the institutional regulations
6 receives lesser credit, the actual time served in prison will
7 be longer."

8 When a sentence of imprisonment is imposed for first
9 degree murder and the offense was committed on or after June
10 19, 1998, the judge's statement, to be given after pronouncing
11 the sentence, shall include the following:

12 "The purpose of this statement is to inform the public of
13 the actual period of time this defendant is likely to spend in
14 prison as a result of this sentence. The actual period of
15 prison time served is determined by the statutes of Illinois
16 as applied to this sentence by the Illinois Department of
17 Corrections and the Illinois Prisoner Review Board. In this
18 case, the defendant is not entitled to sentence credit.
19 Therefore, this defendant will serve 100% of his or her
20 sentence."

21 When the sentencing order recommends placement in a
22 substance abuse program for any offense that results in
23 incarceration in a Department of Corrections facility and the
24 crime was committed on or after September 1, 2003 (the
25 effective date of Public Act 93-354), the judge's statement,
26 in addition to any other judge's statement required under this

1 Section, to be given after pronouncing the sentence, shall
2 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 shall receive no earned sentence credit
10 under clause (3) of subsection (a) of Section 3-6-3 until he or
11 she participates in and completes a substance abuse treatment
12 program or receives a waiver from the Director of Corrections
13 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

14 (c-4) Before the sentencing hearing and as part of the
15 presentence investigation under Section 5-3-1, the court shall
16 inquire of the defendant whether the defendant is currently
17 serving in or is a veteran of the Armed Forces of the United
18 States. If the defendant is currently serving in the Armed
19 Forces of the United States or is a veteran of the Armed Forces
20 of the United States and has been diagnosed as having a mental
21 illness by a qualified psychiatrist or clinical psychologist
22 or physician, the court may:

23 (1) order that the officer preparing the presentence
24 report consult with the United States Department of
25 Veterans Affairs, Illinois Department of Veterans'
26 Affairs, or another agency or person with suitable

1 knowledge or experience for the purpose of providing the
2 court with information regarding treatment options
3 available to the defendant, including federal, State, and
4 local programming; and

5 (2) consider the treatment recommendations of any
6 diagnosing or treating mental health professionals
7 together with the treatment options available to the
8 defendant in imposing sentence.

9 For the purposes of this subsection (c-4), "qualified
10 psychiatrist" means a reputable physician licensed in Illinois
11 to practice medicine in all its branches, who has specialized
12 in the diagnosis and treatment of mental and nervous disorders
13 for a period of not less than 5 years.

14 (c-6) In imposing a sentence, the trial judge shall
15 specify, on the record, the particular evidence and other
16 reasons which led to his or her determination that a motor
17 vehicle was used in the commission of the offense.

18 (c-7) (Blank). ~~In imposing a sentence for a Class 3 or 4~~
19 ~~felony, other than a violent crime as defined in Section 3 of~~
20 ~~the Rights of Crime Victims and Witnesses Act, the court shall~~
21 ~~determine and indicate in the sentencing order whether the~~
22 ~~defendant has 4 or more or fewer than 4 months remaining on his~~
23 ~~or her sentence accounting for time served.~~

24 (d) When the defendant is committed to the Department of
25 Corrections, the State's Attorney shall and counsel for the
26 defendant may file a statement with the clerk of the court to

1 be transmitted to the department, agency or institution to
2 which the defendant is committed to furnish such department,
3 agency or institution with the facts and circumstances of the
4 offense for which the person was committed together with all
5 other factual information accessible to them in regard to the
6 person prior to his commitment relative to his habits,
7 associates, disposition and reputation and any other facts and
8 circumstances which may aid such department, agency or
9 institution during its custody of such person. The clerk shall
10 within 10 days after receiving any such statements transmit a
11 copy to such department, agency or institution and a copy to
12 the other party, provided, however, that this shall not be
13 cause for delay in conveying the person to the department,
14 agency or institution to which he has been committed.

15 (e) The clerk of the court shall transmit to the
16 department, agency or institution, if any, to which the
17 defendant is committed, the following:

18 (1) the sentence imposed;

19 (2) any statement by the court of the basis for
20 imposing the sentence;

21 (3) any presentence reports;

22 (3.3) the person's last known complete street address
23 prior to incarceration or legal residence, the person's
24 race, whether the person is of Hispanic or Latino origin,
25 and whether the person is 18 years of age or older;

26 (3.5) any sex offender evaluations;

1 (3.6) any substance abuse treatment eligibility
2 screening and assessment of the defendant by an agent
3 designated by the State of Illinois to provide assessment
4 services for the Illinois courts;

5 (4) the number of days, if any, which the defendant
6 has been in custody and for which he is entitled to credit
7 against the sentence, which information shall be provided
8 to the clerk by the sheriff;

9 (4.1) any finding of great bodily harm made by the
10 court with respect to an offense enumerated in subsection
11 (c-1);

12 (5) all statements filed under subsection (d) of this
13 Section;

14 (6) any medical or mental health records or summaries
15 of the defendant;

16 (7) the municipality where the arrest of the offender
17 or the commission of the offense has occurred, where such
18 municipality has a population of more than 25,000 persons;

19 (8) all statements made and evidence offered under
20 paragraph (7) of subsection (a) of this Section; and

21 (9) all additional matters which the court directs the
22 clerk to transmit.

23 (f) In cases in which the court finds that a motor vehicle
24 was used in the commission of the offense for which the
25 defendant is being sentenced, the clerk of the court shall,
26 within 5 days thereafter, forward a report of such conviction

1 to the Secretary of State.

2 (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;
3 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

4 (730 ILCS 5/5-4.5-95)

5 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

6 (a) HABITUAL CRIMINALS.

7 (1) Every person who has been twice convicted in any
8 state or federal court of an offense that contains the
9 same elements as an offense now (the date of the offense
10 committed after the 2 prior convictions) classified in
11 Illinois as a Class X felony, criminal sexual assault,
12 aggravated kidnapping, or first degree murder, and who is
13 thereafter convicted of a Class X felony, criminal sexual
14 assault, or first degree murder, committed after the 2
15 prior convictions, shall be adjudged an habitual criminal.

16 (2) The 2 prior convictions need not have been for the
17 same offense.

18 (3) Any convictions that result from or are connected
19 with the same transaction, or result from offenses
20 committed at the same time, shall be counted for the
21 purposes of this Section as one conviction.

22 (4) This Section does not apply unless each of the
23 following requirements are satisfied:

24 (A) The third offense was committed after July 3,
25 1980.

1 (B) The third offense was committed within 20
2 years of the date that judgment was entered on the
3 first conviction; provided, however, that time spent
4 in custody shall not be counted.

5 (C) The third offense was committed after
6 conviction on the second offense.

7 (D) The second offense was committed after
8 conviction on the first offense.

9 (E) (Blank). ~~The first offense was committed when~~
10 ~~the person was 21 years of age or older.~~

11 (5) Anyone who, having attained the age of 18 at the
12 time of the third offense, is adjudged an habitual
13 criminal shall be sentenced to a term of natural life
14 imprisonment.

15 (6) A prior conviction shall not be alleged in the
16 indictment, and no evidence or other disclosure of that
17 conviction shall be presented to the court or the jury
18 during the trial of an offense set forth in this Section
19 unless otherwise permitted by the issues properly raised
20 in that trial. After a plea or verdict or finding of guilty
21 and before sentence is imposed, the prosecutor may file
22 with the court a verified written statement signed by the
23 State's Attorney concerning any former conviction of an
24 offense set forth in this Section rendered against the
25 defendant. The court shall then cause the defendant to be
26 brought before it; shall inform the defendant of the

1 allegations of the statement so filed, and of his or her
2 right to a hearing before the court on the issue of that
3 former conviction and of his or her right to counsel at
4 that hearing; and unless the defendant admits such
5 conviction, shall hear and determine the issue, and shall
6 make a written finding thereon. If a sentence has
7 previously been imposed, the court may vacate that
8 sentence and impose a new sentence in accordance with this
9 Section.

10 (7) A duly authenticated copy of the record of any
11 alleged former conviction of an offense set forth in this
12 Section shall be prima facie evidence of that former
13 conviction; and a duly authenticated copy of the record of
14 the defendant's final release or discharge from probation
15 granted, or from sentence and parole supervision (if any)
16 imposed pursuant to that former conviction, shall be prima
17 facie evidence of that release or discharge.

18 (8) Any claim that a previous conviction offered by
19 the prosecution is not a former conviction of an offense
20 set forth in this Section because of the existence of any
21 exceptions described in this Section, is waived unless
22 duly raised at the hearing on that conviction, or unless
23 the prosecution's proof shows the existence of the
24 exceptions described in this Section.

25 (9) If the person so convicted shows to the
26 satisfaction of the court before whom that conviction was

1 had that he or she was released from imprisonment, upon
2 either of the sentences upon a pardon granted for the
3 reason that he or she was innocent, that conviction and
4 sentence shall not be considered under this Section.

5 (b) When a defendant, over the age of 21 years, is
6 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for
7 an offense listed in subsection (c-5) of this Section, after
8 having twice been convicted in any state or federal court of an
9 offense that contains the same elements as an offense now (the
10 date the Class 1 or Class 2 ~~forcible~~ felony was committed)
11 classified in Illinois as a Class 2 or greater Class ~~forcible~~
12 felony, except for an offense listed in subsection (c-5) of
13 this Section, and those charges are separately brought and
14 tried and arise out of different series of acts, that
15 defendant shall be sentenced as a Class X offender. This
16 subsection does not apply unless:

17 (1) the first ~~forcible~~ felony was committed after
18 February 1, 1978 (the effective date of Public Act
19 80-1099);

20 (2) the second ~~forcible~~ felony was committed after
21 conviction on the first;

22 (3) the third ~~forcible~~ felony was committed after
23 conviction on the second; and

24 (4) (blank). ~~the first offense was committed when the~~
25 ~~person was 21 years of age or older.~~

26 (c) (Blank).

1 (c-5) Subsection (b) of this Section does not apply to
2 Class 1 or Class 2 felony convictions for a violation of
3 Section 16-1 of the Criminal Code of 2012.

4 A person sentenced as a Class X offender under this
5 subsection (b) is not eligible to apply for treatment as a
6 condition of probation as provided by Section 40-10 of the
7 Substance Use Disorder Act (20 ILCS 301/40-10).

8 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;
9 101-652, eff. 7-1-21.)

10 (730 ILCS 5/5-4.5-100)

11 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

12 (a) COMMENCEMENT. A sentence of imprisonment shall
13 commence on the date on which the offender is received by the
14 Department or the institution at which the sentence is to be
15 served.

16 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
17 forth in subsection (e), the offender shall be given credit on
18 the determinate sentence or maximum term and the minimum
19 period of imprisonment for the number of days spent in custody
20 as a result of the offense for which the sentence was imposed.
21 The Department shall calculate the credit at the rate
22 specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. Except when
23 prohibited by subsection (d-5), the ~~The~~ trial court shall give
24 credit to the defendant for time spent in home detention on the
25 same sentencing terms as incarceration as provided in Section

1 ~~5-8A-3 (730 ILCS 5/5-8A-3). Home detention for purposes of~~
2 ~~credit includes restrictions on liberty such as curfews~~
3 ~~restricting movement for 12 hours or more per day and~~
4 ~~electronic monitoring that restricts travel or movement.~~
5 ~~Electronic monitoring is not required for home detention to be~~
6 ~~considered custodial for purposes of sentencing credit.~~ The
7 trial court may give credit to the defendant for the number of
8 days spent confined for psychiatric or substance abuse
9 treatment prior to judgment, if the court finds that the
10 detention or confinement was custodial.

11 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
12 arrested on one charge and prosecuted on another charge for
13 conduct that occurred prior to his or her arrest shall be given
14 credit on the determinate sentence or maximum term and the
15 minimum term of imprisonment for time spent in custody under
16 the former charge not credited against another sentence.

17 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
18 defendant credit for successfully completing county
19 programming while in custody prior to imposition of sentence
20 at the rate specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. For
21 the purposes of this subsection, "custody" includes time spent
22 in home detention.

23 (d) (Blank).

24 (d-5) NO CREDIT; SOME HOME DETENTION. An offender
25 sentenced to a term of imprisonment for an offense listed in
26 paragraph (2) of subsection (c) of Section 5-5-3 or in

1 paragraph (3) of subsection (c-1) of Section 11-501 of the
2 Illinois Vehicle Code shall not receive credit for time spent
3 in home detention prior to judgment.

4 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
5 RELEASE, OR PROBATION. An offender charged with the commission
6 of an offense committed while on parole, mandatory supervised
7 release, or probation shall not be given credit for time spent
8 in custody under subsection (b) for that offense for any time
9 spent in custody as a result of a revocation of parole,
10 mandatory supervised release, or probation where such
11 revocation is based on a sentence imposed for a previous
12 conviction, regardless of the facts upon which the revocation
13 of parole, mandatory supervised release, or probation is
14 based, unless both the State and the defendant agree that the
15 time served for a violation of mandatory supervised release,
16 parole, or probation shall be credited towards the sentence
17 for the current offense.

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

19 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

20 Sec. 5-8-1. Natural life imprisonment; enhancements for
21 use of a firearm; mandatory supervised release terms.

22 (a) Except as otherwise provided in the statute defining
23 the offense or in Article 4.5 of Chapter V, a sentence of
24 imprisonment for a felony shall be a determinate sentence set
25 by the court under this Section, subject to Section 5-4.5-115

1 of this Code, according to the following limitations:

2 (1) for first degree murder,

3 (a) (blank),

4 (b) if a trier of fact finds beyond a reasonable
5 doubt that the murder was accompanied by exceptionally
6 brutal or heinous behavior indicative of wanton
7 cruelty or, except as set forth in subsection
8 (a) (1) (c) of this Section, that any of the aggravating
9 factors listed in subparagraph (b-5) are present, the
10 court may sentence the defendant, subject to Section
11 5-4.5-105, to a term of natural life imprisonment, or

12 (b-5) a ~~A~~ defendant who at the time of the
13 commission of the offense has attained the age of 18 or
14 more and who has been found guilty of first degree
15 murder may be sentenced to a term of natural life
16 imprisonment if:

17 (1) the murdered individual was an inmate at
18 an institution or facility of the Department of
19 Corrections, or any similar local correctional
20 agency and was killed on the grounds thereof, or
21 the murdered individual was otherwise present in
22 such institution or facility with the knowledge
23 and approval of the chief administrative officer
24 thereof;

25 (2) the murdered individual was killed as a
26 result of the hijacking of an airplane, train,

1 ship, bus, or other public conveyance;

2 (3) the defendant committed the murder
3 pursuant to a contract, agreement, or
4 understanding by which he or she was to receive
5 money or anything of value in return for
6 committing the murder or procured another to
7 commit the murder for money or anything of value;

8 (4) the murdered individual was killed in the
9 course of another felony if:

10 (A) the murdered individual:

11 (i) was actually killed by the
12 defendant, or

13 (ii) received physical injuries
14 personally inflicted by the defendant
15 substantially contemporaneously with
16 physical injuries caused by one or more
17 persons for whose conduct the defendant is
18 legally accountable under Section 5-2 of
19 this Code, and the physical injuries
20 inflicted by either the defendant or the
21 other person or persons for whose conduct
22 he is legally accountable caused the death
23 of the murdered individual; and (B) in
24 performing the acts which caused the death
25 of the murdered individual or which
26 resulted in physical injuries personally

1 inflicted by the defendant on the murdered
2 individual under the circumstances of
3 subdivision (ii) of clause (A) of this
4 clause (4), the defendant acted with the
5 intent to kill the murdered individual or
6 with the knowledge that his or her acts
7 created a strong probability of death or
8 great bodily harm to the murdered
9 individual or another; and

10 (B) in performing the acts which caused
11 the death of the murdered individual or which
12 resulted in physical injuries personally
13 inflicted by the defendant on the murdered
14 individual under the circumstances of
15 subdivision (ii) of clause (A) of this clause
16 (4), the defendant acted with the intent to
17 kill the murdered individual or with the
18 knowledge that his or her acts created a
19 strong probability of death or great bodily
20 harm to the murdered individual or another;
21 and

22 (C) the other felony was an inherently
23 violent crime or the attempt to commit an
24 inherently violent crime. In this clause (C),
25 "inherently violent crime" includes, but is
26 not limited to, armed robbery, robbery,

1 predatory criminal sexual assault of a child,
2 aggravated criminal sexual assault, aggravated
3 kidnapping, aggravated vehicular hijacking,
4 aggravated arson, aggravated stalking,
5 residential burglary, and home invasion;

6 (5) the defendant committed the murder with
7 intent to prevent the murdered individual from
8 testifying or participating in any criminal
9 investigation or prosecution or giving material
10 assistance to the State in any investigation or
11 prosecution, either against the defendant or
12 another; or the defendant committed the murder
13 because the murdered individual was a witness in
14 any prosecution or gave material assistance to the
15 State in any investigation or prosecution, either
16 against the defendant or another; for purposes of
17 this clause (5), "participating in any criminal
18 investigation or prosecution" is intended to
19 include those appearing in the proceedings in any
20 capacity such as trial judges, prosecutors,
21 defense attorneys, investigators, witnesses, or
22 jurors;

23 (6) the defendant, while committing an offense
24 punishable under Section 401, 401.1, 401.2, 405,
25 405.2, 407, 407.1 or 407.1 or subsection (b) of Section
26 404 of the Illinois Controlled Substances Act, or

1 while engaged in a conspiracy or solicitation to
2 commit such offense, intentionally killed an
3 individual or counseled, commanded, induced,
4 procured, or caused the intentional killing of the
5 murdered individual;

6 (7) the defendant was incarcerated in an
7 institution or facility of the Department of
8 Corrections at the time of the murder, and while
9 committing an offense punishable as a felony under
10 Illinois law, or while engaged in a conspiracy or
11 solicitation to commit such offense, intentionally
12 killed an individual or counseled, commanded,
13 induced, procured, or caused the intentional
14 killing of the murdered individual;

15 (8) the murder was committed in a cold,
16 calculated and premeditated manner pursuant to a
17 preconceived plan, scheme, or design to take a
18 human life by unlawful means, and the conduct of
19 the defendant created a reasonable expectation
20 that the death of a human being would result
21 therefrom;

22 (9) the defendant was a principal
23 administrator, organizer, or leader of a
24 calculated criminal drug conspiracy consisting of
25 a hierarchical position of authority superior to
26 that of all other members of the conspiracy, and

1 the defendant counseled, commanded, induced,
2 procured, or caused the intentional killing of the
3 murdered person;

4 (10) the murder was intentional and involved
5 the infliction of torture. For the purpose of this
6 clause (10), torture means the infliction of or
7 subjection to extreme physical pain, motivated by
8 an intent to increase or prolong the pain,
9 suffering, or agony of the victim;

10 (11) the murder was committed as a result of
11 the intentional discharge of a firearm by the
12 defendant from a motor vehicle and the victim was
13 not present within the motor vehicle;

14 (12) the murdered individual was a person with
15 a disability and the defendant knew or should have
16 known that the murdered individual was a person
17 with a disability. For purposes of this clause
18 (12), "person with a disability" means a person
19 who suffers from a permanent physical or mental
20 impairment resulting from disease, an injury, a
21 functional disorder, or a congenital condition
22 that renders the person incapable of adequately
23 providing for his or her own health or personal
24 care;

25 (13) the murdered individual was subject to an
26 order of protection and the murder was committed

1 by a person against whom the same order of
2 protection was issued under the Illinois Domestic
3 Violence Act of 1986;

4 (14) the murdered individual was known by the
5 defendant to be a teacher or other person employed
6 in any school and the teacher or other employee is
7 upon the grounds of a school or grounds adjacent
8 to a school, or is in any part of a building used
9 for school purposes;

10 (15) the murder was committed by the defendant
11 in connection with or as a result of the offense of
12 terrorism as defined in Section 29D-14.9 of this
13 Code;

14 (16) the murdered individual was a member of a
15 congregation engaged in prayer or other religious
16 activities at a church, synagogue, mosque, or
17 other building, structure, or place used for
18 religious worship; or

19 (17)(i) the murdered individual was a
20 physician, physician assistant, psychologist,
21 nurse, or advanced practice registered nurse;

22 (ii) the defendant knew or should have known
23 that the murdered individual was a physician,
24 physician assistant, psychologist, nurse, or
25 advanced practice registered nurse; and

26 (iii) the murdered individual was killed in

1 the course of acting in his or her capacity as a
2 physician, physician assistant, psychologist,
3 nurse, or advanced practice registered nurse, or
4 to prevent him or her from acting in that
5 capacity, or in retaliation for his or her acting
6 in that capacity.

7 (c) the court shall sentence the defendant to a
8 term of natural life imprisonment if the defendant, at
9 the time of the commission of the murder, had attained
10 the age of 18, and:

11 (i) has previously been convicted of first
12 degree murder under any state or federal law, or

13 (ii) is found guilty of murdering more than
14 one victim, or

15 (iii) is found guilty of murdering a peace
16 officer, fireman, or emergency management worker
17 when the peace officer, fireman, or emergency
18 management worker was killed in the course of
19 performing his official duties, or to prevent the
20 peace officer or fireman from performing his
21 official duties, or in retaliation for the peace
22 officer, fireman, or emergency management worker
23 from performing his official duties, and the
24 defendant knew or should have known that the
25 murdered individual was a peace officer, fireman,
26 or emergency management worker, or

1 (iv) is found guilty of murdering an employee
2 of an institution or facility of the Department of
3 Corrections, or any similar local correctional
4 agency, when the employee was killed in the course
5 of performing his official duties, or to prevent
6 the employee from performing his official duties,
7 or in retaliation for the employee performing his
8 official duties, or

9 (v) is found guilty of murdering an emergency
10 medical technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver, or other
13 medical assistance or first aid person while
14 employed by a municipality or other governmental
15 unit when the person was killed in the course of
16 performing official duties or to prevent the
17 person from performing official duties or in
18 retaliation for performing official duties and the
19 defendant knew or should have known that the
20 murdered individual was an emergency medical
21 technician - ambulance, emergency medical
22 technician - intermediate, emergency medical
23 technician - paramedic, ambulance driver, or other
24 medical assistant or first aid personnel, or

25 (vi) (blank), or

26 (vii) is found guilty of first degree murder

1 and the murder was committed by reason of any
2 person's activity as a community policing
3 volunteer or to prevent any person from engaging
4 in activity as a community policing volunteer. For
5 the purpose of this Section, "community policing
6 volunteer" has the meaning ascribed to it in
7 Section 2-3.5 of the Criminal Code of 2012.

8 For purposes of clause (v), "emergency medical
9 technician - ambulance", "emergency medical technician
10 - intermediate", and "emergency medical technician -
11 paramedic"~~7~~ have the meanings ascribed to them in the
12 Emergency Medical Services (EMS) Systems Act.

13 (d) (i) if the person committed the offense while
14 armed with a firearm, 15 years shall be added to
15 the term of imprisonment imposed by the court;

16 (ii) if, during the commission of the offense, the
17 person personally discharged a firearm, 20 years shall
18 be added to the term of imprisonment imposed by the
19 court;

20 (iii) if, during the commission of the offense,
21 the person personally discharged a firearm that
22 proximately caused great bodily harm, permanent
23 disability, permanent disfigurement, or death to
24 another person, 25 years or up to a term of natural
25 life shall be added to the term of imprisonment
26 imposed by the court.

1 (2) (blank);

2 (2.5) for a person who has attained the age of 18 years
3 at the time of the commission of the offense and who is
4 convicted under the circumstances described in subdivision
5 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
6 subsection (b) of Section 12-13, subdivision (d)(2) of
7 Section 11-1.30 or paragraph (2) of subsection (d) of
8 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
9 paragraph (1.2) of subsection (b) of Section 12-14.1,
10 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
11 subsection (b) of Section 12-14.1 of the Criminal Code of
12 1961 or the Criminal Code of 2012, the sentence shall be a
13 term of natural life imprisonment.

14 (b) (Blank).

15 (c) (Blank).

16 (d) Subject to earlier termination under Section 3-3-8,
17 the parole or mandatory supervised release term shall be
18 written as part of the sentencing order and shall be as
19 follows:

20 (1) for first degree murder or a Class X felony except
21 for the offenses of predatory criminal sexual assault of a
22 child, aggravated criminal sexual assault, and criminal
23 sexual assault and except for the offense of aggravated
24 child pornography under Section 11-20.1B, 11-20.3, or
25 11-20.1 with sentencing under subsection (c-5) of Section
26 11-20.1 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, if committed on or after January 1, 2009, 3 years;

2 (2) for a Class 1 felony or a Class 2 felony except for
3 the offense of criminal sexual assault and except for the
4 offenses of manufacture and dissemination of child
5 pornography under clauses (a)(1) and (a)(2) of Section
6 11-20.1 of the Criminal Code of 1961 or the Criminal Code
7 of 2012, if committed on or after January 1, 2009, 2 years;

8 (3) for a Class 3 felony or a Class 4 felony, 1 year;

9 (4) for defendants who commit the offense of predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, or criminal sexual assault, on or after
12 December 13, 2005 (the effective date of Public Act
13 94-715), or who commit the offense of aggravated child
14 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
15 with sentencing under subsection (c-5) of Section 11-20.1
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 manufacture of child pornography, or dissemination of
18 child pornography after January 1, 2009, the term of
19 mandatory supervised release shall range from a minimum of
20 3 years to a maximum of the natural life of the defendant;

21 (5) if the victim is under 18 years of age, for a
22 second or subsequent offense of aggravated criminal sexual
23 abuse or felony criminal sexual abuse, 4 years, at least
24 the first 2 years of which the defendant shall serve in an
25 electronic monitoring or home detention program under
26 Article 8A of Chapter V of this Code;

1 (6) for a felony domestic battery, aggravated domestic
2 battery, stalking, aggravated stalking, and a felony
3 violation of an order of protection, 4 years.

4 ~~(d) Subject to earlier termination under Section 3-3-8,~~
5 ~~the parole or mandatory supervised release term shall be~~
6 ~~written as part of the sentencing order and shall be as~~
7 ~~follows:~~

8 ~~(1) for first degree murder or for the offenses of~~
9 ~~predatory criminal sexual assault of a child, aggravated~~
10 ~~criminal sexual assault, and criminal sexual assault if~~
11 ~~committed on or before December 12, 2005, 3 years;~~

12 ~~(1.5) except as provided in paragraph (7) of this~~
13 ~~subsection (d), for a Class X felony except for the~~
14 ~~offenses of predatory criminal sexual assault of a child,~~
15 ~~aggravated criminal sexual assault, and criminal sexual~~
16 ~~assault if committed on or after December 13, 2005 (the~~
17 ~~effective date of Public Act 94-715) and except for the~~
18 ~~offense of aggravated child pornography under Section~~
19 ~~11-20.1B, 11-20.3, or 11-20.1 with sentencing under~~
20 ~~subsection (c-5) of Section 11-20.1 of the Criminal Code~~
21 ~~of 1961 or the Criminal Code of 2012, if committed on or~~
22 ~~after January 1, 2009, and except for the offense of~~
23 ~~obscene depiction of a purported child with sentencing~~
24 ~~under subsection (d) of Section 11-20.4 of the Criminal~~
25 ~~Code of 2012, 18 months;~~

26 ~~(2) except as provided in paragraph (7) of this~~

1 ~~subsection (d), for a Class 1 felony or a Class 2 felony~~
2 ~~except for the offense of criminal sexual assault if~~
3 ~~committed on or after December 13, 2005 (the effective~~
4 ~~date of Public Act 94-715) and except for the offenses of~~
5 ~~manufacture and dissemination of child pornography under~~
6 ~~clauses (a) (1) and (a) (2) of Section 11-20.1 of the~~
7 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~
8 ~~committed on or after January 1, 2009, and except for the~~
9 ~~offense of obscene depiction of a purported child under~~
10 ~~paragraph (2) of subsection (b) of Section 11-20.4 of the~~
11 ~~Criminal Code of 2012, 12 months;~~

12 ~~(3) except as provided in paragraph (4), (6), or (7)~~
13 ~~of this subsection (d), for a Class 3 felony or a Class 4~~
14 ~~felony, 6 months; no later than 45 days after the onset of~~
15 ~~the term of mandatory supervised release, the Prisoner~~
16 ~~Review Board shall conduct a discretionary discharge~~
17 ~~review pursuant to the provisions of Section 3-3-8, which~~
18 ~~shall include the results of a standardized risk and needs~~
19 ~~assessment tool administered by the Department of~~
20 ~~Corrections; the changes to this paragraph (3) made by~~
21 ~~this amendatory Act of the 102nd General Assembly apply to~~
22 ~~all individuals released on mandatory supervised release~~
23 ~~on or after the effective date of this amendatory Act of~~
24 ~~the 102nd General Assembly, including those individuals~~
25 ~~whose sentences were imposed prior to the effective date~~
26 ~~of this amendatory Act of the 102nd General Assembly;~~

1 ~~(4) for defendants who commit the offense of predatory~~
2 ~~criminal sexual assault of a child, aggravated criminal~~
3 ~~sexual assault, or criminal sexual assault, on or after~~
4 ~~December 13, 2005 (the effective date of Public Act~~
5 ~~94-715), or who commit the offense of aggravated child~~
6 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~
7 ~~with sentencing under subsection (c-5) of Section 11-20.1~~
8 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
9 ~~manufacture of child pornography, or dissemination of~~
10 ~~child pornography after January 1, 2009, or who commit the~~
11 ~~offense of obscene depiction of a purported child under~~
12 ~~paragraph (2) of subsection (b) of Section 11-20.4 of the~~
13 ~~Criminal Code of 2012 or who commit the offense of obscene~~
14 ~~depiction of a purported child with sentencing under~~
15 ~~subsection (d) of Section 11-20.4 of the Criminal Code of~~
16 ~~2012, the term of mandatory supervised release shall range~~
17 ~~from a minimum of 3 years to a maximum of the natural life~~
18 ~~of the defendant;~~

19 ~~(5) if the victim is under 18 years of age, for a~~
20 ~~second or subsequent offense of aggravated criminal sexual~~
21 ~~abuse or felony criminal sexual abuse, 4 years, at least~~
22 ~~the first 2 years of which the defendant shall serve in an~~
23 ~~electronic monitoring or home detention program under~~
24 ~~Article 8A of Chapter V of this Code;~~

25 ~~(6) for a felony domestic battery, aggravated domestic~~
26 ~~battery, stalking, aggravated stalking, and a felony~~

1 ~~violation of an order of protection, 4 years;~~

2 ~~(7) for any felony described in paragraph (a)(2)(ii),~~
3 ~~(a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),~~
4 ~~(a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section~~
5 ~~3-6-3 of the Unified Code of Corrections requiring an~~
6 ~~inmate to serve a minimum of 85% of their court imposed~~
7 ~~sentence, except for the offenses of predatory criminal~~
8 ~~sexual assault of a child, aggravated criminal sexual~~
9 ~~assault, and criminal sexual assault if committed on or~~
10 ~~after December 13, 2005 (the effective date of Public Act~~
11 ~~94-715) and except for the offense of aggravated child~~
12 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~
13 ~~with sentencing under subsection (c-5) of Section 11-20.1~~
14 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
15 ~~if committed on or after January 1, 2009, and except for~~
16 ~~the offense of obscene depiction of a purported child with~~
17 ~~sentencing under subsection (d) of Section 11-20.4 of the~~
18 ~~Criminal Code of 2012, and except as provided in paragraph~~
19 ~~(4) or paragraph (6) of this subsection (d), the term of~~
20 ~~mandatory supervised release shall be as follows:~~

21 ~~(A) Class X felony, 3 years;~~

22 ~~(B) Class 1 or Class 2 felonies, 2 years;~~

23 ~~(C) Class 3 or Class 4 felonies, 1 year.~~

24 (e) (Blank).

25 (f) (Blank).

26 (g) Notwithstanding any other provisions of this Act and

1 of Public Act 101-652: (i) the provisions of paragraph (3) of
2 subsection (d) are effective on July 1, 2022 and shall apply to
3 all individuals convicted on or after the effective date of
4 paragraph (3) of subsection (d); and (ii) the provisions of
5 paragraphs (1.5) and (2) of subsection (d) are effective on
6 July 1, 2021 and shall apply to all individuals convicted on or
7 after the effective date of paragraphs (1.5) and (2) of
8 subsection (d).

9 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
10 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
11 1-1-24; 103-825, eff. 1-1-25; revised 10-24-24.)

12 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

13 Sec. 5-8-4. Concurrent and consecutive terms of
14 imprisonment.

15 (a) Concurrent terms; multiple or additional sentences.
16 When an Illinois court (i) imposes multiple sentences of
17 imprisonment on a defendant at the same time or (ii) imposes a
18 sentence of imprisonment on a defendant who is already subject
19 to a sentence of imprisonment imposed by an Illinois court, a
20 court of another state, or a federal court, then the sentences
21 shall run concurrently unless otherwise determined by the
22 Illinois court under this Section.

23 (b) Concurrent terms; misdemeanor and felony. A defendant
24 serving a sentence for a misdemeanor who is convicted of a
25 felony and sentenced to imprisonment shall be transferred to

1 the Department of Corrections, and the misdemeanor sentence
2 shall be merged in and run concurrently with the felony
3 sentence.

4 (c) Consecutive terms; permissive. The court may impose
5 consecutive sentences in any of the following circumstances:

6 (1) If, having regard to the nature and circumstances
7 of the offense and the history and character of the
8 defendant, it is the opinion of the court that consecutive
9 sentences are required to protect the public from further
10 criminal conduct by the defendant, the basis for which the
11 court shall set forth in the record.

12 (2) If one of the offenses for which a defendant was
13 convicted was a violation of Section 32-5.2 (aggravated
14 false personation of a peace officer) of the Criminal Code
15 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
16 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
17 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
18 offense was committed in attempting or committing a
19 forcible felony.

20 ~~(3) If a person charged with a felony commits a~~
21 ~~separate felony while on pretrial release or in pretrial~~
22 ~~detention in a county jail facility or county detention~~
23 ~~facility, then the sentences imposed upon conviction of~~
24 ~~these felonies may be served consecutively regardless of~~
25 ~~the order in which the judgments of conviction are~~
26 ~~entered.~~

1 ~~(4) If a person commits a battery against a county~~
2 ~~correctional officer or sheriff's employee while serving a~~
3 ~~sentence or in pretrial detention in a county jail~~
4 ~~facility, then the sentence imposed upon conviction of the~~
5 ~~battery may be served consecutively with the sentence~~
6 ~~imposed upon conviction of the earlier misdemeanor or~~
7 ~~felony, regardless of the order in which the judgments of~~
8 ~~conviction are entered.~~

9 ~~(5) If a person admitted to pretrial release following~~
10 ~~conviction of a felony commits a separate felony while~~
11 ~~released pretrial or if a person detained in a county jail~~
12 ~~facility or county detention facility following conviction~~
13 ~~of a felony commits a separate felony while in detention,~~
14 ~~then any sentence following conviction of the separate~~
15 ~~felony may be consecutive to that of the original sentence~~
16 ~~for which the defendant was released pretrial or detained.~~

17 ~~(6) If a person is found to be in possession of an item~~
18 ~~of contraband, as defined in Section 31A 0.1 of the~~
19 ~~Criminal Code of 2012, while serving a sentence in a~~
20 ~~county jail or while in pretrial detention in a county~~
21 ~~jail, the sentence imposed upon conviction for the offense~~
22 ~~of possessing contraband in a penal institution may be~~
23 ~~served consecutively to the sentence imposed for the~~
24 ~~offense for which the person is serving a sentence in the~~
25 ~~county jail or while in pretrial detention, regardless of~~
26 ~~the order in which the judgments of conviction are~~

1 ~~entered.~~

2 ~~(7) If a person is sentenced for a violation of a~~
3 ~~condition of pretrial release under Section 32-10 of the~~
4 ~~Criminal Code of 1961 or the Criminal Code of 2012, any~~
5 ~~sentence imposed for that violation may be served~~
6 ~~consecutive to the sentence imposed for the charge for~~
7 ~~which pretrial release had been granted and with respect~~
8 ~~to which the defendant has been convicted.~~

9 (d) Consecutive terms; mandatory. The court shall impose
10 consecutive sentences in each of the following circumstances:

11 (1) One of the offenses for which the defendant was
12 convicted was first degree murder or a Class X or Class 1
13 felony and the defendant inflicted severe bodily injury.

14 (2) The defendant was convicted of a violation of
15 Section 11-1.20 or 12-13 (criminal sexual assault),
16 11-1.30 or 12-14 (aggravated criminal sexual assault), or
17 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
18 child) of the Criminal Code of 1961 or the Criminal Code of
19 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
20 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
21 5/12-14.1).

22 (2.5) The defendant was convicted of a violation of
23 paragraph (1), (2), (3), (4), (5), or (7) of subsection
24 (a) of Section 11-20.1 (child pornography) or of paragraph
25 (1), (2), (3), (4), (5), or (7) of subsection (a) of
26 Section 11-20.1B or 11-20.3 (aggravated child pornography)

1 of the Criminal Code of 1961 or the Criminal Code of 2012;
2 or the defendant was convicted of a violation of paragraph
3 (6) of subsection (a) of Section 11-20.1 (child
4 pornography) or of paragraph (6) of subsection (a) of
5 Section 11-20.1B or 11-20.3 (aggravated child pornography)
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 when the child depicted is under the age of 13.

8 (2.6) The defendant was convicted of:

9 (A) a violation of paragraph (2) of subsection (b)
10 of Section 11-20.4 of the Criminal Code of 2012; or

11 (B) a violation of paragraph (1) of Section
12 11-20.4 of the Criminal Code of 2012 when the
13 purported child depicted is under the age of 13.

14 (3) The defendant was convicted of armed violence
15 based upon the predicate offense of any of the following:
16 solicitation of murder, solicitation of murder for hire,
17 heinous battery as described in Section 12-4.1 or
18 subdivision (a)(2) of Section 12-3.05, aggravated battery
19 of a senior citizen as described in Section 12-4.6 or
20 subdivision (a)(4) of Section 12-3.05, criminal sexual
21 assault, a violation of subsection (g) of Section 5 of the
22 Cannabis Control Act (720 ILCS 550/5), cannabis
23 trafficking, a violation of subsection (a) of Section 401
24 of the Illinois Controlled Substances Act (720 ILCS
25 570/401), controlled substance trafficking involving a
26 Class X felony amount of controlled substance under

1 Section 401 of the Illinois Controlled Substances Act (720
2 ILCS 570/401), a violation of the Methamphetamine Control
3 and Community Protection Act (720 ILCS 646/), calculated
4 criminal drug conspiracy, or streetgang criminal drug
5 conspiracy.

6 (4) The defendant was convicted of the offense of
7 leaving the scene of a motor vehicle crash involving death
8 or personal injuries under Section 11-401 of the Illinois
9 Vehicle Code (625 ILCS 5/11-401) and either: (A)
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof under Section 11-501 of the
13 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
14 homicide under Section 9-3 of the Criminal Code of 1961 or
15 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
16 offense described in item (A) and an offense described in
17 item (B).

18 (5) The defendant was convicted of a violation of
19 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
20 death) or Section 12-20.5 (dismembering a human body) of
21 the Criminal Code of 1961 or the Criminal Code of 2012 (720
22 ILCS 5/9-3.1 or 5/12-20.5).

23 (5.5) The defendant was convicted of a violation of
24 Section 24-3.7 (use of a stolen firearm in the commission
25 of an offense) of the Criminal Code of 1961 or the Criminal
26 Code of 2012.

1 (6) If the defendant was in the custody of the
2 Department of Corrections at the time of the commission of
3 the offense, the sentence shall be served consecutive to
4 the sentence under which the defendant is held by the
5 Department of Corrections. If, however, the defendant is
6 sentenced to punishment by death, the sentence shall be
7 executed at such time as the court may fix without regard
8 to the sentence under which the defendant may be held by
9 the Department.

10 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
11 for escape or attempted escape shall be served consecutive
12 to the terms under which the offender is held by the
13 Department of Corrections.

14 (8) (Blank).

15 (8.1) If a person charged with a felony commits a
16 separate felony while on bond or in pretrial detention in
17 a county jail facility or county detention facility, then
18 the sentences imposed upon conviction of these felonies
19 shall be served consecutively regardless of the order in
20 which the judgments of conviction are entered.

21 (8.5) (Blank).

22 (8.6) If a person commits a battery against a county
23 correctional officer or sheriff's employee while serving a
24 sentence or in pretrial detention in a county jail
25 facility, then the sentence imposed upon conviction of the
26 battery shall be served consecutively with the sentence

1 imposed upon conviction of the earlier misdemeanor or
2 felony, regardless of the order in which the judgments of
3 conviction are entered.

4 (9) (Blank).

5 (9.1) If a person admitted to bail following
6 conviction of a felony commits a separate felony while
7 free on bond or if a person detained in a county jail
8 facility or county detention facility following conviction
9 of a felony commits a separate felony while in detention,
10 then any sentence following conviction of the separate
11 felony shall be consecutive to that of the original
12 sentence for which the defendant was on bond or detained.

13 (10) (Blank).

14 (10.1) If a person is found to be in possession of an
15 item 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 pre-trial detention in a county
18 jail, the sentence imposed upon conviction for the offense
19 of possessing contraband in a penal institution shall be
20 served consecutively to the sentence imposed for the
21 offense in which the person is serving sentence in the
22 county jail or serving pretrial detention, regardless of
23 the order in which the judgments of conviction are
24 entered.

25 (11) (Blank).

26 (11.1) If a person is sentenced for a violation of

1 bail bond under Section 32-10 of the Criminal Code of 1961
2 or the Criminal Code of 2012, any sentence imposed for
3 that violation shall be served consecutive to the sentence
4 imposed for the charge for which bail had been granted and
5 with respect to which the defendant has been convicted.

6 (e) Consecutive terms; subsequent non-Illinois term. If an
7 Illinois court has imposed a sentence of imprisonment on a
8 defendant and the defendant is subsequently sentenced to a
9 term of imprisonment by a court of another state or a federal
10 court, then the Illinois sentence shall run consecutively to
11 the sentence imposed by the court of the other state or the
12 federal court. That same Illinois court, however, may order
13 that the Illinois sentence run concurrently with the sentence
14 imposed by the court of the other state or the federal court,
15 but only if the defendant applies to that same Illinois court
16 within 30 days after the sentence imposed by the court of the
17 other state or the federal court is finalized.

18 (f) Consecutive terms; aggregate maximums and minimums.
19 The aggregate maximum and aggregate minimum of consecutive
20 sentences shall be determined as follows:

21 (1) For sentences imposed under law in effect prior to
22 February 1, 1978, the aggregate maximum of consecutive
23 sentences shall not exceed the maximum term authorized
24 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
25 Chapter V for the 2 most serious felonies involved. The
26 aggregate minimum period of consecutive sentences shall

1 not exceed the highest minimum term authorized under
2 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
3 V for the 2 most serious felonies involved. When sentenced
4 only for misdemeanors, a defendant shall not be
5 consecutively sentenced to more than the maximum for one
6 Class A misdemeanor.

7 (2) For sentences imposed under the law in effect on
8 or after February 1, 1978, the aggregate of consecutive
9 sentences for offenses that were committed as part of a
10 single course of conduct during which there was no
11 substantial change in the nature of the criminal objective
12 shall not exceed the sum of the maximum terms authorized
13 under Article 4.5 of Chapter V for the 2 most serious
14 felonies involved, but no such limitation shall apply for
15 offenses that were not committed as part of a single
16 course of conduct during which there was no substantial
17 change in the nature of the criminal objective. When
18 sentenced only for misdemeanors, a defendant shall not be
19 consecutively sentenced to more than the maximum for one
20 Class A misdemeanor.

21 (g) Consecutive terms; manner served. In determining the
22 manner in which consecutive sentences of imprisonment, one or
23 more of which is for a felony, will be served, the Department
24 of Corrections shall treat the defendant as though he or she
25 had been committed for a single term subject to each of the
26 following:

1 (1) The maximum period of a term of imprisonment shall
2 consist of the aggregate of the maximums of the imposed
3 indeterminate terms, if any, plus the aggregate of the
4 imposed determinate sentences for felonies, plus the
5 aggregate of the imposed determinate sentences for
6 misdemeanors, subject to subsection (f) of this Section.

7 (2) The parole or mandatory supervised release term
8 shall be as provided in paragraph (e) of Section 5-4.5-50
9 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
10 involved.

11 (3) The minimum period of imprisonment shall be the
12 aggregate of the minimum and determinate periods of
13 imprisonment imposed by the court, subject to subsection
14 (f) of this Section.

15 (4) The defendant shall be awarded credit against the
16 aggregate maximum term and the aggregate minimum term of
17 imprisonment for all time served in an institution since
18 the commission of the offense or offenses and as a
19 consequence thereof at the rate specified in Section 3-6-3
20 (730 ILCS 5/3-6-3).

21 (h) Notwithstanding any other provisions of this Section,
22 all sentences imposed by an Illinois court under this Code
23 shall run concurrent to any and all sentences imposed under
24 the Juvenile Court Act of 1987.

25 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;
26 102-1104, eff. 12-6-22; 103-825, eff. 1-1-25.)

1 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

2 Sec. 5-8-6. Place of confinement.

3 (a) Offenders ~~Except as otherwise provided in this~~
4 ~~subsection (a), offenders~~ sentenced to a term of imprisonment
5 for a felony shall be committed to the penitentiary system of
6 the Department of Corrections. However, such sentence shall
7 not limit the powers of the Department of Children and Family
8 Services in relation to any child under the age of one year in
9 the sole custody of a person so sentenced, nor in relation to
10 any child delivered by a female so sentenced while she is so
11 confined as a consequence of such sentence. A ~~Except as~~
12 ~~otherwise provided in this subsection (a),~~ a person sentenced
13 for a felony may be assigned by the Department of Corrections
14 to any of its institutions, facilities or programs. ~~An~~
15 ~~offender sentenced to a term of imprisonment for a Class 3 or 4~~
16 ~~felony, other than a violent crime as defined in Section 3 of~~
17 ~~the Rights of Crime Victims and Witnesses Act, in which the~~
18 ~~sentencing order indicates that the offender has less than 4~~
19 ~~months remaining on his or her sentence accounting for time~~
20 ~~served may not be confined in the penitentiary system of the~~
21 ~~Department of Corrections but may be assigned to electronic~~
22 ~~home detention under Article 8A of this Chapter V, an adult~~
23 ~~transition center, or another facility or program within the~~
24 ~~Department of Corrections.~~

25 (b) Offenders sentenced to a term of imprisonment for less

1 than one year shall be committed to the custody of the sheriff.
2 A person committed to the Department of Corrections, prior to
3 July 14, 1983, for less than one year may be assigned by the
4 Department to any of its institutions, facilities or programs.

5 (c) All offenders under 18 years of age when sentenced to
6 imprisonment shall be committed to the Department of Juvenile
7 Justice and the court in its order of commitment shall set a
8 definite term. The provisions of Section 3-3-3 shall be a part
9 of such commitment as fully as though written in the order of
10 commitment. The place of confinement for sentences imposed
11 before the effective date of this amendatory Act of the 99th
12 General Assembly are not affected or abated by this amendatory
13 Act of the 99th General Assembly.

14 (d) No defendant shall be committed to the Department of
15 Corrections for the recovery of a fine or costs.

16 (e) When a court sentences a defendant to a term of
17 imprisonment concurrent with a previous and unexpired sentence
18 of imprisonment imposed by any district court of the United
19 States, it may commit the offender to the custody of the
20 Attorney General of the United States. The Attorney General of
21 the United States, or the authorized representative of the
22 Attorney General of the United States, shall be furnished with
23 the warrant of commitment from the court imposing sentence,
24 which warrant of commitment shall provide that, when the
25 offender is released from federal confinement, whether by
26 parole or by termination of sentence, the offender shall be

1 transferred by the Sheriff of the committing county to the
2 Department of Corrections. The court shall cause the
3 Department to be notified of such sentence at the time of
4 commitment and to be provided with copies of all records
5 regarding the sentence.

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

7 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

8 Sec. 5-8A-2. Definitions. As used in this Article:

9 (A) "Approved electronic monitoring device" means a device
10 approved by the supervising authority which is primarily
11 intended to record or transmit information as to the
12 defendant's presence or nonpresence in the home, consumption
13 of alcohol, consumption of drugs, location as determined
14 through GPS, cellular triangulation, Wi-Fi, or other
15 electronic means.

16 An approved electronic monitoring device may record or
17 transmit: oral or wire communications or an auditory sound;
18 visual images; or information regarding the offender's
19 activities while inside the offender's home. These devices are
20 subject to the required consent as set forth in Section 5-8A-5
21 of this Article.

22 An approved electronic monitoring device may be used to
23 record a conversation between the participant and the
24 monitoring device, or the participant and the person
25 supervising the participant solely for the purpose of

1 identification and not for the purpose of eavesdropping or
2 conducting any other illegally intrusive monitoring.

3 (A-10) "Department" means the Department of Corrections or
4 the Department of Juvenile Justice.

5 (A-20) "Electronic monitoring" means the monitoring of an
6 inmate, person, or offender with an electronic device both
7 within and outside of their home under the terms and
8 conditions established by the supervising authority.

9 (B) "Excluded offenses" means first degree murder, escape,
10 predatory criminal sexual assault of a child, aggravated
11 criminal sexual assault, criminal sexual assault, aggravated
12 battery with a firearm as described in Section 12-4.2 or
13 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
14 12-3.05, bringing or possessing a firearm, ammunition or
15 explosive in a penal institution, any "Super-X" drug offense
16 or calculated criminal drug conspiracy or streetgang criminal
17 drug conspiracy, or any predecessor or successor offenses with
18 the same or substantially the same elements, or any inchoate
19 offenses relating to the foregoing offenses.

20 (B-10) "GPS" means a device or system which utilizes the
21 Global Positioning Satellite system for determining the
22 location of a person, inmate or offender.

23 (C) "Home detention" means the confinement of a person
24 convicted or charged with an offense to his or her place of
25 residence under the terms and conditions established by the
26 supervising authority. ~~Confinement need not be 24 hours per~~

1 ~~day to qualify as home detention, and significant restrictions~~
2 ~~on liberty such as 7pm to 7am curfews shall qualify. Home~~
3 ~~confinement may or may not be accompanied by electronic~~
4 ~~monitoring, and electronic monitoring is not required for~~
5 ~~purposes of sentencing credit.~~

6 (D) "Participant" means an inmate or offender placed into
7 an electronic monitoring program.

8 (E) "Supervising authority" means the Department of
9 Corrections, the Department of Juvenile Justice, probation
10 department, ~~a Chief Judge's office, pretrial services division~~
11 ~~or department,~~ sheriff, superintendent of municipal house of
12 corrections or any other officer or agency charged with
13 authorizing and supervising electronic monitoring and home
14 detention.

15 (F) "Super-X drug offense" means a violation of Section
16 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
17 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
18 (C), or (D) of the Illinois Controlled Substances Act.

19 (G) "Wi-Fi" or "WiFi" means a device or system which
20 utilizes a wireless local area network for determining the
21 location of a person, inmate or offender.

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

23 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

24 Sec. 5-8A-4. Program description. The supervising
25 authority may promulgate rules that prescribe reasonable

1 guidelines under which an electronic monitoring and home
2 detention program shall operate. When using electronic
3 monitoring for home detention these rules shall ~~may~~ include,
4 but not be limited to, the following:

5 (A) The participant shall ~~may be instructed to~~ remain
6 within the interior premises or within the property
7 boundaries of his or her residence at all times during the
8 hours designated by the supervising authority. Such
9 instances of approved absences from the home may ~~shall~~
10 include, but are not limited to, the following:

11 (1) working or employment approved by the court or
12 traveling to or from approved employment;

13 (2) unemployed and seeking employment approved for
14 the participant by the court;

15 (3) undergoing medical, psychiatric, mental health
16 treatment, counseling, or other treatment programs
17 approved for the participant by the court;

18 (4) attending an educational institution or a
19 program approved for the participant by the court;

20 (5) attending a regularly scheduled religious
21 service at a place of worship;

22 (6) participating in community work release or
23 community service programs approved for the
24 participant by the supervising authority;

25 (7) for another compelling reason consistent with
26 the public interest, as approved by the supervising

1 authority; or

2 (8) (blank). ~~purchasing groceries, food, or other~~
3 ~~basic necessities.~~

4 (A-1) (Blank). ~~At a minimum, any person ordered to~~
5 ~~pretrial home confinement with or without electronic~~
6 ~~monitoring must be provided with movement spread out over~~
7 ~~no fewer than two days per week, to participate in basic~~
8 ~~activities such as those listed in paragraph (A). In this~~
9 ~~subdivision (A 1), "days" means a reasonable time period~~
10 ~~during a calendar day, as outlined by the court in the~~
11 ~~order placing the person on home confinement.~~

12 (B) The participant shall admit any person or agent
13 designated by the supervising authority into his or her
14 residence at any time for purposes of verifying the
15 participant's compliance with the conditions of his or her
16 detention.

17 (C) The participant shall make the necessary
18 arrangements to allow for any person or agent designated
19 by the supervising authority to visit the participant's
20 place of education or employment at any time, based upon
21 the approval of the educational institution employer or
22 both, for the purpose of verifying the participant's
23 compliance with the conditions of his or her detention.

24 (D) The participant shall acknowledge and participate
25 with the approved electronic monitoring device as
26 designated by the supervising authority at any time for

1 the purpose of verifying the participant's compliance with
2 the conditions of his or her detention.

3 (E) The participant shall maintain the following:

4 (1) ~~access to~~ a working telephone in the
5 participant's home;

6 (2) a monitoring device in the participant's home,
7 or on the participant's person, or both; and

8 (3) a monitoring device in the participant's home
9 and on the participant's person in the absence of a
10 telephone.

11 (F) The participant shall obtain approval from the
12 supervising authority before the participant changes
13 residence or the schedule described in subsection (A) of
14 this Section. ~~Such approval shall not be unreasonably~~
15 ~~withheld.~~

16 (G) The participant shall not commit another crime
17 during the period of home detention ordered by the Court.

18 (H) Notice to the participant that violation of the
19 order for home detention may subject the participant to
20 prosecution for the crime of escape as described in
21 Section 5-8A-4.1.

22 (I) The participant shall abide by other conditions as
23 set by the supervising authority.

24 The supervising authority shall adopt rules to immediately
25 remove all approved electronic monitoring devices of a
26 pregnant participant during labor and delivery.

1 This Section takes effect January 1, 2022.

2 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
3 102-1104, eff. 12-6-22; 103-745, eff. 1-1-25.)

4 (730 ILCS 5/5-8A-4.1)

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

7 (a) A person charged with or convicted of a felony, or
8 charged with or adjudicated delinquent for an act which, if
9 committed by an adult, would constitute a felony,
10 conditionally released from the supervising authority through
11 an electronic monitoring or home detention program, who
12 knowingly ~~escapes or leaves from the geographic boundaries of~~
13 ~~an electronic monitoring or home detention program with the~~
14 ~~intent to evade prosecution~~ violates a condition of the
15 electronic monitoring or home detention program is guilty of a
16 Class 3 felony.

17 (b) A person charged with or convicted of a misdemeanor,
18 or charged with or adjudicated delinquent for an act which, if
19 committed by an adult, would constitute a misdemeanor,
20 conditionally released from the supervising authority through
21 an electronic monitoring or home detention program, who
22 knowingly ~~escapes or leaves from the geographic boundaries of~~
23 ~~an electronic monitoring or home detention program with the~~
24 ~~intent to evade prosecution~~ violates a condition of the
25 electronic monitoring or home detention program is guilty of a

1 Class B misdemeanor.

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

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

5 (730 ILCS 5/5-6-3.8 rep.)

6 (730 ILCS 5/5-8A-4.15 rep.)

7 Section 2-265. The Unified Code of Corrections is amended
8 by repealing Sections 5-6-3.8 and 5-8A-4.15.

9 Section 2-270. The Probation and Probation Officers Act is
10 amended by changing Section 18 as follows:

11 (730 ILCS 110/18)

12 Sec. 18. Probation and court services departments
13 considered pretrial services agencies. For the purposes of
14 administering the provisions of Public Act 95-773, known as
15 the Cindy Bischof Law, all probation and court services
16 departments are to be considered pretrial services agencies
17 under the Pretrial Services Act and under the bail bond
18 ~~pretrial release~~ provisions of the Code of Criminal Procedure
19 of 1963.

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

21 Section 2-275. The County Jail Act is amended by changing
22 Section 5 as follows:

1 (730 ILCS 125/5) (from Ch. 75, par. 105)

2 Sec. 5. Costs of maintaining committed persons.

3 (a) Except as provided in subsections (b) and (c), all
4 costs of maintaining persons committed for violations of
5 Illinois law, shall be the responsibility of the county.
6 Except as provided in subsection (b), all costs of maintaining
7 persons committed under any ordinance or resolution of a unit
8 of local government, including medical costs, is the
9 responsibility of the unit of local government enacting the
10 ordinance or resolution, and arresting the person.

11 (b) If a person who is serving a term of mandatory
12 supervised release for a felony is incarcerated in a county
13 jail, the Illinois Department of Corrections shall pay the
14 county in which that jail is located one-half of the cost of
15 incarceration, as calculated by the Governor's Office of
16 Management and Budget and the county's chief financial
17 officer, for each day that the person remains in the county
18 jail after notice of the incarceration is given to the
19 Illinois Department of Corrections by the county, provided
20 that (i) the Illinois Department of Corrections has issued a
21 warrant for an alleged violation of mandatory supervised
22 release by the person; (ii) if the person is incarcerated on a
23 new charge, unrelated to the offense for which he or she is on
24 mandatory supervised release, there has been a court hearing
25 at which bail has ~~the conditions of pretrial release have~~ been

1 set on the new charge; (iii) the county has notified the
2 Illinois Department of Corrections that the person is
3 incarcerated in the county jail, which notice shall not be
4 given until the bail hearing has concluded, if the person is
5 incarcerated on a new charge; and (iv) the person remains
6 incarcerated in the county jail for more than 48 hours after
7 the notice has been given to the Department of Corrections by
8 the county. Calculation of the per diem cost shall be agreed
9 upon prior to the passage of the annual State budget.

10 (c) If a person who is serving a term of mandatory
11 supervised release is incarcerated in a county jail, following
12 an arrest on a warrant issued by the Illinois Department of
13 Corrections, solely for violation of a condition of mandatory
14 supervised release and not on any new charges for a new
15 offense, then the Illinois Department of Corrections shall pay
16 the medical costs incurred by the county in securing treatment
17 for that person, for any injury or condition other than one
18 arising out of or in conjunction with the arrest of the person
19 or resulting from the conduct of county personnel, while he or
20 she remains in the county jail on the warrant issued by the
21 Illinois Department of Corrections.

22 (Source: P.A. 103-745, eff. 1-1-25.)

23 Section 2-280. The County Jail Good Behavior Allowance Act
24 is amended by changing Section 3 as follows:

1 (730 ILCS 130/3) (from Ch. 75, par. 32)

2 Sec. 3. The good behavior of any person who commences a
3 sentence of confinement in a county jail for a fixed term of
4 imprisonment after January 1, 1987 shall entitle such person
5 to a good behavior allowance, except that: (1) a person who
6 inflicted physical harm upon another person in committing the
7 offense for which he is confined shall receive no good
8 behavior allowance; and (2) a person sentenced for an offense
9 for which the law provides a mandatory minimum sentence shall
10 not receive any portion of a good behavior allowance that
11 would reduce the sentence below the mandatory minimum; and (3)
12 a person sentenced to a county impact incarceration program;
13 and (4) a person who is convicted of criminal sexual assault
14 under subdivision (a)(3) of Section 11-1.20 or paragraph
15 (a)(3) of Section 12-13 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, criminal sexual abuse, or aggravated
17 criminal sexual abuse shall receive no good behavior
18 allowance. The good behavior allowance provided for in this
19 Section shall not apply to individuals sentenced for a felony
20 to probation or conditional discharge where a condition of
21 such probation or conditional discharge is that the individual
22 serve a sentence of periodic imprisonment or to individuals
23 sentenced under an order of court for civil contempt.

24 Such good behavior allowance shall be cumulative and
25 awarded as provided in this Section.

26 The good behavior allowance rate shall be cumulative and

1 awarded on the following basis:

2 The prisoner shall receive one day of good behavior
3 allowance for each day of service of sentence in the county
4 jail, and one day of good behavior allowance for each day of
5 incarceration in the county jail before sentencing for the
6 offense that he or she is currently serving sentence but was
7 unable to post bail ~~comply with the conditions of pretrial~~
8 ~~release~~ before sentencing, except that a prisoner serving a
9 sentence of periodic imprisonment under Section 5-7-1 of the
10 Unified Code of Corrections shall only be eligible to receive
11 good behavior allowance if authorized by the sentencing judge.
12 Each day of good behavior allowance shall reduce by one day the
13 prisoner's period of incarceration set by the court. For the
14 purpose of calculating a prisoner's good behavior allowance, a
15 fractional part of a day shall not be calculated as a day of
16 service of sentence in the county jail unless the fractional
17 part of the day is over 12 hours in which case a whole day
18 shall be credited on the good behavior allowance.

19 If consecutive sentences are served and the time served
20 amounts to a total of one year or more, the good behavior
21 allowance shall be calculated on a continuous basis throughout
22 the entire time served beginning on the first date of sentence
23 or incarceration, as the case may be.

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

25 Section 2-285. The Veterans and Servicemembers Court

1 Treatment Act is amended by changing Section 20 as follows:

2 (730 ILCS 167/20)

3 Sec. 20. Eligibility. Veterans and servicemembers are
4 eligible for veterans and servicemembers courts, provided the
5 following:

6 (a) A defendant may be admitted into a veterans and
7 servicemembers court program only upon the consent of the
8 defendant and with the approval of the court. A defendant
9 agrees to be admitted when a written consent to
10 participate is provided to the court in open court and the
11 defendant acknowledges understanding of its contents.

12 (a-5) Each veterans and servicemembers court shall
13 have a target population defined in its written policies
14 and procedures. The policies and procedures shall define
15 that court's eligibility and exclusionary criteria.

16 (b) A defendant shall be excluded from a veterans and
17 servicemembers court program if any of one of the
18 following applies:

19 (1) The crime is a crime of violence as set forth
20 in paragraph (3) of this subsection (b).

21 (2) The defendant does not demonstrate a
22 willingness to participate in a treatment program.

23 (3) The defendant has been convicted of a crime of
24 violence within the past 5 years excluding
25 incarceration time, parole, and periods of mandatory

1 supervised release. As used in this paragraph, "crime
2 of violence" means: first degree murder, second degree
3 murder, predatory criminal sexual assault of a child,
4 aggravated criminal sexual assault, criminal sexual
5 assault, armed robbery, aggravated arson, arson,
6 aggravated kidnapping and kidnapping, aggravated
7 battery resulting in great bodily harm or permanent
8 disability, aggravated domestic battery resulting in
9 great bodily harm or permanent disability, aggravated
10 criminal sexual abuse by a person in a position of
11 trust or authority over a child, stalking, aggravated
12 stalking, home invasion, aggravated vehicular
13 hijacking, or any offense involving the discharge of a
14 firearm.

15 (4) The defendant is charged with a violation of
16 subparagraph (F) of paragraph (1) of subsection (d) of
17 Section 11-501 of the Illinois Vehicle Code in which
18 an individual is charged with aggravated driving under
19 the influence that resulted in the death of another
20 person or when the violation was a proximate cause of
21 the death, unless, pursuant to subparagraph (G) of
22 paragraph (1) of subsection (d) of Section 11-501 of
23 the Illinois Vehicle Code, the court determines that
24 extraordinary circumstances exist and require
25 probation.

26 (4.1) The crime for which the defendant has been

1 convicted is non-probationable.

2 (5) (Blank).

3 (6) (Blank).

4 (c) Notwithstanding subsection (a), the defendant may
5 be admitted into a veterans and servicemembers court
6 program only upon the agreement of the prosecutor if the
7 defendant is charged with a Class 2 or greater felony
8 violation of:

9 (1) Section 401, 401.1, 405, or 405.2 of the
10 Illinois Controlled Substances Act;

11 (2) Section 5, 5.1, or 5.2 of the Cannabis Control
12 Act; or

13 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,
14 or 65 of the Methamphetamine Control and Community
15 Protection Act.

16 (Source: P.A. 102-1041, eff. 6-2-22; 103-154, eff. 6-30-23.)

17 Section 2-290. The Mental Health Court Treatment Act is
18 amended by changing Section 20 as follows:

19 (730 ILCS 168/20)

20 Sec. 20. Eligibility.

21 (a) A defendant may be admitted into a mental health court
22 program only upon the consent of the defendant and with the
23 approval of the court. A defendant agrees to be admitted when a
24 written consent to participate is provided to the court in

1 open court and the defendant acknowledges understanding its
2 contents.

3 (a-5) Each mental health court shall have a target
4 population defined in its written policies and procedures. The
5 policies and procedures shall define that court's eligibility
6 and exclusionary criteria.

7 (b) A defendant shall be excluded from a mental health
8 court program if any one of the following applies:

9 (1) The crime is a crime of violence as set forth in
10 paragraph (3) of this subsection (b).

11 (2) The defendant does not demonstrate a willingness
12 to participate in a treatment program.

13 (3) The defendant has been convicted of a crime of
14 violence within the past 5 years excluding incarceration
15 time, parole, and periods of mandatory supervised release.
16 As used in this paragraph (3), "crime of violence" means:
17 first degree murder, second degree murder, predatory
18 criminal sexual assault of a child, aggravated criminal
19 sexual assault, criminal sexual assault, armed robbery,
20 aggravated arson, arson, aggravated kidnapping,
21 kidnapping, aggravated battery resulting in great bodily
22 harm or permanent disability, aggravated domestic battery
23 resulting in great bodily harm or permanent disability,
24 aggravated criminal sexual abuse by a person in a position
25 of trust or authority over a child, stalking, aggravated
26 stalking, home invasion, aggravated vehicular hijacking,

1 or any offense involving the discharge of a firearm.

2 (4) The defendant is charged with a violation of
3 subparagraph (F) of paragraph (1) of subsection (d) of
4 Section 11-501 of the Illinois Vehicle Code in which an
5 individual is charged with aggravated driving under the
6 influence that resulted in the death of another person or
7 when the violation was a proximate cause of the death,
8 unless, pursuant to subparagraph (G) of paragraph (1) of
9 subsection (d) of Section 11-501 of the Illinois Vehicle
10 Code, the court determines that extraordinary
11 circumstances exist and require probation.

12 (5) The crime for which the defendant has been
13 convicted is non-probationable. ~~(Blank)~~.

14 (6) (Blank).

15 (c) Notwithstanding subsection (a), the defendant may be
16 admitted into a mental health court program only upon the
17 agreement of the prosecutor if the defendant is charged with a
18 Class 2 or greater felony violation of:

19 (1) Section 401, 401.1, 405, or 405.2 of the Illinois
20 Controlled Substances Act;

21 (2) Section 5, 5.1, or 5.2 of the Cannabis Control
22 Act; or

23 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or
24 65 of the Methamphetamine Control and Community Protection
25 Act.

26 (Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22.)

1 Section 2-295. The Code of Civil Procedure is amended by
2 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
3 21-103 as follows:

4 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

5 Sec. 10-106. Grant of relief - Penalty. Unless it shall
6 appear from the complaint itself, or from the documents
7 thereto annexed, that the party can neither be discharged,
8 admitted to bail ~~pretrial release~~ nor otherwise relieved, the
9 court shall forthwith award relief by habeas corpus. Any judge
10 empowered to grant relief by habeas corpus who shall corruptly
11 refuse to grant the relief when legally applied for in a case
12 where it may lawfully be granted, or who shall for the purpose
13 of oppression unreasonably delay the granting of such relief
14 shall, for every such offense, forfeit to the prisoner or
15 party affected a sum not exceeding \$1,000.

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

17 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

18 Sec. 10-125. New commitment. In all cases where the
19 imprisonment is for a criminal, or supposed criminal matter,
20 if it appears to the court that there is sufficient legal cause
21 for the commitment of the prisoner, although such commitment
22 may have been informally made, or without due authority, or
23 the process may have been executed by a person not duly

1 authorized, the court shall make a new commitment in proper
2 form, and direct it to the proper officer, or admit the party
3 to bail ~~pretrial release~~ if the case is bailable ~~eligible for~~
4 ~~pretrial release~~. The court shall also, when necessary, take
5 the recognizance of all material witnesses against the
6 prisoner, as in other cases. The recognizances shall be in the
7 form provided by law, and returned as other recognizances. If
8 any judge shall neglect or refuse to bind any such prisoner or
9 witness by recognizance, or to return a recognizance when
10 taken as hereinabove stated, he or she shall be guilty of a
11 Class A misdemeanor in office, and be proceeded against
12 accordingly.

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

14 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

15 Sec. 10-127. Grant of habeas corpus. It is not lawful for
16 any court, on a second order of habeas corpus obtained by such
17 prisoner, to discharge the prisoner, if he or she is clearly
18 and specifically charged in the warrant of commitment with a
19 criminal offense; but the court shall, on the return of such
20 second order, have power only to admit such prisoner to bail
21 ~~pretrial release~~ where the offense is bailable ~~eligible for~~
22 ~~pretrial release~~ by law, or remand him or her to prison where
23 the offense is not bailable ~~eligible for pretrial release~~, or
24 being bailable ~~eligible for pretrial release~~, where such
25 prisoner fails to give the bail required ~~comply with the terms~~

1 ~~of pretrial release.~~

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

3 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

4 Sec. 10-135. Habeas corpus to testify. The several courts
5 having authority to grant relief by habeas corpus, may enter
6 orders, when necessary, to bring before them any prisoner to
7 testify, or to be surrendered in discharge of bail ~~pretrial~~
8 ~~release~~, or for trial upon any criminal charge lawfully
9 pending in the same court or to testify in a criminal
10 proceeding in another state as provided for by Section 2 of the
11 "Uniform Act to secure the attendance of witnesses from within
12 or without a state in criminal proceedings", approved July 23,
13 1959, as heretofore or hereafter amended; and the order may be
14 directed to any county in the State, and there be served and
15 returned by any officer to whom it is directed.

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

17 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

18 Sec. 10-136. Prisoner remanded or punished. After a
19 prisoner has given his or her testimony, or been surrendered,
20 or his or her bail ~~pretrial release~~ discharged, or he or she
21 has been tried for the crime with which he or she is charged,
22 he or she shall be returned to the jail or other place of
23 confinement from which he or she was taken for that purpose. If
24 such prisoner is convicted of a crime punishable with death or

1 imprisonment in the penitentiary, he or she may be punished
2 accordingly; but in any case where the prisoner has been taken
3 from the penitentiary, and his or her punishment is by
4 imprisonment, the time of such imprisonment shall not commence
5 to run until the expiration of the time of service under any
6 former sentence.

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

8 (735 ILCS 5/21-103)

9 Sec. 21-103. Notice by publication.

10 (a) Previous notice shall be given of the intended
11 application by publishing a notice thereof in some newspaper
12 published in the municipality in which the person resides if
13 the municipality is in a county with a population under
14 2,000,000, or if the person does not reside in a municipality
15 in a county with a population under 2,000,000, or if no
16 newspaper is published in the municipality or if the person
17 resides in a county with a population of 2,000,000 or more,
18 then in some newspaper published in the county where the
19 person resides, or if no newspaper is published in that
20 county, then in some convenient newspaper published in this
21 State. The notice shall be inserted for 3 consecutive weeks
22 after filing, the first insertion to be at least 6 weeks before
23 the return day upon which the petition is to be heard, and
24 shall be signed by the petitioner or, in case of a minor, the
25 minor's parent or guardian, and shall set forth the return day

1 of court on which the petition is to be heard and the name
2 sought to be assumed.

3 (b) The publication requirement of subsection (a) shall
4 not be required in any application for a change of name
5 involving a minor if, before making judgment under this
6 Article, reasonable notice and opportunity to be heard is
7 given to any parent whose parental rights have not been
8 previously terminated and to any person who has physical
9 custody of the child. If any of these persons are outside this
10 State, notice and opportunity to be heard shall be given under
11 Section 21-104.

12 (b-3) The publication requirement of subsection (a) shall
13 not be required in any application for a change of name
14 involving a person who has received a judgment of dissolution
15 of marriage or declaration of invalidity of marriage and
16 wishes to change his or her name to resume the use of his or
17 her former or maiden name.

18 (b-5) The court may issue an order directing that the
19 notice and publication requirement be waived for a change of
20 name involving a person who files with the court a statement,
21 verified under oath as provided under Section 1-109 of this
22 Code, that the person believes that publishing notice of the
23 name change would be a hardship, including, but not limited
24 to, a negative impact on the person's health or safety.

25 (b-6) In a case where waiver of the notice and publication
26 requirement is sought, the petition for waiver is presumed

1 granted and heard at the same hearing as the petition for name
2 change. The court retains discretion to determine whether a
3 hardship is shown and may order the petitioner to publish
4 thereafter.

5 (c) The Director of the Illinois State Police or his or her
6 designee may apply to the circuit court for an order directing
7 that the notice and publication requirements of this Section
8 be waived if the Director or his or her designee certifies that
9 the name change being sought is intended to protect a witness
10 during and following a criminal investigation or proceeding.

11 (c-1) The court may also enter a written order waiving the
12 publication requirement of subsection (a) if:

13 (i) the petitioner is 18 years of age or older; and
14 (ii) concurrent with the petition, the petitioner
15 files with the court a statement, verified under oath as
16 provided under Section 1-109 of this Code, attesting that
17 the petitioner is or has been a person protected under the
18 Illinois Domestic Violence Act of 1986, the Stalking No
19 Contact Order Act, the Civil No Contact Order Act, Article
20 112A of the Code of Criminal Procedure of 1963, a
21 condition of bail ~~pretrial release~~ under subsections (b)
22 through (d) of Section 110-10 of the Code of Criminal
23 Procedure of 1963, or a similar provision of a law in
24 another state or jurisdiction.

25 The petitioner may attach to the statement any supporting
26 documents, including relevant court orders.

1 (c-2) If the petitioner files a statement attesting that
2 disclosure of the petitioner's address would put the
3 petitioner or any member of the petitioner's family or
4 household at risk or reveal the confidential address of a
5 shelter for domestic violence victims, that address may be
6 omitted from all documents filed with the court, and the
7 petitioner may designate an alternative address for service.

8 (c-3) Court administrators may allow domestic abuse
9 advocates, rape crisis advocates, and victim advocates to
10 assist petitioners in the preparation of name changes under
11 subsection (c-1).

12 (c-4) If the publication requirements of subsection (a)
13 have been waived, the circuit court shall enter an order
14 impounding the case.

15 (d) The maximum rate charged for publication of a notice
16 under this Section may not exceed the lowest classified rate
17 paid by commercial users for comparable space in the newspaper
18 in which the notice appears and shall include all cash
19 discounts, multiple insertion discounts, and similar benefits
20 extended to the newspaper's regular customers.

21 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
22 102-1133, eff. 1-1-24; 103-605, eff. 7-1-24.)

23 Section 2-300. The Civil No Contact Order Act is amended
24 by changing Section 220 as follows:

1 (740 ILCS 22/220)

2 Sec. 220. Enforcement of a civil no contact order.

3 (a) Nothing in this Act shall preclude any Illinois court
4 from enforcing a valid protective order issued in another
5 state or by a military judge.

6 (b) Illinois courts may enforce civil no contact orders
7 through both criminal proceedings and civil contempt
8 proceedings, unless the action which is second in time is
9 barred by collateral estoppel or the constitutional
10 prohibition against double jeopardy.

11 (b-1) The court shall not hold a school district or
12 private or non-public school or any of its employees in civil
13 or criminal contempt unless the school district or private or
14 non-public school has been allowed to intervene.

15 (b-2) The court may hold the parents, guardian, or legal
16 custodian of a minor respondent in civil or criminal contempt
17 for a violation of any provision of any order entered under
18 this Act for conduct of the minor respondent in violation of
19 this Act if the parents, guardian, or legal custodian
20 directed, encouraged, or assisted the respondent minor in such
21 conduct.

22 (c) Criminal prosecution. A violation of any civil no
23 contact order, whether issued in a civil or criminal
24 proceeding or by a military judge, shall be enforced by a
25 criminal court when the respondent commits the crime of
26 violation of a civil no contact order pursuant to Section 219

1 by having knowingly violated:

2 (1) remedies described in Section 213 and included in
3 a civil no contact order; or

4 (2) a provision of an order, which is substantially
5 similar to provisions of Section 213, in a valid civil no
6 contact order which is authorized under the laws of
7 another state, tribe, or United States territory.

8 Prosecution for a violation of a civil no contact order
9 shall not bar a concurrent prosecution for any other crime,
10 including any crime that may have been committed at the time of
11 the violation of the civil no contact order.

12 (d) Contempt of court. A violation of any valid Illinois
13 civil no contact order, whether issued in a civil or criminal
14 proceeding, may be enforced through civil or criminal contempt
15 procedures, as appropriate, by any court with jurisdiction,
16 regardless of where the act or acts which violated the civil no
17 contact order were committed, to the extent consistent with
18 the venue provisions of this Act.

19 (1) In a contempt proceeding where the petition for a
20 rule to show cause or petition for adjudication of
21 criminal contempt sets forth facts evidencing an immediate
22 danger that the respondent will flee the jurisdiction or
23 inflict physical abuse on the petitioner or minor children
24 or on dependent adults in the petitioner's care, the court
25 may order the attachment of the respondent without prior
26 service of the petition for a rule to show cause, the rule

1 to show cause, the petition for adjudication of criminal
2 contempt or the adjudication of criminal contempt. Bond
3 ~~Conditions of release~~ shall be set unless specifically
4 denied in writing.

5 (2) A petition for a rule to show cause or a petition
6 for adjudication of criminal contempt for violation of a
7 civil no contact order shall be treated as an expedited
8 proceeding.

9 (e) Actual knowledge. A civil no contact order may be
10 enforced pursuant to this Section if the respondent violates
11 the order after the respondent has actual knowledge of its
12 contents as shown through one of the following means:

13 (1) by service, delivery, or notice under Section 208;

14 (2) by notice under Section 218;

15 (3) by service of a civil no contact order under
16 Section 218; or

17 (4) by other means demonstrating actual knowledge of
18 the contents of the order.

19 (f) The enforcement of a civil no contact order in civil or
20 criminal court shall not be affected by either of the
21 following:

22 (1) the existence of a separate, correlative order,
23 entered under Section 202; or

24 (2) any finding or order entered in a conjoined
25 criminal proceeding.

26 (g) Circumstances. The court, when determining whether or

1 not a violation of a civil no contact order has occurred, shall
2 not require physical manifestations of abuse on the person of
3 the victim.

4 (h) Penalties.

5 (1) Except as provided in paragraph (3) of this
6 subsection, where the court finds the commission of a
7 crime or contempt of court under subsection (a) or (b) of
8 this Section, the penalty shall be the penalty that
9 generally applies in such criminal or contempt
10 proceedings, and may include one or more of the following:
11 incarceration, payment of restitution, a fine, payment of
12 attorneys' fees and costs, or community service.

13 (2) The court shall hear and take into account
14 evidence of any factors in aggravation or mitigation
15 before deciding an appropriate penalty under paragraph (1)
16 of this subsection.

17 (3) To the extent permitted by law, the court is
18 encouraged to:

19 (i) increase the penalty for the knowing violation
20 of any civil no contact order over any penalty
21 previously imposed by any court for respondent's
22 violation of any civil no contact order or penal
23 statute involving petitioner as victim and respondent
24 as defendant;

25 (ii) impose a minimum penalty of 24 hours
26 imprisonment for respondent's first violation of any

1 civil no contact order; and

2 (iii) impose a minimum penalty of 48 hours
3 imprisonment for respondent's second or subsequent
4 violation of a civil no contact order unless the court
5 explicitly finds that an increased penalty or that
6 period of imprisonment would be manifestly unjust.

7 (4) In addition to any other penalties imposed for a
8 violation of a civil no contact order, a criminal court
9 may consider evidence of any previous violations of a
10 civil no contact order:

11 (i) to increase, revoke or modify the bail bond
12 ~~conditions of pretrial release~~ on an underlying
13 criminal charge pursuant to Section 110-6 of the Code
14 of Criminal Procedure of 1963;

15 (ii) to revoke or modify an order of probation,
16 conditional discharge or supervision, pursuant to
17 Section 5-6-4 of the Unified Code of Corrections; or

18 (iii) to revoke or modify a sentence of periodic
19 imprisonment, pursuant to Section 5-7-2 of the Unified
20 Code of Corrections.

21 (Source: P.A. 103-407, eff. 7-28-23.)

22 Section 2-305. The Illinois Domestic Violence Act of 1986
23 is amended by changing Sections 223 and 301 as follows:

24 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

1 Sec. 223. Enforcement of orders of protection.

2 (a) When violation is crime. A violation of any order of
3 protection, whether issued in a civil or criminal proceeding
4 or by a military judge, shall be enforced by a criminal court
5 when:

6 (1) The respondent commits the crime of violation of
7 an order of protection pursuant to Section 12-3.4 or 12-30
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 by having knowingly violated:

10 (i) remedies described in paragraphs (1), (2),
11 (3), (14), or (14.5) of subsection (b) of Section 214
12 of this Act; or

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraphs (1), (2),
15 (3), (14), and (14.5) of subsection (b) of Section 214
16 of this Act, in a valid order of protection which is
17 authorized under the laws of another state, tribe, or
18 United States territory; or

19 (iii) any other remedy when the act constitutes a
20 crime against the protected parties as defined by the
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 Prosecution for a violation of an order of protection
23 shall not bar concurrent prosecution for any other crime,
24 including any crime that may have been committed at the
25 time of the violation of the order of protection; or

26 (2) The respondent commits the crime of child

1 abduction pursuant to Section 10-5 of the Criminal Code of
2 1961 or the Criminal Code of 2012, by having knowingly
3 violated:

4 (i) remedies described in paragraphs (5), (6) or
5 (8) of subsection (b) of Section 214 of this Act; or

6 (ii) a remedy, which is substantially similar to
7 the remedies authorized under paragraphs (5), (6), or
8 (8) of subsection (b) of Section 214 of this Act, in a
9 valid order of protection which is authorized under
10 the laws of another state, tribe, or United States
11 territory.

12 (b) When violation is contempt of court. A violation of
13 any valid Illinois order of protection, whether issued in a
14 civil or criminal proceeding or by a military judge, may be
15 enforced through civil or criminal contempt procedures, as
16 appropriate, by any court with jurisdiction, regardless where
17 the act or acts which violated the order of protection were
18 committed, to the extent consistent with the venue provisions
19 of this Act. Nothing in this Act shall preclude any Illinois
20 court from enforcing any valid order of protection issued in
21 another state. Illinois courts may enforce orders of
22 protection through both criminal prosecution and contempt
23 proceedings, unless the action which is second in time is
24 barred by collateral estoppel or the constitutional
25 prohibition against double jeopardy.

26 (1) In a contempt proceeding where the petition for a

1 rule to show cause sets forth facts evidencing an
2 immediate danger that the respondent will flee the
3 jurisdiction, conceal a child, or inflict physical abuse
4 on the petitioner or minor children or on dependent adults
5 in petitioner's care, the court may order the attachment
6 of the respondent without prior service of the rule to
7 show cause or the petition for a rule to show cause. Bond
8 ~~Conditions of release~~ shall be set unless specifically
9 denied in writing.

10 (2) A petition for a rule to show cause for violation
11 of an order of protection shall be treated as an expedited
12 proceeding.

13 (b-1) The court shall not hold a school district or
14 private or non-public school or any of its employees in civil
15 or criminal contempt unless the school district or private or
16 non-public school has been allowed to intervene.

17 (b-2) The court may hold the parents, guardian, or legal
18 custodian of a minor respondent in civil or criminal contempt
19 for a violation of any provision of any order entered under
20 this Act for conduct of the minor respondent in violation of
21 this Act if the parents, guardian, or legal custodian
22 directed, encouraged, or assisted the respondent minor in such
23 conduct.

24 (c) Violation of custody or support orders or temporary or
25 final judgments allocating parental responsibilities. A
26 violation of remedies described in paragraphs (5), (6), (8),

1 or (9) of subsection (b) of Section 214 of this Act may be
2 enforced by any remedy provided by Section 607.5 of the
3 Illinois Marriage and Dissolution of Marriage Act. The court
4 may enforce any order for support issued under paragraph (12)
5 of subsection (b) of Section 214 in the manner provided for
6 under Parts V and VII of the Illinois Marriage and Dissolution
7 of Marriage Act.

8 (d) Actual knowledge. An order of protection may be
9 enforced pursuant to this Section if the respondent violates
10 the order after the respondent has actual knowledge of its
11 contents as shown through one of the following means:

12 (1) By service, delivery, or notice under Section 210.

13 (2) By notice under Section 210.1 or 211.

14 (3) By service of an order of protection under Section
15 222.

16 (4) By other means demonstrating actual knowledge of
17 the contents of the order.

18 (e) The enforcement of an order of protection in civil or
19 criminal court shall not be affected by either of the
20 following:

21 (1) The existence of a separate, correlative order,
22 entered under Section 215.

23 (2) Any finding or order entered in a conjoined
24 criminal proceeding.

25 (f) Circumstances. The court, when determining whether or
26 not a violation of an order of protection has occurred, shall

1 not require physical manifestations of abuse on the person of
2 the victim.

3 (g) Penalties.

4 (1) Except as provided in paragraph (3) of this
5 subsection, where the court finds the commission of a
6 crime or contempt of court under subsections (a) or (b) of
7 this Section, the penalty shall be the penalty that
8 generally applies in such criminal or contempt
9 proceedings, and may include one or more of the following:
10 incarceration, payment of restitution, a fine, payment of
11 attorneys' fees and costs, or community service.

12 (2) The court shall hear and take into account
13 evidence of any factors in aggravation or mitigation
14 before deciding an appropriate penalty under paragraph (1)
15 of this subsection.

16 (3) To the extent permitted by law, the court is
17 encouraged to:

18 (i) increase the penalty for the knowing violation
19 of any order of protection over any penalty previously
20 imposed by any court for respondent's violation of any
21 order of protection or penal statute involving
22 petitioner as victim and respondent as defendant;

23 (ii) impose a minimum penalty of 24 hours
24 imprisonment for respondent's first violation of any
25 order of protection; and

26 (iii) impose a minimum penalty of 48 hours

1 imprisonment for respondent's second or subsequent
2 violation of an order of protection
3 unless the court explicitly finds that an increased
4 penalty or that period of imprisonment would be manifestly
5 unjust.

6 (4) In addition to any other penalties imposed for a
7 violation of an order of protection, a criminal court may
8 consider evidence of any violations of an order of
9 protection:

10 (i) to increase, revoke or modify the bail bond
11 ~~conditions of pretrial release~~ on an underlying
12 criminal charge pursuant to Section 110-6 of the Code
13 of Criminal Procedure of 1963;

14 (ii) to revoke or modify an order of probation,
15 conditional discharge or supervision, pursuant to
16 Section 5-6-4 of the Unified Code of Corrections;

17 (iii) to revoke or modify a sentence of periodic
18 imprisonment, pursuant to Section 5-7-2 of the Unified
19 Code of Corrections.

20 (5) In addition to any other penalties, the court
21 shall impose an additional fine of \$20 as authorized by
22 Section 5-9-1.11 of the Unified Code of Corrections upon
23 any person convicted of or placed on supervision for a
24 violation of an order of protection. The additional fine
25 shall be imposed for each violation of this Section.

26 (Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

1 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

2 Sec. 301. Arrest without warrant.

3 (a) Any law enforcement officer may make an arrest without
4 warrant if the officer has probable cause to believe that the
5 person has committed or is committing any crime, including but
6 not limited to violation of an order of protection, under
7 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, even if the crime was not committed in
9 the presence of the officer.

10 (b) The law enforcement officer may verify the existence
11 of an order of protection by telephone or radio communication
12 with his or her law enforcement agency or by referring to the
13 copy of the order, or order of protection described on a Hope
14 Card under Section 219.5, provided by the petitioner or
15 respondent.

16 (c) Any law enforcement officer may make an arrest without
17 warrant if the officer has reasonable grounds to believe a
18 defendant at liberty under the provisions of subdivision
19 (d)(1) or (d)(2) of Section 110-10 of the Code of Criminal
20 Procedure of 1963 has violated a condition of his or her bail
21 bond ~~pretrial release~~ or recognizance.

22 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;
23 102-813, eff. 5-13-22.)

24 Section 2-310. The Industrial and Linen Supplies Marking

1 Law is amended by changing Section 11 as follows:

2 (765 ILCS 1045/11) (from Ch. 140, par. 111)

3 Sec. 11. Search warrant. Whenever the registrant, or
4 officer, or authorized agent of any firm, partnership or
5 corporation which is a registrant under this Act, takes an
6 oath before any circuit court, that he has reason to believe
7 that any supplies are being unlawfully used, sold, or secreted
8 in any place, the court shall issue a search warrant to any
9 police officer authorizing such officer to search the premises
10 wherein it is alleged such articles may be found and take into
11 custody any person in whose possession the articles are found.
12 Any person so seized shall be taken without unnecessary delay
13 before the court issuing the search warrant. The court is
14 empowered to impose bail ~~conditions of pretrial release~~ on any
15 such person to compel his attendance at any continued hearing.
16 (Source: P.A. 101-652, eff. 1-1-23.)

17 Section 2-315. The Illinois Torture Inquiry and Relief
18 Commission Act is amended by changing Section 50 as follows:

19 (775 ILCS 40/50)

20 Sec. 50. Post-commission judicial review.

21 (a) If the Commission concludes there is sufficient
22 evidence of torture to merit judicial review, the Chair of the
23 Commission shall request the Chief Judge of the Circuit Court

1 of Cook County for assignment to a trial judge for
2 consideration. The court may receive proof by affidavits,
3 depositions, oral testimony, or other evidence. In its
4 discretion the court may order the petitioner brought before
5 the court for the hearing. Notwithstanding the status of any
6 other postconviction proceedings relating to the petitioner,
7 if the court finds in favor of the petitioner, it shall enter
8 an appropriate order with respect to the judgment or sentence
9 in the former proceedings and such supplementary orders as to
10 rearraignment, retrial, custody, bail, ~~pretrial release~~ or
11 discharge, or for such relief as may be granted under a
12 petition for a certificate of innocence, as may be necessary
13 and proper.

14 (b) The State's Attorney, or the State's Attorney's
15 designee, shall represent the State at the hearing before the
16 assigned judge.

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

18 Section 2-320. The Unemployment Insurance Act is amended
19 by changing Section 602 as follows:

20 (820 ILCS 405/602) (from Ch. 48, par. 432)

21 Sec. 602. Discharge for misconduct - Felony.

22 A. An individual shall be ineligible for benefits for the
23 week in which he has been discharged for misconduct connected
24 with his work and, thereafter, until he has become reemployed

1 and has had earnings equal to or in excess of his current
2 weekly benefit amount in each of four calendar weeks which are
3 either for services in employment, or have been or will be
4 reported pursuant to the provisions of the Federal Insurance
5 Contributions Act by each employing unit for which such
6 services are performed and which submits a statement
7 certifying to that fact. The requalification requirements of
8 the preceding sentence shall be deemed to have been satisfied,
9 as of the date of reinstatement, if, subsequent to his
10 discharge by an employing unit for misconduct connected with
11 his work, such individual is reinstated by such employing
12 unit. For purposes of this subsection, the term "misconduct"
13 means the deliberate and willful violation of a reasonable
14 rule or policy of the employing unit, governing the
15 individual's behavior in performance of his work, provided
16 such violation has harmed the employing unit or other
17 employees or has been repeated by the individual despite a
18 warning or other explicit instruction from the employing unit.
19 The previous definition notwithstanding, "misconduct" shall
20 include any of the following work-related circumstances:

21 1. Falsification of an employment application, or any
22 other documentation provided to the employer, to obtain
23 employment through subterfuge.

24 2. Failure to maintain licenses, registrations, and
25 certifications reasonably required by the employer, or
26 those that the individual is required to possess by law,

1 to perform his or her regular job duties, unless the
2 failure is not within the control of the individual.

3 3. Knowing, repeated violation of the attendance
4 policies of the employer that are in compliance with State
5 and federal law following a written warning for an
6 attendance violation, unless the individual can
7 demonstrate that he or she has made a reasonable effort to
8 remedy the reason or reasons for the violations or that
9 the reason or reasons for the violations were out of the
10 individual's control. Attendance policies of the employer
11 shall be reasonable and provided to the individual in
12 writing, electronically, or via posting in the workplace.

13 4. Damaging the employer's property through conduct
14 that is grossly negligent.

15 5. Refusal to obey an employer's reasonable and lawful
16 instruction, unless the refusal is due to the lack of
17 ability, skills, or training for the individual required
18 to obey the instruction or the instruction would result in
19 an unsafe act.

20 6. Consuming alcohol or illegal or non-prescribed
21 prescription drugs, or using an impairing substance in an
22 off-label manner, on the employer's premises during
23 working hours in violation of the employer's policies.

24 7. Reporting to work under the influence of alcohol,
25 illegal or non-prescribed prescription drugs, or an
26 impairing substance used in an off-label manner in

1 violation of the employer's policies, unless the
2 individual is compelled to report to work by the employer
3 outside of scheduled and on-call working hours and informs
4 the employer that he or she is under the influence of
5 alcohol, illegal or non-prescribed prescription drugs, or
6 an impairing substance used in an off-label manner in
7 violation of the employer's policies.

8 8. Grossly negligent conduct endangering the safety of
9 the individual or co-workers.

10 For purposes of paragraphs 4 and 8, conduct is "grossly
11 negligent" when the individual is, or reasonably should be,
12 aware of a substantial risk that the conduct will result in the
13 harm sought to be prevented and the conduct constitutes a
14 substantial deviation from the standard of care a reasonable
15 person would exercise in the situation.

16 Nothing in paragraph 6 or 7 prohibits the lawful use of
17 over-the-counter drug products as defined in Section 206 of
18 the Illinois Controlled Substances Act, provided that the
19 medication does not affect the safe performance of the
20 employee's work duties.

21 B. Notwithstanding any other provision of this Act, no
22 benefit rights shall accrue to any individual based upon wages
23 from any employer for service rendered prior to the day upon
24 which such individual was discharged because of the commission
25 of a felony in connection with his work, or because of theft in
26 connection with his work, for which the employer was in no way

1 responsible; provided, that the employer notified the Director
2 of such possible ineligibility within the time limits
3 specified by regulations of the Director, and that the
4 individual has admitted his commission of the felony or theft
5 to a representative of the Director, or has signed a written
6 admission of such act and such written admission has been
7 presented to a representative of the Director, or such act has
8 resulted in a conviction or order of supervision by a court of
9 competent jurisdiction; and provided further, that if by
10 reason of such act, he is in legal custody, held on bail
11 ~~pretrial release~~ or is a fugitive from justice, the
12 determination of his benefit rights shall be held in abeyance
13 pending the result of any legal proceedings arising therefrom.
14 (Source: P.A. 101-652, eff. 1-1-23.)

15 (730 ILCS 5/3-6-7.1 rep.)

16 (730 ILCS 5/3-6-7.2 rep.)

17 (730 ILCS 5/3-6-7.3 rep.)

18 (730 ILCS 5/3-6-7.4 rep.)

19 Section 2-325. The Unified Code of Corrections is amended
20 by repealing Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4.

21 (730 ILCS 125/17.6 rep.)

22 (730 ILCS 125/17.7 rep.)

23 (730 ILCS 125/17.8 rep.)

24 (730 ILCS 125/17.9 rep.)

1 Section 2-330. The County Jail Act is amended by repealing
2 Sections 17.6, 17.7, 17.8, and 17.9.

3 Section 2-340. The Open Meetings Act is amended by
4 changing Section 2 as follows:

5 (5 ILCS 120/2) (from Ch. 102, par. 42)

6 Sec. 2. Open meetings.

7 (a) Openness required. All meetings of public bodies shall
8 be open to the public unless excepted in subsection (c) and
9 closed in accordance with Section 2a.

10 (b) Construction of exceptions. The exceptions contained
11 in subsection (c) are in derogation of the requirement that
12 public bodies meet in the open, and therefore, the exceptions
13 are to be strictly construed, extending only to subjects
14 clearly within their scope. The exceptions authorize but do
15 not require the holding of a closed meeting to discuss a
16 subject included within an enumerated exception.

17 (c) Exceptions. A public body may hold closed meetings to
18 consider the following subjects:

19 (1) The appointment, employment, compensation,
20 discipline, performance, or dismissal of specific
21 employees, specific individuals who serve as independent
22 contractors in a park, recreational, or educational
23 setting, or specific volunteers of the public body or
24 legal counsel for the public body, including hearing

1 testimony on a complaint lodged against an employee, a
2 specific individual who serves as an independent
3 contractor in a park, recreational, or educational
4 setting, or a volunteer of the public body or against
5 legal counsel for the public body to determine its
6 validity. However, a meeting to consider an increase in
7 compensation to a specific employee of a public body that
8 is subject to the Local Government Wage Increase
9 Transparency Act may not be closed and shall be open to the
10 public and posted and held in accordance with this Act.

11 (2) Collective negotiating matters between the public
12 body and its employees or their representatives, or
13 deliberations concerning salary schedules for one or more
14 classes of employees.

15 (3) The selection of a person to fill a public office,
16 as defined in this Act, including a vacancy in a public
17 office, when the public body is given power to appoint
18 under law or ordinance, or the discipline, performance or
19 removal of the occupant of a public office, when the
20 public body is given power to remove the occupant under
21 law or ordinance.

22 (4) Evidence or testimony presented in open hearing,
23 or in closed hearing where specifically authorized by law,
24 to a quasi-adjudicative body, as defined in this Act,
25 provided that the body prepares and makes available for
26 public inspection a written decision setting forth its

1 determinative reasoning.

2 (4.5) Evidence or testimony presented to a school
3 board regarding denial of admission to school events or
4 property pursuant to Section 24-24 of the School Code,
5 provided that the school board prepares and makes
6 available for public inspection a written decision setting
7 forth its determinative reasoning.

8 (5) The purchase or lease of real property for the use
9 of the public body, including meetings held for the
10 purpose of discussing whether a particular parcel should
11 be acquired.

12 (6) The setting of a price for sale or lease of
13 property owned by the public body.

14 (7) The sale or purchase of securities, investments,
15 or investment contracts. This exception shall not apply to
16 the investment of assets or income of funds deposited into
17 the Illinois Prepaid Tuition Trust Fund.

18 (8) Security procedures, school building safety and
19 security, and the use of personnel and equipment to
20 respond to an actual, a threatened, or a reasonably
21 potential danger to the safety of employees, students,
22 staff, the public, or public property.

23 (9) Student disciplinary cases.

24 (10) The placement of individual students in special
25 education programs and other matters relating to
26 individual students.

1 (11) Litigation, when an action against, affecting or
2 on behalf of the particular public body has been filed and
3 is pending before a court or administrative tribunal, or
4 when the public body finds that an action is probable or
5 imminent, in which case the basis for the finding shall be
6 recorded and entered into the minutes of the closed
7 meeting.

8 (12) The establishment of reserves or settlement of
9 claims as provided in the Local Governmental and
10 Governmental Employees Tort Immunity Act, if otherwise the
11 disposition of a claim or potential claim might be
12 prejudiced, or the review or discussion of claims, loss or
13 risk management information, records, data, advice or
14 communications from or with respect to any insurer of the
15 public body or any intergovernmental risk management
16 association or self insurance pool of which the public
17 body is a member.

18 (13) Conciliation of complaints of discrimination in
19 the sale or rental of housing, when closed meetings are
20 authorized by the law or ordinance prescribing fair
21 housing practices and creating a commission or
22 administrative agency for their enforcement.

23 (14) Informant sources, the hiring or assignment of
24 undercover personnel or equipment, or ongoing, prior or
25 future criminal investigations, when discussed by a public
26 body with criminal investigatory responsibilities.

1 (15) Professional ethics or performance when
2 considered by an advisory body appointed to advise a
3 licensing or regulatory agency on matters germane to the
4 advisory body's field of competence.

5 (16) Self evaluation, practices and procedures or
6 professional ethics, when meeting with a representative of
7 a statewide association of which the public body is a
8 member.

9 (17) The recruitment, credentialing, discipline or
10 formal peer review of physicians or other health care
11 professionals, or for the discussion of matters protected
12 under the federal Patient Safety and Quality Improvement
13 Act of 2005, and the regulations promulgated thereunder,
14 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
15 Health Insurance Portability and Accountability Act of
16 1996, and the regulations promulgated thereunder,
17 including 45 C.F.R. Parts 160, 162, and 164, by a
18 hospital, or other institution providing medical care,
19 that is operated by the public body.

20 (18) Deliberations for decisions of the Prisoner
21 Review Board.

22 (19) Review or discussion of applications received
23 under the Experimental Organ Transplantation Procedures
24 Act.

25 (20) The classification and discussion of matters
26 classified as confidential or continued confidential by

1 the State Government Suggestion Award Board.

2 (21) Discussion of minutes of meetings lawfully closed
3 under this Act, whether for purposes of approval by the
4 body of the minutes or semi-annual review of the minutes
5 as mandated by Section 2.06.

6 (22) Deliberations for decisions of the State
7 Emergency Medical Services Disciplinary Review Board.

8 (23) The operation by a municipality of a municipal
9 utility or the operation of a municipal power agency or
10 municipal natural gas agency when the discussion involves
11 (i) contracts relating to the purchase, sale, or delivery
12 of electricity or natural gas or (ii) the results or
13 conclusions of load forecast studies.

14 (24) Meetings of a residential health care facility
15 resident sexual assault and death review team or the
16 Executive Council under the Abuse Prevention Review Team
17 Act.

18 (25) Meetings of an independent team of experts under
19 Brian's Law.

20 (26) Meetings of a mortality review team appointed
21 under the Department of Juvenile Justice Mortality Review
22 Team Act.

23 (27) (Blank).

24 (28) Correspondence and records (i) that may not be
25 disclosed under Section 11-9 of the Illinois Public Aid
26 Code or (ii) that pertain to appeals under Section 11-8 of

1 the Illinois Public Aid Code.

2 (29) Meetings between internal or external auditors
3 and governmental audit committees, finance committees, and
4 their equivalents, when the discussion involves internal
5 control weaknesses, identification of potential fraud risk
6 areas, known or suspected frauds, and fraud interviews
7 conducted in accordance with generally accepted auditing
8 standards of the United States of America.

9 (30) (Blank).

10 (31) Meetings and deliberations for decisions of the
11 Concealed Carry Licensing Review Board under the Firearm
12 Concealed Carry Act.

13 (32) Meetings between the Regional Transportation
14 Authority Board and its Service Boards when the discussion
15 involves review by the Regional Transportation Authority
16 Board of employment contracts under Section 28d of the
17 Metropolitan Transit Authority Act and Sections 3A.18 and
18 3B.26 of the Regional Transportation Authority Act.

19 (33) Those meetings or portions of meetings of the
20 advisory committee and peer review subcommittee created
21 under Section 320 of the Illinois Controlled Substances
22 Act during which specific controlled substance prescriber,
23 dispenser, or patient information is discussed.

24 (34) Meetings of the Tax Increment Financing Reform
25 Task Force under Section 2505-800 of the Department of
26 Revenue Law of the Civil Administrative Code of Illinois.

1 (35) Meetings of the group established to discuss
2 Medicaid capitation rates under Section 5-30.8 of the
3 Illinois Public Aid Code.

4 (36) Those deliberations or portions of deliberations
5 for decisions of the Illinois Gaming Board in which there
6 is discussed any of the following: (i) personal,
7 commercial, financial, or other information obtained from
8 any source that is privileged, proprietary, confidential,
9 or a trade secret; or (ii) information specifically
10 exempted from the disclosure by federal or State law.

11 (37) (Blank). ~~Deliberations for decisions of the~~
12 ~~Illinois Law Enforcement Training Standards Board, the~~
13 ~~Certification Review Panel, and the Illinois State Police~~
14 ~~Merit Board regarding certification and decertification.~~

15 (38) Meetings of the Ad Hoc Statewide Domestic
16 Violence Fatality Review Committee of the Illinois
17 Criminal Justice Information Authority Board that occur in
18 closed executive session under subsection (d) of Section
19 35 of the Domestic Violence Fatality Review Act.

20 (39) Meetings of the regional review teams under
21 subsection (a) of Section 75 of the Domestic Violence
22 Fatality Review Act.

23 (40) Meetings of the Firearm Owner's Identification
24 Card Review Board under Section 10 of the Firearm Owners
25 Identification Card Act.

26 (d) Definitions. For purposes of this Section:

1 "Employee" means a person employed by a public body whose
2 relationship with the public body constitutes an
3 employer-employee relationship under the usual common law
4 rules, and who is not an independent contractor.

5 "Public office" means a position created by or under the
6 Constitution or laws of this State, the occupant of which is
7 charged with the exercise of some portion of the sovereign
8 power of this State. The term "public office" shall include
9 members of the public body, but it shall not include
10 organizational positions filled by members thereof, whether
11 established by law or by a public body itself, that exist to
12 assist the body in the conduct of its business.

13 "Quasi-adjudicative body" means an administrative body
14 charged by law or ordinance with the responsibility to conduct
15 hearings, receive evidence or testimony and make
16 determinations based thereon, but does not include local
17 electoral boards when such bodies are considering petition
18 challenges.

19 (e) Final action. No final action may be taken at a closed
20 meeting. Final action shall be preceded by a public recital of
21 the nature of the matter being considered and other
22 information that will inform the public of the business being
23 conducted.

24 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
25 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
26 7-28-23; 103-626, eff. 1-1-25.)

1 Section 2-345. The Freedom of Information Act is amended
2 by changing Sections 7 and 7.5 as follows:

3 (5 ILCS 140/7)

4 Sec. 7. Exemptions.

5 (1) When a request is made to inspect or copy a public
6 record that contains information that is exempt from
7 disclosure under this Section, but also contains information
8 that is not exempt from disclosure, the public body may elect
9 to redact the information that is exempt. The public body
10 shall make the remaining information available for inspection
11 and copying. Subject to this requirement, the following shall
12 be exempt from inspection and copying:

13 (a) Information specifically prohibited from
14 disclosure by federal or State law or rules and
15 regulations implementing federal or State law.

16 (b) Private information, unless disclosure is required
17 by another provision of this Act, a State or federal law,
18 or a court order.

19 (b-5) Files, documents, and other data or databases
20 maintained by one or more law enforcement agencies and
21 specifically designed to provide information to one or
22 more law enforcement agencies regarding the physical or
23 mental status of one or more individual subjects.

24 (c) Personal information contained within public

1 records, the disclosure of which would constitute a
2 clearly unwarranted invasion of personal privacy, unless
3 the disclosure is consented to in writing by the
4 individual subjects of the information. "Unwarranted
5 invasion of personal privacy" means the disclosure of
6 information that is highly personal or objectionable to a
7 reasonable person and in which the subject's right to
8 privacy outweighs any legitimate public interest in
9 obtaining the information. The disclosure of information
10 that bears on the public duties of public employees and
11 officials shall not be considered an invasion of personal
12 privacy.

13 (d) Records in the possession of any public body
14 created in the course of administrative enforcement
15 proceedings, and any law enforcement or correctional
16 agency for law enforcement purposes, but only to the
17 extent that disclosure would:

18 (i) interfere with pending or actually and
19 reasonably contemplated law enforcement proceedings
20 conducted by any law enforcement or correctional
21 agency that is the recipient of the request;

22 (ii) interfere with active administrative
23 enforcement proceedings conducted by the public body
24 that is the recipient of the request;

25 (iii) create a substantial likelihood that a
26 person will be deprived of a fair trial or an impartial

1 hearing;

2 (iv) unavoidably disclose the identity of a
3 confidential source, confidential information
4 furnished only by the confidential source, or persons
5 who file complaints with or provide information to
6 administrative, investigative, law enforcement, or
7 penal agencies; except that the identities of
8 witnesses to traffic crashes, traffic crash reports,
9 and rescue reports shall be provided by agencies of
10 local government, except when disclosure would
11 interfere with an active criminal investigation
12 conducted by the agency that is the recipient of the
13 request;

14 (v) disclose unique or specialized investigative
15 techniques other than those generally used and known
16 or disclose internal documents of correctional
17 agencies related to detection, observation, or
18 investigation of incidents of crime or misconduct, and
19 disclosure would result in demonstrable harm to the
20 agency or public body that is the recipient of the
21 request;

22 (vi) endanger the life or physical safety of law
23 enforcement personnel or any other person; or

24 (vii) obstruct an ongoing criminal investigation
25 by the agency that is the recipient of the request.

26 (d-5) A law enforcement record created for law

1 enforcement purposes and contained in a shared electronic
2 record management system if the law enforcement agency
3 that is the recipient of the request did not create the
4 record, did not participate in or have a role in any of the
5 events which are the subject of the record, and only has
6 access to the record through the shared electronic record
7 management system.

8 (d-6) (Blank). ~~Records contained in the Officer~~
9 ~~Professional Conduct Database under Section 9.2 of the~~
10 ~~Illinois Police Training Act, except to the extent~~
11 ~~authorized under that Section. This includes the documents~~
12 ~~supplied to the Illinois Law Enforcement Training~~
13 ~~Standards Board from the Illinois State Police and~~
14 ~~Illinois State Police Merit Board.~~

15 (d-7) Information gathered or records created from the
16 use of automatic license plate readers in connection with
17 Section 2-130 of the Illinois Vehicle Code.

18 (e) Records that relate to or affect the security of
19 correctional institutions and detention facilities.

20 (e-5) Records requested by persons committed to the
21 Department of Corrections, Department of Human Services
22 Division of Mental Health, or a county jail if those
23 materials are available in the library of the correctional
24 institution or facility or jail where the inmate is
25 confined.

26 (e-6) 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 include records from staff members' personnel
4 files, staff rosters, or other staffing assignment
5 information.

6 (e-7) Records requested by persons committed to the
7 Department of Corrections or Department of Human Services
8 Division of Mental Health if those materials are available
9 through an administrative request to the Department of
10 Corrections or Department of Human Services Division of
11 Mental Health.

12 (e-8) Records requested by a person committed to the
13 Department of Corrections, Department of Human Services
14 Division of Mental Health, or a county jail, the
15 disclosure of which would result in the risk of harm to any
16 person or the risk of an escape from a jail or correctional
17 institution or facility.

18 (e-9) Records requested by a person in a county jail
19 or committed to the Department of Corrections or
20 Department of Human Services Division of Mental Health,
21 containing personal information pertaining to the person's
22 victim or the victim's family, including, but not limited
23 to, a victim's home address, home telephone number, work
24 or school address, work telephone number, social security
25 number, or any other identifying information, except as
26 may be relevant to a requester's current or potential case

1 or claim.

2 (e-10) Law enforcement records of other persons
3 requested by a person committed to the Department of
4 Corrections, Department of Human Services Division of
5 Mental Health, or a county jail, including, but not
6 limited to, arrest and booking records, mug shots, and
7 crime scene photographs, except as these records may be
8 relevant to the requester's current or potential case or
9 claim.

10 (f) Preliminary drafts, notes, recommendations,
11 memoranda, and other records in which opinions are
12 expressed, or policies or actions are formulated, except
13 that a specific record or relevant portion of a record
14 shall not be exempt when the record is publicly cited and
15 identified by the head of the public body. The exemption
16 provided in this paragraph (f) extends to all those
17 records of officers and agencies of the General Assembly
18 that pertain to the preparation of legislative documents.

19 (g) Trade secrets and commercial or financial
20 information obtained from a person or business where the
21 trade secrets or commercial or financial information are
22 furnished under a claim that they are proprietary,
23 privileged, or confidential, and that disclosure of the
24 trade secrets or commercial or financial information would
25 cause competitive harm to the person or business, and only
26 insofar as the claim directly applies to the records

1 requested.

2 The information included under this exemption includes
3 all trade secrets and commercial or financial information
4 obtained by a public body, including a public pension
5 fund, from a private equity fund or a privately held
6 company within the investment portfolio of a private
7 equity fund as a result of either investing or evaluating
8 a potential investment of public funds in a private equity
9 fund. The exemption contained in this item does not apply
10 to the aggregate financial performance information of a
11 private equity fund, nor to the identity of the fund's
12 managers or general partners. The exemption contained in
13 this item does not apply to the identity of a privately
14 held company within the investment portfolio of a private
15 equity fund, unless the disclosure of the identity of a
16 privately held company may cause competitive harm.

17 Nothing contained in this paragraph (g) shall be
18 construed to prevent a person or business from consenting
19 to disclosure.

20 (h) Proposals and bids for any contract, grant, or
21 agreement, including information which if it were
22 disclosed would frustrate procurement or give an advantage
23 to any person proposing to enter into a contractor
24 agreement with the body, until an award or final selection
25 is made. Information prepared by or for the body in
26 preparation of a bid solicitation shall be exempt until an

1 award or final selection is made.

2 (i) Valuable formulae, computer geographic systems,
3 designs, drawings, and research data obtained or produced
4 by any public body when disclosure could reasonably be
5 expected to produce private gain or public loss. The
6 exemption for "computer geographic systems" provided in
7 this paragraph (i) does not extend to requests made by
8 news media as defined in Section 2 of this Act when the
9 requested information is not otherwise exempt and the only
10 purpose of the request is to access and disseminate
11 information regarding the health, safety, welfare, or
12 legal rights of the general public.

13 (j) The following information pertaining to
14 educational matters:

15 (i) test questions, scoring keys, and other
16 examination data used to administer an academic
17 examination;

18 (ii) information received by a primary or
19 secondary school, college, or university under its
20 procedures for the evaluation of faculty members by
21 their academic peers;

22 (iii) information concerning a school or
23 university's adjudication of student disciplinary
24 cases, but only to the extent that disclosure would
25 unavoidably reveal the identity of the student; and

26 (iv) course materials or research materials used

1 by faculty members.

2 (k) Architects' plans, engineers' technical
3 submissions, and other construction related technical
4 documents for projects not constructed or developed in
5 whole or in part with public funds and the same for
6 projects constructed or developed with public funds,
7 including, but not limited to, power generating and
8 distribution stations and other transmission and
9 distribution facilities, water treatment facilities,
10 airport facilities, sport stadiums, convention centers,
11 and all government owned, operated, or occupied buildings,
12 but only to the extent that disclosure would compromise
13 security.

14 (l) Minutes of meetings of public bodies closed to the
15 public as provided in the Open Meetings Act until the
16 public body makes the minutes available to the public
17 under Section 2.06 of the Open Meetings Act.

18 (m) Communications between a public body and an
19 attorney or auditor representing the public body that
20 would not be subject to discovery in litigation, and
21 materials prepared or compiled by or for a public body in
22 anticipation of a criminal, civil, or administrative
23 proceeding upon the request of an attorney advising the
24 public body, and materials prepared or compiled with
25 respect to internal audits of public bodies.

26 (n) Records relating to a public body's adjudication

1 of employee grievances or disciplinary cases; however,
2 this exemption shall not extend to the final outcome of
3 cases in which discipline is imposed.

4 (o) Administrative or technical information associated
5 with automated data processing operations, including, but
6 not limited to, software, operating protocols, computer
7 program abstracts, file layouts, source listings, object
8 modules, load modules, user guides, documentation
9 pertaining to all logical and physical design of
10 computerized systems, employee manuals, and any other
11 information that, if disclosed, would jeopardize the
12 security of the system or its data or the security of
13 materials exempt under this Section.

14 (p) Records relating to collective negotiating matters
15 between public bodies and their employees or
16 representatives, except that any final contract or
17 agreement shall be subject to inspection and copying.

18 (q) Test questions, scoring keys, and other
19 examination data used to determine the qualifications of
20 an applicant for a license or employment.

21 (r) The records, documents, and information relating
22 to real estate purchase negotiations until those
23 negotiations have been completed or otherwise terminated.
24 With regard to a parcel involved in a pending or actually
25 and reasonably contemplated eminent domain proceeding
26 under the Eminent Domain Act, records, documents, and

1 information relating to that parcel shall be exempt except
2 as may be allowed under discovery rules adopted by the
3 Illinois Supreme Court. The records, documents, and
4 information relating to a real estate sale shall be exempt
5 until a sale is consummated.

6 (s) Any and all proprietary information and records
7 related to the operation of an intergovernmental risk
8 management association or self-insurance pool or jointly
9 self-administered health and accident cooperative or pool.
10 Insurance or self-insurance (including any
11 intergovernmental risk management association or
12 self-insurance pool) claims, loss or risk management
13 information, records, data, advice, or 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 10-20.38 or 34-18.29 of the
2 School Code, and information about undergraduate students
3 enrolled at an institution of higher education exempted
4 from disclosure under Section 25 of the Illinois Credit
5 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) Proprietary information submitted to the
15 Environmental Protection Agency under the Drug Take-Back
16 Act.

17 (oo) Records described in subsection (f) of Section
18 3-5-1 of the Unified Code of Corrections.

19 (pp) Any and all information regarding burials,
20 interments, or entombments of human remains as required to
21 be reported to the Department of Natural Resources
22 pursuant either to the Archaeological and Paleontological
23 Resources Protection Act or the Human Remains Protection
24 Act.

25 (qq) Reports described in subsection (e) of Section
26 16-15 of the Abortion Care Clinical Training Program Act.

1 (rr) Information obtained by a certified local health
2 department under the Access to Public Health Data Act.

3 (ss) For a request directed to a public body that is
4 also a HIPAA-covered entity, all information that is
5 protected health information, including demographic
6 information, that may be contained within or extracted
7 from any record held by the public body in compliance with
8 State and federal medical privacy laws and regulations,
9 including, but not limited to, the Health Insurance
10 Portability and Accountability Act and its regulations, 45
11 CFR Parts 160 and 164. As used in this paragraph,
12 "HIPAA-covered entity" has the meaning given to the term
13 "covered entity" in 45 CFR 160.103 and "protected health
14 information" has the meaning given to that term in 45 CFR
15 160.103.

16 (tt) Proposals or bids submitted by engineering
17 consultants in response to requests for proposal or other
18 competitive bidding requests by the Department of
19 Transportation or the Illinois Toll Highway Authority.

20 (1.5) Any information exempt from disclosure under the
21 Judicial Privacy Act shall be redacted from public records
22 prior to disclosure under this Act.

23 (2) A public record that is not in the possession of a
24 public body but is in the possession of a party with whom the
25 agency has contracted to perform a governmental function on
26 behalf of the public body, and that directly relates to the

1 governmental function and is not otherwise exempt under this
2 Act, shall be considered a public record of the public body,
3 for purposes of this Act.

4 (3) This Section does not authorize withholding of
5 information or limit the availability of records to the
6 public, except as stated in this Section or otherwise provided
7 in this Act.

8 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
9 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
10 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
11 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
12 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
13 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
14 eff. 7-1-24; 103-865, eff. 1-1-25.)

15 (5 ILCS 140/7.5)

16 Sec. 7.5. Statutory exemptions. To the extent provided for
17 by the statutes referenced below, the following shall be
18 exempt from inspection and copying:

19 (a) All information determined to be confidential
20 under Section 4002 of the Technology Advancement and
21 Development Act.

22 (b) Library circulation and order records identifying
23 library users with specific materials under the Library
24 Records Confidentiality Act.

25 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other
3 records prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmitted
9 infection or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmitted
11 Infection Control Act.

12 (e) Information the disclosure of which is exempted
13 under Section 30 of the Radon Industry Licensing Act.

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a
2 local emergency energy plan ordinance that is adopted
3 under Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by carriers
6 under the Emergency Telephone System Act.

7 (k) Law enforcement officer identification information
8 or driver identification information compiled by a law
9 enforcement agency or the Department of Transportation
10 under Section 11-212 of the Illinois Vehicle Code.

11 (l) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Executive Council under the Abuse
14 Prevention Review Team Act.

15 (m) Information provided to the predatory lending
16 database created pursuant to Article 3 of the Residential
17 Real Property Disclosure Act, except to the extent
18 authorized under that Article.

19 (n) Defense budgets and petitions for certification of
20 compensation and expenses for court appointed trial
21 counsel as provided under Sections 10 and 15 of the
22 Capital Crimes Litigation Act (repealed) or the Capital
23 Crimes Litigation Act of 2025. This subsection (n) shall
24 apply until the conclusion of the trial of the case, even
25 if the prosecution chooses not to pursue the death penalty
26 prior to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Department of Transportation under Sections 2705-300 and
8 2705-616 of the Department of Transportation Law of the
9 Civil Administrative Code of Illinois, the Regional
10 Transportation Authority under Section 2.11 of the
11 Regional Transportation Authority Act, or the St. Clair
12 County Transit District under the Bi-State Transit Safety
13 Act (repealed).

14 (q) Information prohibited from being disclosed by the
15 Personnel Record Review Act.

16 (r) Information prohibited from being disclosed by the
17 Illinois School Student Records Act.

18 (s) Information the disclosure of which is restricted
19 under Section 5-108 of the Public Utilities Act.

20 (t) (Blank).

21 (u) Records and information provided to an independent
22 team of experts under the Developmental Disability and
23 Mental Health Safety Act (also known as Brian's Law).

24 (v) Names and information of people who have applied
25 for or received Firearm Owner's Identification Cards under
26 the Firearm Owners Identification Card Act or applied for

1 or received a concealed carry license under the Firearm
2 Concealed Carry Act, unless otherwise authorized by the
3 Firearm Concealed Carry Act; and databases under the
4 Firearm Concealed Carry Act, records of the Concealed
5 Carry Licensing Review Board under the Firearm Concealed
6 Carry Act, and law enforcement agency objections under the
7 Firearm Concealed Carry Act.

8 (v-5) Records of the Firearm Owner's Identification
9 Card Review Board that are exempted from disclosure under
10 Section 10 of the Firearm Owners Identification Card Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of
23 an eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

13 (ee) Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure
16 under the Revised Uniform Unclaimed Property Act.

17 (gg) Information that is prohibited from being
18 disclosed under Section 7-603.5 of the Illinois Vehicle
19 Code.

20 (hh) Records that are exempt from disclosure under
21 Section 1A-16.7 of the Election Code.

22 (ii) Information which is exempted from disclosure
23 under Section 2505-800 of the Department of Revenue Law of
24 the Civil Administrative Code of Illinois.

25 (jj) Information and reports that are required to be
26 submitted to the Department of Labor by registering day

1 and temporary labor service agencies but are exempt from
2 disclosure under subsection (a-1) of Section 45 of the Day
3 and Temporary Labor Services Act.

4 (kk) Information prohibited from disclosure under the
5 Seizure and Forfeiture Reporting Act.

6 (ll) Information the disclosure of which is restricted
7 and exempted under Section 5-30.8 of the Illinois Public
8 Aid Code.

9 (mm) Records that are exempt from disclosure under
10 Section 4.2 of the Crime Victims Compensation Act.

11 (nn) Information that is exempt from disclosure under
12 Section 70 of the Higher Education Student Assistance Act.

13 (oo) Communications, notes, records, and reports
14 arising out of a peer support counseling session
15 prohibited from disclosure under the First Responders
16 Suicide Prevention Act.

17 (pp) Names and all identifying information relating to
18 an employee of an emergency services provider or law
19 enforcement agency under the First Responders Suicide
20 Prevention Act.

21 (qq) Information and records held by the Department of
22 Public Health and its authorized representatives collected
23 under the Reproductive Health Act.

24 (rr) Information that is exempt from disclosure under
25 the Cannabis Regulation and Tax Act.

26 (ss) Data reported by an employer to the Department of

1 Human Rights pursuant to Section 2-108 of the Illinois
2 Human Rights Act.

3 (tt) Recordings made under the Children's Advocacy
4 Center Act, except to the extent authorized under that
5 Act.

6 (uu) Information that is exempt from disclosure under
7 Section 50 of the Sexual Assault Evidence Submission Act.

8 (vv) Information that is exempt from disclosure under
9 subsections (f) and (j) of Section 5-36 of the Illinois
10 Public Aid Code.

11 (ww) Information that is exempt from disclosure under
12 Section 16.8 of the State Treasurer Act.

13 (xx) Information that is exempt from disclosure or
14 information that shall not be made public under the
15 Illinois Insurance Code.

16 (yy) Information prohibited from being disclosed under
17 the Illinois Educational Labor Relations Act.

18 (zz) Information prohibited from being disclosed under
19 the Illinois Public Labor Relations Act.

20 (aaa) Information prohibited from being disclosed
21 under Section 1-167 of the Illinois Pension Code.

22 (bbb) (Blank). ~~Information that is prohibited from~~
23 ~~disclosure by the Illinois Police Training Act and the~~
24 ~~Illinois State Police Act.~~

25 (ccc) Records exempt from disclosure under Section
26 2605-304 of the Illinois State Police Law of the Civil

1 Administrative Code of Illinois.

2 (ddd) Information prohibited from being disclosed
3 under Section 35 of the Address Confidentiality for
4 Victims of Domestic Violence, Sexual Assault, Human
5 Trafficking, or Stalking Act.

6 (eee) Information prohibited from being disclosed
7 under subsection (b) of Section 75 of the Domestic
8 Violence Fatality Review Act.

9 (fff) Images from cameras under the Expressway Camera
10 Act. This subsection (fff) is inoperative on and after
11 July 1, 2025.

12 (ggg) Information prohibited from disclosure under
13 paragraph (3) of subsection (a) of Section 14 of the Nurse
14 Agency Licensing Act.

15 (hhh) Information submitted to the Illinois State
16 Police in an affidavit or application for an assault
17 weapon endorsement, assault weapon attachment endorsement,
18 .50 caliber rifle endorsement, or .50 caliber cartridge
19 endorsement under the Firearm Owners Identification Card
20 Act.

21 (iii) Data exempt from disclosure under Section 50 of
22 the School Safety Drill Act.

23 (jjj) Information exempt from disclosure under Section
24 30 of the Insurance Data Security Law.

25 (kkk) Confidential business information prohibited
26 from disclosure under Section 45 of the Paint Stewardship

1 Act.

2 (lll) Data exempt from disclosure under Section
3 2-3.196 of the School Code.

4 (mmm) Information prohibited from being disclosed
5 under subsection (e) of Section 1-129 of the Illinois
6 Power Agency Act.

7 (nnn) Materials received by the Department of Commerce
8 and Economic Opportunity that are confidential under the
9 Music and Musicians Tax Credit and Jobs Act.

10 (ooo) ~~(nnn)~~ Data or information provided pursuant to
11 Section 20 of the Statewide Recycling Needs and Assessment
12 Act.

13 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
14 under Section 28-11 of the Lawful Health Care Activity
15 Act.

16 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
17 under Section 7-101 of the Illinois Human Rights Act.

18 (rrr) ~~(mmm)~~ Information prohibited from being
19 disclosed under Section 4-2 of the Uniform Money
20 Transmission Modernization Act.

21 (sss) ~~(nnn)~~ Information exempt from disclosure under
22 Section 40 of the Student-Athlete Endorsement Rights Act.

23 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
24 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
25 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
26 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.

1 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
2 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
3 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
4 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
5 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
6 103-1049, eff. 8-9-24; revised 11-26-24.)

7 Section 2-350. The State Employee Indemnification Act is
8 amended by changing Section 1 as follows:

9 (5 ILCS 350/1) (from Ch. 127, par. 1301)

10 Sec. 1. Definitions. For the purpose of this Act:

11 (a) The term "State" means the State of Illinois, the
12 General Assembly, the court, or any State office, department,
13 division, bureau, board, commission, or committee, the
14 governing boards of the public institutions of higher
15 education created by the State, the Illinois National Guard,
16 the Illinois State Guard, the Comprehensive Health Insurance
17 Board, any poison control center designated under the Poison
18 Control System Act that receives State funding, or any other
19 agency or instrumentality of the State. It does not mean any
20 local public entity as that term is defined in Section 1-206 of
21 the Local Governmental and Governmental Employees Tort
22 Immunity Act or a pension fund.

23 (b) The term "employee" means: any present or former
24 elected or appointed officer, trustee or employee of the

1 State, or of a pension fund; any present or former
2 commissioner or employee of the Executive Ethics Commission or
3 of the Legislative Ethics Commission; any present or former
4 Executive, Legislative, or Auditor General's Inspector
5 General; any present or former employee of an Office of an
6 Executive, Legislative, or Auditor General's Inspector
7 General; any present or former member of the Illinois National
8 Guard while on active duty; any present or former member of the
9 Illinois State Guard while on State active duty; individuals
10 or organizations who contract with the Department of
11 Corrections, the Department of Juvenile Justice, the
12 Comprehensive Health Insurance Board, or the Department of
13 Veterans' Affairs to provide services; individuals or
14 organizations who contract with the Department of Human
15 Services (as successor to the Department of Mental Health and
16 Developmental Disabilities) to provide services including but
17 not limited to treatment and other services for sexually
18 violent persons; individuals or organizations who contract
19 with the Department of Military Affairs for youth programs;
20 individuals or organizations who contract to perform carnival
21 and amusement ride safety inspections for the Department of
22 Labor; individuals who contract with the Office of the State's
23 Attorneys Appellate Prosecutor to provide legal services, but
24 only when performing duties within the scope of the Office's
25 prosecutorial activities; individual representatives of or
26 designated organizations authorized to represent the Office of

1 State Long-Term Ombudsman for the Department on Aging;
2 individual representatives of or organizations designated by
3 the Department on Aging in the performance of their duties as
4 adult protective services agencies or regional administrative
5 agencies under the Adult Protective Services Act; individuals
6 or organizations appointed as members of a review team or the
7 Advisory Council under the Adult Protective Services Act;
8 individuals or organizations who perform volunteer services
9 for the State where such volunteer relationship is reduced to
10 writing; individuals who serve on any public entity (whether
11 created by law or administrative action) described in
12 paragraph (a) of this Section; individuals or not for profit
13 organizations who, either as volunteers, where such volunteer
14 relationship is reduced to writing, or pursuant to contract,
15 furnish professional advice or consultation to any agency or
16 instrumentality of the State; individuals who serve as foster
17 parents for the Department of Children and Family Services
18 when caring for youth in care as defined in Section 4d of the
19 Children and Family Services Act; individuals who serve as
20 members of an independent team of experts under the
21 Developmental Disability and Mental Health Safety Act (also
22 known as Brian's Law); and individuals who serve as
23 arbitrators pursuant to Part 10A of Article II of the Code of
24 Civil Procedure and the rules of the Supreme Court
25 implementing Part 10A, each as now or hereafter amended; ~~the~~
26 ~~members of the Certification Review Panel under the Illinois~~

1 ~~Police Training Act;~~ the term "employee" does not mean an
2 independent contractor except as provided in this Section. The
3 term includes an individual appointed as an inspector by the
4 Director of the Illinois State Police when performing duties
5 within the scope of the activities of a Metropolitan
6 Enforcement Group or a law enforcement organization
7 established under the Intergovernmental Cooperation Act. An
8 individual who renders professional advice and consultation to
9 the State through an organization which qualifies as an
10 "employee" under the Act is also an employee. The term
11 includes the estate or personal representative of an employee.

12 (c) The term "pension fund" means a retirement system or
13 pension fund created under the Illinois Pension Code.

14 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;
15 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

16 Section 2-355. The Personnel Code is amended by changing
17 Section 4c as follows:

18 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

19 Sec. 4c. General exemptions. The following positions in
20 State service shall be exempt from jurisdictions A, B, and C,
21 unless the jurisdictions shall be extended as provided in this
22 Act:

23 (1) All officers elected by the people.

24 (2) All positions under the Lieutenant Governor,

1 Secretary of State, State Treasurer, State Comptroller,
2 State Board of Education, Clerk of the Supreme Court,
3 Attorney General, and State Board of Elections.

4 (3) Judges, and officers and employees of the courts,
5 and notaries public.

6 (4) All officers and employees of the Illinois General
7 Assembly, all employees of legislative commissions, all
8 officers and employees of the Illinois Legislative
9 Reference Bureau and the Legislative Printing Unit.

10 (5) All positions in the Illinois National Guard and
11 Illinois State Guard, paid from federal funds or positions
12 in the State Military Service filled by enlistment and
13 paid from State funds.

14 (6) All employees of the Governor at the executive
15 mansion and on his immediate personal staff.

16 (7) Directors of Departments, the Adjutant General,
17 the Assistant Adjutant General, the Director of the
18 Illinois Emergency Management Agency, members of boards
19 and commissions, and all other positions appointed by the
20 Governor by and with the consent of the Senate.

21 (8) The presidents, other principal administrative
22 officers, and teaching, research and extension faculties
23 of Chicago State University, Eastern Illinois University,
24 Governors State University, Illinois State University,
25 Northeastern Illinois University, Northern Illinois
26 University, Western Illinois University, the Illinois

1 Community College Board, Southern Illinois University,
2 Illinois Board of Higher Education, University of
3 Illinois, State Universities Civil Service System,
4 University Retirement System of Illinois, and the
5 administrative officers and scientific and technical staff
6 of the Illinois State Museum.

7 (9) All other employees except the presidents, other
8 principal administrative officers, and teaching, research
9 and extension faculties of the universities under the
10 jurisdiction of the Board of Regents and the colleges and
11 universities under the jurisdiction of the Board of
12 Governors of State Colleges and Universities, Illinois
13 Community College Board, Southern Illinois University,
14 Illinois Board of Higher Education, Board of Governors of
15 State Colleges and Universities, the Board of Regents,
16 University of Illinois, State Universities Civil Service
17 System, University Retirement System of Illinois, so long
18 as these are subject to the provisions of the State
19 Universities Civil Service Act.

20 (10) The Illinois State Police so long as they are
21 subject to the merit provisions of the Illinois State
22 Police Act. ~~Employees of the Illinois State Police Merit~~
23 ~~Board are subject to the provisions of this Code.~~

24 (11) (Blank).

25 (12) The technical and engineering staffs of the
26 Department of Transportation, the Division of Nuclear

1 Safety at the Illinois Emergency Management Agency, the
2 Pollution Control Board, and the Illinois Commerce
3 Commission, and the technical and engineering staff
4 providing architectural and engineering services in the
5 Department of Central Management Services.

6 (13) All employees of the Illinois State Toll Highway
7 Authority.

8 (14) The Secretary of the Illinois Workers'
9 Compensation Commission.

10 (15) All persons who are appointed or employed by the
11 Director of Insurance under authority of Section 202 of
12 the Illinois Insurance Code to assist the Director of
13 Insurance in discharging his responsibilities relating to
14 the rehabilitation, liquidation, conservation, and
15 dissolution of companies that are subject to the
16 jurisdiction of the Illinois Insurance Code.

17 (16) All employees of the St. Louis Metropolitan Area
18 Airport Authority.

19 (17) All investment officers employed by the Illinois
20 State Board of Investment.

21 (18) Employees of the Illinois Young Adult
22 Conservation Corps program, administered by the Illinois
23 Department of Natural Resources, authorized grantee under
24 Title VIII of the Comprehensive Employment and Training
25 Act of 1973, 29 U.S.C. 993.

26 (19) Seasonal employees of the Department of

1 Agriculture for the operation of the Illinois State Fair
2 and the DuQuoin State Fair, no one person receiving more
3 than 29 days of such employment in any calendar year.

4 (20) All "temporary" employees hired under the
5 Department of Natural Resources' Illinois Conservation
6 Service, a youth employment program that hires young
7 people to work in State parks for a period of one year or
8 less.

9 (21) All hearing officers of the Human Rights
10 Commission.

11 (22) All employees of the Illinois Mathematics and
12 Science Academy.

13 (23) All employees of the Kankakee River Valley Area
14 Airport Authority.

15 (24) The commissioners and employees of the Executive
16 Ethics Commission.

17 (25) The Executive Inspectors General, including
18 special Executive Inspectors General, and employees of
19 each Office of an Executive Inspector General.

20 (26) The commissioners and employees of the
21 Legislative Ethics Commission.

22 (27) The Legislative Inspector General, including
23 special Legislative Inspectors General, and employees of
24 the Office of the Legislative Inspector General.

25 (28) The Auditor General's Inspector General and
26 employees of the Office of the Auditor General's Inspector

1 General.

2 (29) All employees of the Illinois Power Agency.

3 (30) Employees having demonstrable, defined advanced
4 skills in accounting, financial reporting, or technical
5 expertise who are employed within executive branch
6 agencies and whose duties are directly related to the
7 submission to the Office of the Comptroller of financial
8 information for the publication of the annual
9 comprehensive financial report.

10 (31) All employees of the Illinois Sentencing Policy
11 Advisory Council.

12 (Source: P.A. 102-291, eff. 8-6-21; 102-538, eff. 8-20-21;
13 102-783, eff. 5-13-22; 102-813, eff. 5-13-22; 103-108, eff.
14 6-27-23.)

15 Section 2-360. The Department of State Police Law of the
16 Civil Administrative Code of Illinois is amended by changing
17 Section 2605-50 as follows:

18 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

19 Sec. 2605-50. Division of Internal Investigation. The
20 Division of Internal Investigation shall have jurisdiction and
21 initiate internal Illinois State Police investigations and, at
22 the direction of the Governor, investigate complaints and
23 initiate investigations of official misconduct by State
24 officers and all State employees. ~~Notwithstanding any other~~

1 ~~provisions of law, the Division shall serve as the~~
2 ~~investigative body for the Illinois State Police for purposes~~
3 ~~of compliance with the provisions of Sections 12.6 and 12.7 of~~
4 ~~the Illinois State Police Act.~~

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

7 Section 2-365. The State Police Act is amended by changing
8 Sections 3, 6, 8, and 9 as follows:

9 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

10 Sec. 3. The Governor shall appoint, by and with the advice
11 and consent of the Senate, an Illinois State Police Merit
12 Board, hereinafter called the Board, consisting of 5 ~~7~~ members
13 to hold office from the third Monday in March of the year of
14 their respective appointments for a term of 6 years and until
15 their successors are appointed and qualified for a like term.
16 ~~The Governor shall appoint new board members within 30 days~~
17 ~~for the vacancies created under Public Act 101-652. Board~~
18 ~~members shall be appointed to four-year terms. No member shall~~
19 ~~be appointed to more than 2 terms. In making the appointments,~~
20 ~~the Governor shall make a good faith effort to appoint members~~
21 ~~reflecting the geographic, ethnic, and cultural diversity of~~
22 ~~this State. In making the appointments, the Governor should~~
23 ~~also consider appointing: persons with professional~~
24 ~~backgrounds, possessing legal, management, personnel, or labor~~

1 ~~experience; at least one member with at least 10 years of~~
2 ~~experience as a licensed physician or clinical psychologist~~
3 ~~with expertise in mental health; and at least one member~~
4 ~~affiliated with an organization committed to social and~~
5 ~~economic rights and to eliminating discrimination.~~ No more
6 than 3 ~~4~~ members of the Board shall be affiliated with the same
7 political party. If the Senate is not in session at the time
8 initial appointments are made pursuant to this Section, the
9 Governor shall make temporary appointments as in the case of a
10 vacancy. ~~In order to avoid actual conflicts of interest, or~~
11 ~~the appearance of conflicts of interest, no board member shall~~
12 ~~be a retired or former employee of the Illinois State Police.~~
13 ~~When a Board member may have an actual, perceived, or~~
14 ~~potential conflict of interest that could prevent the Board~~
15 ~~member from making a fair and impartial decision on a~~
16 ~~complaint or formal complaint against an Illinois State Police~~
17 ~~officer, the Board member shall recuse himself or herself; or,~~
18 ~~if the Board member fails to recuse himself or herself, then~~
19 ~~the Board may, by a simple majority, vote to recuse the Board~~
20 ~~member.~~

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

23 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

24 Sec. 6. The Board is authorized to employ such clerical
25 and technical staff assistants, not to exceed fifteen, as may

1 be necessary to enable the Board to transact its business and,
2 if the rate of compensation is not otherwise fixed by law, to
3 fix their compensation. ~~In order to avoid actual conflicts of~~
4 ~~interest, or the appearance of conflicts of interest, no~~
5 ~~employee, contractor, clerical or technical staff shall be a~~
6 ~~retired or former employee of the Illinois State Police. All~~
7 ~~employees shall be subject to the Personnel Code.~~

8 (Source: P.A. 101-652, eff. 1-1-22.)

9 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

10 Sec. 8. Board jurisdiction.

11 ~~(a)~~ The Board shall exercise jurisdiction over the
12 certification for appointment and promotion, and over the
13 discipline, removal, demotion, and suspension of Illinois
14 State Police officers. ~~The Board and the Illinois State Police~~
15 ~~should also ensure Illinois State Police cadets and officers~~
16 ~~represent the utmost integrity and professionalism and~~
17 ~~represent the geographic, ethnic, and cultural diversity of~~
18 ~~this State. The Board shall also exercise jurisdiction to~~
19 ~~certify and terminate Illinois State Police officers in~~
20 ~~compliance with certification standards consistent with~~
21 ~~Sections 9, 11.5, and 12.6 of this Act.~~ Pursuant to recognized
22 merit principles of public employment, the Board shall
23 formulate, adopt, and put into effect rules, regulations, and
24 procedures for its operation and the transaction of its
25 business. The Board shall establish a classification of ranks

1 of persons subject to its jurisdiction and shall set standards
2 and qualifications for each rank. Each Illinois State Police
3 officer appointed by the Director shall be classified as a
4 State Police officer as follows: trooper, sergeant, master
5 sergeant, lieutenant, captain, major, or Special Agent.

6 ~~(b) The Board shall publish all standards and~~
7 ~~qualifications for each rank, including Cadet, on its website.~~
8 ~~This shall include, but not be limited to, all physical~~
9 ~~fitness, medical, visual, and hearing standards. The Illinois~~
10 ~~State Police shall cooperate with the Board by providing any~~
11 ~~necessary information to complete this requirement.~~

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

14 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

15 Sec. 9. Appointment; qualifications.

16 (a) Except as otherwise provided in this Section, the
17 appointment of Illinois State Police officers shall be made
18 from those applicants who have been certified by the Board as
19 being qualified for appointment. All persons so appointed
20 shall, at the time of their appointment, be not less than 21
21 years of age, or 20 years of age and have successfully
22 completed an associate's degree or 60 credit hours at an
23 accredited college or university. Any person appointed
24 subsequent to successful completion of an associate's degree
25 or 60 credit hours at an accredited college or university

1 shall not have power of arrest, nor shall he or she be
2 permitted to carry firearms, until he or she reaches 21 years
3 of age. In addition, all persons so certified for appointment
4 shall be of sound mind and body, be of good moral character, be
5 citizens of the United States, have no criminal records,
6 possess such prerequisites of training, education, and
7 experience as the Board may from time to time prescribe so long
8 as persons who have an associate's degree or 60 credit hours at
9 an accredited college or university are not disqualified, and
10 shall be required to pass successfully such mental and
11 physical tests and examinations as may be prescribed by the
12 Board. A person who meets one of the following requirements is
13 deemed to have met the collegiate educational requirements:

14 (i) has been honorably discharged and who has been
15 awarded a Southwest Asia Service Medal, Kuwait Liberation
16 Medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait),
17 Kosovo Campaign Medal, Korean Defense Service Medal,
18 Afghanistan Campaign Medal, Iraq Campaign Medal, Global
19 War on Terrorism Service Medal, Global War on Terrorism
20 Expeditionary Medal, or Inherent Resolve Campaign Medal by
21 the United States Armed Forces;

22 (ii) is an active member of the Illinois National
23 Guard or a reserve component of the United States Armed
24 Forces and who has been awarded a Southwest Asia Service
25 Medal, Kuwait Liberation Medal (Saudi Arabia), Kuwait
26 Liberation Medal (Kuwait), Kosovo Campaign Medal, Korean

1 Defense Service Medal, Afghanistan Campaign Medal, Iraq
2 Campaign Medal, Global War on Terrorism Service Medal,
3 Global War on Terrorism Expeditionary Medal, or Inherent
4 Resolve Campaign Medal as a result of honorable service
5 during deployment on active duty;

6 (iii) has been honorably discharged who served in a
7 combat mission by proof of hostile fire pay or imminent
8 danger pay during deployment on active duty;

9 (iv) has at least 3 years of full active and
10 continuous United States Armed Forces duty, which shall
11 also include a period of active duty with the State of
12 Illinois under Title 10 or Title 32 of the United States
13 Code pursuant to an order of the President or the Governor
14 of the State of Illinois, and received an honorable
15 discharge before hiring; or

16 (v) has successfully completed basic law enforcement
17 training, has at least 3 years of continuous, full-time
18 service as a peace officer with the same police
19 department, and is currently serving as a peace officer
20 when applying.

21 Preference shall be given in such appointments to persons
22 who have honorably served in the United States Armed Forces.
23 All appointees shall serve a probationary period of 12 months
24 from the date of appointment and during that period may be
25 discharged at the will of the Director. However, the Director
26 may in his or her sole discretion extend the probationary

1 period of an officer up to an additional 6 months when to do so
2 is deemed in the best interest of the Illinois State Police.
3 Nothing in this subsection (a) limits the Board's ability to
4 prescribe education prerequisites or requirements to certify
5 Illinois State Police officers for promotion as provided in
6 Section 10 of this Act.

7 (b) Notwithstanding the other provisions of this Act,
8 after July 1, 1977 and before July 1, 1980, the Director of
9 State Police may appoint and promote not more than 20 persons
10 having special qualifications as special agents as he or she
11 deems necessary to carry out the Department's objectives. Any
12 such appointment or promotion shall be ratified by the Board.

13 (c) During the 90 days following March 31, 1995 (the
14 effective date of Public Act 89-9), the Director of State
15 Police may appoint up to 25 persons as State Police officers.
16 These appointments shall be made in accordance with the
17 requirements of this subsection (c) and any additional
18 criteria that may be established by the Director, but are not
19 subject to any other requirements of this Act. The Director
20 may specify the initial rank for each person appointed under
21 this subsection.

22 All appointments under this subsection (c) shall be made
23 from personnel certified by the Board. A person certified by
24 the Board and appointed by the Director under this subsection
25 must have been employed by the Illinois Commerce Commission on
26 November 30, 1994 in a job title subject to the Personnel Code

1 and in a position for which the person was eligible to earn
2 "eligible creditable service" as a "noncovered employee", as
3 those terms are defined in Article 14 of the Illinois Pension
4 Code.

5 Persons appointed under this subsection (c) shall
6 thereafter be subject to the same requirements and procedures
7 as other State police officers. A person appointed under this
8 subsection must serve a probationary period of 12 months from
9 the date of appointment, during which he or she may be
10 discharged at the will of the Director.

11 This subsection (c) does not affect or limit the
12 Director's authority to appoint other State Police officers
13 under subsection (a) of this Section.

14 ~~(d) During the 180 days following January 1, 2022 (the~~
15 ~~effective date of Public Act 101-652), the Director of the~~
16 ~~Illinois State Police may appoint current Illinois State~~
17 ~~Police employees serving in law enforcement officer positions~~
18 ~~previously within Central Management Services as State Police~~
19 ~~officers. These appointments shall be made in accordance with~~
20 ~~the requirements of this subsection (d) and any institutional~~
21 ~~criteria that may be established by the Director, but are not~~
22 ~~subject to any other requirements of this Act. All~~
23 ~~appointments under this subsection (d) shall be made from~~
24 ~~personnel certified by the Board. A person certified by the~~
25 ~~Board and appointed by the Director under this subsection must~~
26 ~~have been employed by a State agency, board, or commission on~~

1 ~~January 1, 2021 in a job title subject to the Personnel Code~~
2 ~~and in a position for which the person was eligible to earn~~
3 ~~"eligible creditable service" as a "noncovered employee", as~~
4 ~~those terms are defined in Article 14 of the Illinois Pension~~
5 ~~Code. Persons appointed under this subsection (d) shall~~
6 ~~thereafter be subject to the same requirements, and subject to~~
7 ~~the same contractual benefits and obligations, as other State~~
8 ~~police officers. This subsection (d) does not affect or limit~~
9 ~~the Director's authority to appoint other State Police~~
10 ~~officers under subsection (a) of this Section.~~

11 ~~(c) The Merit Board shall review Illinois State Police~~
12 ~~Cadet applicants. The Illinois State Police may provide~~
13 ~~background check and investigation material to the Board for~~
14 ~~its review pursuant to this Section. The Board shall approve~~
15 ~~and ensure that no cadet applicant is certified unless the~~
16 ~~applicant is a person of good character and has not been~~
17 ~~convicted of, or entered a plea of guilty to, a felony offense,~~
18 ~~any of the misdemeanors specified in this Section or if~~
19 ~~committed in any other state would be an offense similar to~~
20 ~~Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,~~
21 ~~11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,~~
22 ~~17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in~~
23 ~~violation of any Section of Part E of Title III of the Criminal~~
24 ~~Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of~~
25 ~~the Criminal Code of 1961 or the Criminal Code of 2012, or~~
26 ~~subsection (a) of Section 17-32 of the Criminal Code of 1961 or~~

1 ~~the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis~~
2 ~~Control Act, or any felony or misdemeanor in violation of~~
3 ~~federal law or the law of any state that is the equivalent of~~
4 ~~any of the offenses specified therein. The Officer~~
5 ~~Professional Conduct Database, provided for in Section 9.2 of~~
6 ~~the Illinois Police Training Act, shall be searched as part of~~
7 ~~this process. For purposes of this Section, "convicted of, or~~
8 ~~entered a plea of guilty" regardless of whether the~~
9 ~~adjudication of guilt or sentence is withheld or not entered~~
10 ~~thereon. This includes sentences of supervision, conditional~~
11 ~~discharge, or first offender probation, or any similar~~
12 ~~disposition provided for by law.~~

13 ~~(f) The Board shall by rule establish an application fee~~
14 ~~waiver program for any person who meets one or more of the~~
15 ~~following criteria:~~

16 ~~(1) his or her available personal income is 200% or~~
17 ~~less of the current poverty level; or~~

18 ~~(2) he or she is, in the discretion of the Board,~~
19 ~~unable to proceed in an action with payment of application~~
20 ~~fee and payment of that fee would result in substantial~~
21 ~~hardship to the person or the person's family.~~

22 (Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22;
23 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-312, eff.
24 1-1-24.)

1 (20 ILCS 2610/11.5 rep.)

2 (20 ILCS 2610/11.6 rep.)

3 (20 ILCS 2610/12.6 rep.)

4 (20 ILCS 2610/12.7 rep.)

5 (20 ILCS 2610/40.1 rep.)

6 (20 ILCS 2610/46 rep.)

7 Section 2-370. The State Police Act is amended by
8 repealing Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46.

9 Section 2-375. The Illinois Police Training Act is amended
10 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,
11 10.1, 10.2, 10.3, 10.11, 10.18, 10.19, and 10.20 and by adding
12 Section 10.5-1 as follows:

13 (50 ILCS 705/2) (from Ch. 85, par. 502)

14 Sec. 2. Definitions. As used in this Act, unless the
15 context otherwise requires:

16 "Board" means the Illinois Law Enforcement Training
17 Standards Board.

18 "Local governmental agency" means any local governmental
19 unit or municipal corporation in this State. It does not
20 include the State of Illinois or any office, officer,
21 department, division, bureau, board, commission, or agency of
22 the State, except that it does include a State-controlled
23 university, college or public community college.

24 "Police training school" means any school located within

1 the State of Illinois whether privately or publicly owned
2 which offers a course in police or county corrections training
3 and has been approved by the Board.

4 "Probationary police officer" means a recruit law
5 enforcement officer required to successfully complete initial
6 minimum basic training requirements at a police training
7 school to be eligible for permanent full-time employment as a
8 local law enforcement officer.

9 "Probationary part-time police officer" means a recruit
10 part-time law enforcement officer required to successfully
11 complete initial minimum part-time training requirements to be
12 eligible for employment on a part-time basis as a local law
13 enforcement officer.

14 "Permanent police officer" means a law enforcement officer
15 who has completed his or her probationary period and is
16 permanently employed on a full-time basis as a local law
17 enforcement officer by a participating local governmental unit
18 or as a security officer or campus policeman permanently
19 employed by a participating State-controlled university,
20 college, or public community college.

21 "Part-time police officer" means a law enforcement officer
22 who has completed his or her probationary period and is
23 employed on a part-time basis as a law enforcement officer by a
24 participating unit of local government or as a campus
25 policeman by a participating State-controlled university,
26 college, or public community college.

1 "Law enforcement officer" means (i) any police officer of
2 a local governmental agency who is primarily responsible for
3 prevention or detection of crime and the enforcement of the
4 criminal code, traffic, or highway laws of this State or any
5 political subdivision of this State or (ii) any member of a
6 police force appointed and maintained as provided in Section 2
7 of the Railroad Police Act.

8 "Recruit" means any full-time or part-time law enforcement
9 officer or full-time county corrections officer who is
10 enrolled in an approved training course.

11 "Probationary county corrections officer" means a recruit
12 county corrections officer required to successfully complete
13 initial minimum basic training requirements at a police
14 training school to be eligible for permanent employment on a
15 full-time basis as a county corrections officer.

16 "Permanent county corrections officer" means a county
17 corrections officer who has completed his probationary period
18 and is permanently employed on a full-time basis as a county
19 corrections officer by a participating local governmental
20 unit.

21 "County corrections officer" means any sworn officer of
22 the sheriff who is primarily responsible for the control and
23 custody of offenders, detainees or inmates.

24 "Probationary court security officer" means a recruit
25 court security officer required to successfully complete
26 initial minimum basic training requirements at a designated

1 training school to be eligible for employment as a court
2 security officer.

3 "Permanent court security officer" means a court security
4 officer who has completed his or her probationary period and
5 is employed as a court security officer by a participating
6 local governmental unit.

7 "Court security officer" has the meaning ascribed to it in
8 Section 3-6012.1 of the Counties Code.

9 ~~"Board" means the Illinois Law Enforcement Training~~
10 ~~Standards Board.~~

11 ~~"Full-time law enforcement officer" means a law~~
12 ~~enforcement officer who has completed the officer's~~
13 ~~probationary period and is employed on a full-time basis as a~~
14 ~~law enforcement officer by a local government agency, State~~
15 ~~government agency, or as a campus police officer by a~~
16 ~~university, college, or community college.~~

17 ~~"Law Enforcement agency" means any entity with statutory~~
18 ~~police powers and the ability to employ individuals authorized~~
19 ~~to make arrests. It does not include the Illinois State Police~~
20 ~~as defined in the State Police Act. A law enforcement agency~~
21 ~~may include any university, college, or community college.~~

22 ~~"Local law enforcement agency" means any law enforcement~~
23 ~~unit of government or municipal corporation in this State. It~~
24 ~~does not include the State of Illinois or any office, officer,~~
25 ~~department, division, bureau, board, commission, or agency of~~
26 ~~the State, except that it does include a State controlled~~

1 ~~university, college or public community college.~~

2 ~~"State law enforcement agency" means any law enforcement~~
3 ~~agency of this State. This includes any office, officer,~~
4 ~~department, division, bureau, board, commission, or agency of~~
5 ~~the State. It does not include the Illinois State Police as~~
6 ~~defined in the State Police Act.~~

7 ~~"Panel" means the Certification Review Panel.~~

8 ~~"Basic training school" means any school located within~~
9 ~~the State of Illinois whether privately or publicly owned~~
10 ~~which offers a course in basic law enforcement or county~~
11 ~~corrections training and has been approved by the Board.~~

12 ~~"Probationary police officer" means a recruit law~~
13 ~~enforcement officer required to successfully complete initial~~
14 ~~minimum basic training requirements at a basic training school~~
15 ~~to be eligible for permanent full-time employment as a local~~
16 ~~law enforcement officer.~~

17 ~~"Probationary part time police officer" means a recruit~~
18 ~~part time law enforcement officer required to successfully~~
19 ~~complete initial minimum part time training requirements to be~~
20 ~~eligible for employment on a part-time basis as a local law~~
21 ~~enforcement officer.~~

22 ~~"Permanent law enforcement officer" means a law~~
23 ~~enforcement officer who has completed the officer's~~
24 ~~probationary period and is permanently employed on a full-time~~
25 ~~basis as a local law enforcement officer, as a security~~
26 ~~officer, or campus police officer permanently employed by a~~

1 ~~law enforcement agency.~~

2 ~~"Part-time law enforcement officer" means a law~~
3 ~~enforcement officer who has completed the officer's~~
4 ~~probationary period and is employed on a part-time basis as a~~
5 ~~law enforcement officer or as a campus police officer by a law~~
6 ~~enforcement agency.~~

7 ~~"Law enforcement officer" means (i) any police officer of~~
8 ~~a law enforcement agency who is primarily responsible for~~
9 ~~prevention or detection of crime and the enforcement of the~~
10 ~~criminal code, traffic, or highway laws of this State or any~~
11 ~~political subdivision of this State or (ii) any member of a~~
12 ~~police force appointed and maintained as provided in Section 2~~
13 ~~of the Railroad Police Act.~~

14 ~~"Recruit" means any full-time or part-time law enforcement~~
15 ~~officer or full-time county corrections officer who is~~
16 ~~enrolled in an approved training course.~~

17 ~~"Review Committee" means the committee at the Board for~~
18 ~~certification disciplinary cases in which the Panel, a law~~
19 ~~enforcement officer, or a law enforcement agency may file for~~
20 ~~reconsideration of a decertification decision made by the~~
21 ~~Board.~~

22 ~~"Probationary county corrections officer" means a recruit~~
23 ~~county corrections officer required to successfully complete~~
24 ~~initial minimum basic training requirements at a basic~~
25 ~~training school to be eligible for permanent employment on a~~
26 ~~full-time basis as a county corrections officer.~~

1 ~~"Permanent county corrections officer" means a county~~
2 ~~corrections officer who has completed the officer's~~
3 ~~probationary period and is permanently employed on a full-time~~
4 ~~basis as a county corrections officer by a participating law~~
5 ~~enforcement agency.~~

6 ~~"County corrections officer" means any sworn officer of~~
7 ~~the sheriff who is primarily responsible for the control and~~
8 ~~eustody of offenders, detainees or inmates.~~

9 ~~"Probationary court security officer" means a recruit~~
10 ~~court security officer required to successfully complete~~
11 ~~initial minimum basic training requirements at a designated~~
12 ~~training school to be eligible for employment as a court~~
13 ~~security officer.~~

14 ~~"Permanent court security officer" means a court security~~
15 ~~officer who has completed the officer's probationary period~~
16 ~~and is employed as a court security officer by a participating~~
17 ~~law enforcement agency.~~

18 ~~"Court security officer" has the meaning ascribed to it in~~
19 ~~Section 3-6012.1 of the Counties Code.~~

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

21 (50 ILCS 705/3) (from Ch. 85, par. 503)

22 Sec. 3. Board; composition; appointments; tenure;
23 vacancies.

24 (a) The Board shall be composed of 18 members selected as
25 follows: The Attorney General of the State of Illinois, the

1 Director of the Illinois State Police, the Director of
2 Corrections, the Superintendent of the Chicago Police
3 Department, the Sheriff of Cook County, the Clerk of the
4 Circuit Court of Cook County, ~~who shall serve as ex officio~~
5 ~~members,~~ and the following to be appointed by the Governor: 2
6 mayors or village presidents of Illinois municipalities, 2
7 Illinois county sheriffs from counties other than Cook County,
8 2 managers of Illinois municipalities, 2 chiefs of municipal
9 police departments in Illinois having no Superintendent of the
10 Police Department on the Board, 2 citizens of Illinois who
11 shall be members of an organized enforcement officers'
12 association, one active member of a statewide association
13 representing sheriffs, and one active member of a statewide
14 association representing municipal police chiefs. The
15 appointments of the Governor shall be made on the first Monday
16 of August in 1965 with 3 of the appointments to be for a period
17 of one year, 3 for 2 years, and 3 for 3 years. Their successors
18 shall be appointed in like manner for terms to expire the first
19 Monday of August each 3 years thereafter. All members shall
20 serve until their respective successors are appointed and
21 qualify. Vacancies shall be filled by the Governor for the
22 unexpired terms. ~~Any ex officio member may appoint a designee~~
23 ~~to the Board who shall have the same powers and immunities~~
24 ~~otherwise conferred to the member of the Board, including the~~
25 ~~power to vote and be counted toward quorum, so long as the~~
26 ~~member is not in attendance.~~

1 (a-5) Within the Board is created a Review Committee. The
2 Review Committee shall review disciplinary cases in which the
3 Panel, the law enforcement officer, or the law enforcement
4 agency file for reconsideration of a decertification decision
5 made by the Board. The Review Committee shall be composed of 9
6 annually rotating members from the Board appointed by the
7 Board Chairman. One member of the Review Committee shall be
8 designated by the Board Chairman as the Chair. The Review
9 Committee shall sit in 3 member panels composed of one member
10 representing law enforcement management, one member
11 representing members of law enforcement, and one member who is
12 not a current or former member of law enforcement.

13 ~~(b) When a Board member may have an actual, perceived, or~~
14 ~~potential conflict of interest or appearance of bias that~~
15 ~~could prevent the Board member from making a fair and~~
16 ~~impartial decision regarding decertification:~~

17 ~~(1) The Board member shall recuse himself or herself.~~

18 ~~(2) If the Board member fails to recuse himself or~~
19 ~~herself, then the Board may, by a simple majority of the~~
20 ~~remaining members, vote to recuse the Board member. Board~~
21 ~~members who are found to have voted on a matter in which~~
22 ~~they should have recused themselves may be removed from~~
23 ~~the Board by the Governor.~~

24 ~~A conflict of interest or appearance of bias may include,~~
25 ~~but is not limited to, matters where one of the following is a~~
26 ~~party to a decision on a decertification or formal complaint:~~

1 ~~someone with whom the member has an employment relationship;~~
2 ~~any of the following relatives: spouse, parents, children,~~
3 ~~adopted children, legal wards, stepchildren, step parents,~~
4 ~~step siblings, half siblings, siblings, parents in law,~~
5 ~~siblings in law, children in law, aunts, uncles, nieces, and~~
6 ~~nephews; a friend; or a member of a professional organization,~~
7 ~~association, or a union in which the member now actively~~
8 ~~serves.~~

9 ~~(c) A vacancy in members does not prevent a quorum of the~~
10 ~~remaining sitting members from exercising all rights and~~
11 ~~performing all duties of the Board.~~

12 ~~(d) An individual serving on the Board shall not also~~
13 ~~serve on the Panel.~~

14 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
15 102-694, eff. 1-7-22.)

16 (50 ILCS 705/6) (from Ch. 85, par. 506)

17 Sec. 6. Powers and duties of the Board; selection and
18 certification of schools. The Board shall select and certify
19 schools within the State of Illinois for the purpose of
20 providing basic training for probationary police officers,
21 probationary county corrections officers, and court security
22 officers and of providing advanced or in-service training for
23 permanent police officers or permanent county corrections
24 officers, which schools may be either publicly or privately
25 owned and operated. In addition, the Board has the following

1 power and duties:

2 a. To require local governmental units to furnish such
3 reports and information as the Board deems necessary to
4 fully implement this Act.

5 b. To establish appropriate mandatory minimum
6 standards relating to the training of probationary local
7 police officers or probationary county corrections
8 officers, and in-service training of permanent law
9 enforcement officers.

10 c. To provide appropriate certification to those
11 probationary officers who successfully complete the
12 prescribed minimum standard basic training course.

13 d. To review and approve annual training curriculum
14 for county sheriffs.

15 e. To review and approve applicants to ensure that no
16 applicant is admitted to a certified academy unless the
17 applicant is a person of good character and has not been
18 convicted of, or entered a plea of guilty to, a felony
19 offense, any of the misdemeanors in Sections 11-1.50,
20 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1,
21 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, or
25 subsection (a) of Section 17-32 of the Criminal Code of
26 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of

1 the Cannabis Control Act, or a crime involving moral
2 turpitude under the laws of this State or any other state
3 which if committed in this State would be punishable as a
4 felony or a crime of moral turpitude. The Board may
5 appoint investigators who shall enforce the duties
6 conferred upon the Board by this Act.

7 For purposes of this paragraph e, a person is
8 considered to have been convicted of, found guilty of, or
9 entered a plea of guilty to, plea of nolo contendere to
10 regardless of whether the adjudication of guilt or
11 sentence is withheld or not entered thereon. This includes
12 sentences of supervision, conditional discharge, or first
13 offender probation, or any similar disposition provided
14 for by law.

15 ~~The Board shall select and certify schools within the State of~~
16 ~~Illinois for the purpose of providing basic training for~~
17 ~~probationary law enforcement officers, probationary county~~
18 ~~corrections officers, and court security officers and of~~
19 ~~providing advanced or in service training for permanent law~~
20 ~~enforcement officers or permanent county corrections officers,~~
21 ~~which schools may be either publicly or privately owned and~~
22 ~~operated. In addition, the Board has the following power and~~
23 ~~duties:~~

24 ~~a. To require law enforcement agencies to furnish such~~
25 ~~reports and information as the Board deems necessary to~~
26 ~~fully implement this Act.~~

1 ~~b. To establish appropriate mandatory minimum~~
2 ~~standards relating to the training of probationary local~~
3 ~~law enforcement officers or probationary county~~
4 ~~corrections officers, and in-service training of permanent~~
5 ~~law enforcement officers.~~

6 ~~e. To provide appropriate certification to those~~
7 ~~probationary officers who successfully complete the~~
8 ~~prescribed minimum standard basic training course.~~

9 ~~d. To review and approve annual training curriculum~~
10 ~~for county sheriffs.~~

11 ~~e. To review and approve applicants to ensure that no~~
12 ~~applicant is admitted to a certified academy unless the~~
13 ~~applicant is a person of good character and has not been~~
14 ~~convicted of, found guilty of, entered a plea of guilty~~
15 ~~to, or entered a plea of nolo contendere to a felony~~
16 ~~offense, any of the misdemeanors in Sections 11 1.50,~~
17 ~~11 6, 11 6.5, 11 6.6, 11 9.1, 11 9.1B, 11 14, 11 14.1,~~
18 ~~11 30, 12 2, 12 3.2, 12 3.4, 12 3.5, 16 1, 17 1, 17 2,~~
19 ~~26.5 1, 26.5 2, 26.5 3, 28 3, 29 1, any misdemeanor in~~
20 ~~violation of any Section of Part E of Title III of the~~
21 ~~Criminal Code of 1961 or the Criminal Code of 2012, or~~
22 ~~subsection (a) of Section 17-32 of the Criminal Code of~~
23 ~~1961 or the Criminal Code of 2012, or Section 5 or 5.2 of~~
24 ~~the Cannabis Control Act, or a crime involving moral~~
25 ~~turpitude under the laws of this State or any other state~~
26 ~~which if committed in this State would be punishable as a~~

1 ~~felony or a crime of moral turpitude, or any felony or~~
2 ~~misdemeanor in violation of federal law or the law of any~~
3 ~~state that is the equivalent of any of the offenses~~
4 ~~specified therein. The Board may appoint investigators who~~
5 ~~shall enforce the duties conferred upon the Board by this~~
6 ~~Act.~~

7 ~~For purposes of this paragraph e, a person is~~
8 ~~considered to have been convicted of, found guilty of, or~~
9 ~~entered a plea of guilty to, plea of nolo contendere to~~
10 ~~regardless of whether the adjudication of guilt or~~
11 ~~sentence is withheld or not entered thereon. This includes~~
12 ~~sentences of supervision, conditional discharge, or first~~
13 ~~offender probation, or any similar disposition provided~~
14 ~~for by law.~~

15 ~~f. To establish statewide standards for minimum~~
16 ~~standards regarding regular mental health screenings for~~
17 ~~probationary and permanent police officers, ensuring that~~
18 ~~counseling sessions and screenings remain confidential.~~

19 ~~g. To review and ensure all law enforcement officers~~
20 ~~remain in compliance with this Act, and any administrative~~
21 ~~rules adopted under this Act.~~

22 ~~h. To suspend any certificate for a definite period,~~
23 ~~limit or restrict any certificate, or revoke any~~
24 ~~certificate.~~

25 ~~i. The Board and the Panel shall have power to secure~~
26 ~~by its subpoena and bring before it any person or entity in~~

1 ~~this State and to take testimony either orally or by~~
2 ~~deposition or both with the same fees and mileage and in~~
3 ~~the same manner as prescribed by law in judicial~~
4 ~~proceedings in civil cases in circuit courts of this~~
5 ~~State. The Board and the Panel shall also have the power to~~
6 ~~subpoena the production of documents, papers, files,~~
7 ~~books, documents, and records, whether in physical or~~
8 ~~electronic form, in support of the charges and for~~
9 ~~defense, and in connection with a hearing or~~
10 ~~investigation.~~

11 ~~j. The Executive Director, the administrative law~~
12 ~~judge designated by the Executive Director, and each~~
13 ~~member of the Board and the Panel shall have the power to~~
14 ~~administer oaths to witnesses at any hearing that the~~
15 ~~Board is authorized to conduct under this Act and any~~
16 ~~other oaths required or authorized to be administered by~~
17 ~~the Board under this Act.~~

18 ~~k. In case of the neglect or refusal of any person to~~
19 ~~obey a subpoena issued by the Board and the Panel, any~~
20 ~~circuit court, upon application of the Board and the~~
21 ~~Panel, through the Illinois Attorney General, may order~~
22 ~~such person to appear before the Board and the Panel give~~
23 ~~testimony or produce evidence, and any failure to obey~~
24 ~~such order is punishable by the court as a contempt~~
25 ~~thereof. This order may be served by personal delivery, by~~
26 ~~email, or by mail to the address of record or email address~~

1 ~~of record.~~

2 ~~1. The Board shall have the power to administer state~~
3 ~~certification examinations. Any and all records related to~~
4 ~~these examinations, including, but not limited to, test~~
5 ~~questions, test formats, digital files, answer responses,~~
6 ~~answer keys, and scoring information shall be exempt from~~
7 ~~disclosure.~~

8 ~~m. To make grants, subject to appropriation, to units~~
9 ~~of local government and public institutions of higher~~
10 ~~education for the purposes of hiring and retaining law~~
11 ~~enforcement officers.~~

12 ~~n. To make grants, subject to appropriation, to local~~
13 ~~law enforcement agencies for costs associated with the~~
14 ~~expansion and support of National Integrated Ballistic~~
15 ~~Information Network (NIBIN) and other ballistic technology~~
16 ~~equipment for ballistic testing.~~

17 (Source: P.A. 102-687, eff. 12-17-21; 102-694, eff. 1-7-22;
18 102-1115, eff. 1-9-23; 103-8, eff. 6-7-23.)

19 (50 ILCS 705/6.1)

20 Sec. 6.1. Decertification ~~Automatic decertification~~ of
21 full-time and part-time police ~~law enforcement~~ officers.

22 (a) The Board must review police officer conduct and
23 records to ensure that no police officer is certified or
24 provided a valid waiver if that police officer has been
25 convicted of, or entered a plea of guilty to, a felony offense

1 under the laws of this State or any other state which if
2 committed in this State would be punishable as a felony. The
3 Board must also ensure that no or officer is certified or
4 provided a valid waiver if that police officer has been
5 convicted of, or entered a plea of guilty to, any misdemeanor
6 specified in this Section or if committed in any other state
7 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,
8 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3,
9 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of
10 1961 or the Criminal Code of 2012, to subdivision (a)(1) or
11 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, or subsection (a) of Section 17-32
13 of the Criminal Code of 1961 or the Criminal Code of 2012, or
14 to Section 5 or 5.2 of the Cannabis Control Act. The Board must
15 appoint investigators to enforce the duties conferred upon the
16 Board by this Act.

17 (b) It is the responsibility of the sheriff or the chief
18 executive officer of every local law enforcement agency or
19 department within this State to report to the Board any
20 arrest, conviction, or plea of guilty of any officer for an
21 offense identified in this Section.

22 (c) It is the duty and responsibility of every full-time
23 and part-time police officer in this State to report to the
24 Board within 30 days, and the officer's sheriff or chief
25 executive officer, of his or her arrest, conviction, or plea
26 of guilty for an offense identified in this Section. Any

1 full-time or part-time police officer who knowingly makes,
2 submits, causes to be submitted, or files a false or
3 untruthful report to the Board must have his or her
4 certificate or waiver immediately decertified or revoked.

5 (d) Any person, or a local or State agency, or the Board is
6 immune from liability for submitting, disclosing, or releasing
7 information of arrests, convictions, or pleas of guilty in
8 this Section as long as the information is submitted,
9 disclosed, or released in good faith and without malice. The
10 Board has qualified immunity for the release of the
11 information.

12 (e) Any full-time or part-time police officer with a
13 certificate or waiver issued by the Board who is convicted of,
14 or entered a plea of guilty to, any offense described in this
15 Section immediately becomes decertified or no longer has a
16 valid waiver. The decertification and invalidity of waivers
17 occurs as a matter of law. Failure of a convicted person to
18 report to the Board his or her conviction as described in this
19 Section or any continued law enforcement practice after
20 receiving a conviction is a Class 4 felony.

21 (f) The Board's investigators are peace officers and have
22 all the powers possessed by policemen in cities and by
23 sheriffs, and these investigators may exercise those powers
24 anywhere in the State. An investigator shall not have peace
25 officer status or exercise police powers unless he or she
26 successfully completes the basic police training course

1 mandated and approved by the Board or the Board waives the
2 training requirement by reason of the investigator's prior law
3 enforcement experience, training, or both. The Board shall not
4 waive the training requirement unless the investigator has had
5 a minimum of 5 years experience as a sworn officer of a local,
6 State, or federal law enforcement agency.

7 (g) The Board must request and receive information and
8 assistance from any federal, state, or local governmental
9 agency as part of the authorized criminal background
10 investigation. The Illinois State Police must process, retain,
11 and additionally provide and disseminate information to the
12 Board concerning criminal charges, arrests, convictions, and
13 their disposition, that have been filed against a basic
14 academy applicant, law enforcement applicant, or law
15 enforcement officer whose fingerprint identification cards are
16 on file or maintained by the Illinois State Police. The
17 Federal Bureau of Investigation must provide the Board any
18 criminal history record information contained in its files
19 pertaining to law enforcement officers or any applicant to a
20 Board certified basic law enforcement academy as described in
21 this Act based on fingerprint identification. The Board must
22 make payment of fees to the Illinois State Police for each
23 fingerprint card submission in conformance with the
24 requirements of paragraph 22 of Section 55a of the Civil
25 Administrative Code of Illinois.

26 A police officer who has been certified or granted a valid

1 waiver shall also be decertified or have his or her waiver
2 revoked upon a determination by the Illinois Labor Relations
3 Board State Panel that he or she, while under oath, has
4 knowingly and willfully made false statements as to a material
5 fact going to an element of the offense of murder. If an appeal
6 is filed, the determination shall be stayed.

7 (1) In the case of an acquittal on a charge of murder,
8 a verified complaint may be filed:

9 (A) by the defendant; or

10 (B) by a police officer with personal knowledge of
11 perjured testimony.

12 The complaint must allege that a police officer, while
13 under oath, knowingly and willfully made false statements
14 as to a material fact going to an element of the offense of
15 murder. The verified complaint must be filed with the
16 Executive Director of the Illinois Law Enforcement
17 Training Standards Board within 2 years of the judgment of
18 acquittal.

19 (2) Within 30 days, the Executive Director of the
20 Illinois Law Enforcement Training Standards Board shall
21 review the verified complaint and determine whether the
22 verified complaint is frivolous and without merit, or
23 whether further investigation is warranted. The Illinois
24 Law Enforcement Training Standards Board shall notify the
25 officer and the Executive Director of the Illinois Labor
26 Relations Board State Panel of the filing of the complaint

1 and any action taken thereon. If the Executive Director of
2 the Illinois Law Enforcement Training Standards Board
3 determines that the verified complaint is frivolous and
4 without merit, it shall be dismissed. The Executive
5 Director of the Illinois Law Enforcement Training
6 Standards Board has sole discretion to make this
7 determination and this decision is not subject to appeal.

8 If the Executive Director of the Illinois Law Enforcement
9 Training Standards Board determines that the verified
10 complaint warrants further investigation, he or she shall
11 refer the matter to a task force of investigators created for
12 this purpose. This task force shall consist of 8 sworn police
13 officers: 2 from the Illinois State Police, 2 from the City of
14 Chicago Police Department, 2 from county police departments,
15 and 2 from municipal police departments. These investigators
16 shall have a minimum of 5 years of experience in conducting
17 criminal investigations. The investigators shall be appointed
18 by the Executive Director of the Illinois Law Enforcement
19 Training Standards Board. Any officer or officers acting in
20 this capacity pursuant to this statutory provision will have
21 statewide police authority while acting in this investigative
22 capacity. Their salaries and expenses for the time spent
23 conducting investigations under this paragraph shall be
24 reimbursed by the Illinois Law Enforcement Training Standards
25 Board.

26 Once the Executive Director of the Illinois Law

1 Enforcement Training Standards Board has determined that an
2 investigation is warranted, the verified complaint shall be
3 assigned to an investigator or investigators. The investigator
4 or investigators shall conduct an investigation of the
5 verified complaint and shall write a report of his or her
6 findings. This report shall be submitted to the Executive
7 Director of the Illinois Labor Relations Board State Panel.

8 Within 30 days, the Executive Director of the Illinois
9 Labor Relations Board State Panel shall review the
10 investigative report and determine whether sufficient evidence
11 exists to conduct an evidentiary hearing on the verified
12 complaint. If the Executive Director of the Illinois Labor
13 Relations Board State Panel determines upon his or her review
14 of the investigatory report that a hearing should not be
15 conducted, the complaint shall be dismissed. This decision is
16 in the Executive Director's sole discretion, and this
17 dismissal may not be appealed.

18 If the Executive Director of the Illinois Labor Relations
19 Board State Panel determines that there is sufficient evidence
20 to warrant a hearing, a hearing shall be ordered on the
21 verified complaint, to be conducted by an administrative law
22 judge employed by the Illinois Labor Relations Board State
23 Panel. The Executive Director of the Illinois Labor Relations
24 Board State Panel shall inform the Executive Director of the
25 Illinois Law Enforcement Training Standards Board and the
26 person who filed the complaint of either the dismissal of the

1 complaint or the issuance of the complaint for hearing. The
2 Executive Director shall assign the complaint to the
3 administrative law judge within 30 days of the decision
4 granting a hearing.

5 In the case of a finding of guilt on the offense of murder,
6 if a new trial is granted on direct appeal, or a state
7 post-conviction evidentiary hearing is ordered, based on a
8 claim that a police officer, under oath, knowingly and
9 willfully made false statements as to a material fact going to
10 an element of the offense of murder, the Illinois Labor
11 Relations Board State Panel shall hold a hearing to determine
12 whether the officer should be decertified if an interested
13 party requests such a hearing within 2 years of the court's
14 decision. The complaint shall be assigned to an administrative
15 law judge within 30 days so that a hearing can be scheduled.

16 At the hearing, the accused officer shall be afforded the
17 opportunity to:

18 (1) Be represented by counsel of his or her own
19 choosing;

20 (2) Be heard in his or her own defense;

21 (3) Produce evidence in his or her defense;

22 (4) Request that the Illinois Labor Relations Board
23 State Panel compel the attendance of witnesses and
24 production of related documents including but not limited
25 to court documents and records.

26 Once a case has been set for hearing, the verified

1 complaint shall be referred to the Department of Professional
2 Regulation. That office shall prosecute the verified complaint
3 at the hearing before the administrative law judge. The
4 Department of Professional Regulation shall have the
5 opportunity to produce evidence to support the verified
6 complaint and to request the Illinois Labor Relations Board
7 State Panel to compel the attendance of witnesses and the
8 production of related documents, including, but not limited
9 to, court documents and records. The Illinois Labor Relations
10 Board State Panel shall have the power to issue subpoenas
11 requiring the attendance of and testimony of witnesses and the
12 production of related documents including, but not limited to,
13 court documents and records and shall have the power to
14 administer oaths.

15 The administrative law judge shall have the responsibility
16 of receiving into evidence relevant testimony and documents,
17 including court records, to support or disprove the
18 allegations made by the person filing the verified complaint
19 and, at the close of the case, hear arguments. If the
20 administrative law judge finds that there is not clear and
21 convincing evidence to support the verified complaint that the
22 police officer has, while under oath, knowingly and willfully
23 made false statements as to a material fact going to an element
24 of the offense of murder, the administrative law judge shall
25 make a written recommendation of dismissal to the Illinois
26 Labor Relations Board State Panel. If the administrative law

1 judge finds that there is clear and convincing evidence that
2 the police officer has, while under oath, knowingly and
3 willfully made false statements as to a material fact that
4 goes to an element of the offense of murder, the
5 administrative law judge shall make a written recommendation
6 so concluding to the Illinois Labor Relations Board State
7 Panel. The hearings shall be transcribed. The Executive
8 Director of the Illinois Law Enforcement Training Standards
9 Board shall be informed of the administrative law judge's
10 recommended findings and decision and the Illinois Labor
11 Relations Board State Panel's subsequent review of the
12 recommendation.

13 An officer named in any complaint filed pursuant to this
14 Act shall be indemnified for his or her reasonable attorney's
15 fees and costs by his or her employer. These fees shall be paid
16 in a regular and timely manner. The State, upon application by
17 the public employer, shall reimburse the public employer for
18 the accused officer's reasonable attorney's fees and costs. At
19 no time and under no circumstances will the accused officer be
20 required to pay his or her own reasonable attorney's fees or
21 costs.

22 The accused officer shall not be placed on unpaid status
23 because of the filing or processing of the verified complaint
24 until there is a final non-appealable order sustaining his or
25 her guilt and his or her certification is revoked. Nothing in
26 this Act, however, restricts the public employer from pursuing

1 discipline against the officer in the normal course and under
2 procedures then in place.

3 The Illinois Labor Relations Board State Panel shall
4 review the administrative law judge's recommended decision and
5 order and determine by a majority vote whether or not there was
6 clear and convincing evidence that the accused officer, while
7 under oath, knowingly and willfully made false statements as
8 to a material fact going to the offense of murder. Within 30
9 days of service of the administrative law judge's recommended
10 decision and order, the parties may file exceptions to the
11 recommended decision and order and briefs in support of their
12 exceptions with the Illinois Labor Relations Board State
13 Panel. The parties may file responses to the exceptions and
14 briefs in support of the responses no later than 15 days after
15 the service of the exceptions. If exceptions are filed by any
16 of the parties, the Illinois Labor Relations Board State Panel
17 shall review the matter and make a finding to uphold, vacate,
18 or modify the recommended decision and order. If the Illinois
19 Labor Relations Board State Panel concludes that there is
20 clear and convincing evidence that the accused officer, while
21 under oath, knowingly and willfully made false statements as
22 to a material fact going to an element of the offense murder,
23 the Illinois Labor Relations Board State Panel shall inform
24 the Illinois Law Enforcement Training Standards Board and the
25 Illinois Law Enforcement Training Standards Board shall revoke
26 the accused officer's certification. If the accused officer

1 appeals that determination to the Appellate Court, as provided
2 by this Act, he or she may petition the Appellate Court to stay
3 the revocation of his or her certification pending the court's
4 review of the matter.

5 None of the Illinois Labor Relations Board State Panel's
6 findings or determinations shall set any precedent in any of
7 its decisions decided pursuant to the Illinois Public Labor
8 Relations Act by the Illinois Labor Relations Board State
9 Panel or the courts.

10 A party aggrieved by the final order of the Illinois Labor
11 Relations Board State Panel may apply for and obtain judicial
12 review of an order of the Illinois Labor Relations Board State
13 Panel, in accordance with the provisions of the Administrative
14 Review Law, except that such judicial review shall be afforded
15 directly in the Appellate Court for the district in which the
16 accused officer resides. Any direct appeal to the Appellate
17 Court shall be filed within 35 days from the date that a copy
18 of the decision sought to be reviewed was served upon the party
19 affected by the decision.

20 Interested parties. Only interested parties to the
21 criminal prosecution in which the police officer allegedly,
22 while under oath, knowingly and willfully made false
23 statements as to a material fact going to an element of the
24 offense of murder may file a verified complaint pursuant to
25 this Section. For purposes of this Section, "interested
26 parties" shall be limited to the defendant and any police

1 officer who has personal knowledge that the police officer who
2 is the subject of the complaint has, while under oath,
3 knowingly and willfully made false statements as to a material
4 fact going to an element of the offense of murder.

5 Semi-annual reports. The Executive Director of the
6 Illinois Labor Relations Board shall submit semi-annual
7 reports to the Governor, President, and Minority Leader of the
8 Senate, and to the Speaker and Minority Leader of the House of
9 Representatives beginning on June 30, 2004, indicating:

10 (1) the number of verified complaints received since
11 the date of the last report;

12 (2) the number of investigations initiated since the
13 date of the last report;

14 (3) the number of investigations concluded since the
15 date of the last report;

16 (4) the number of investigations pending as of the
17 reporting date;

18 (5) the number of hearings held since the date of the
19 last report; and

20 (6) the number of officers decertified since the date
21 of the last report.

22 ~~(a) The Board must review law enforcement officer conduct~~
23 ~~and records to ensure that no law enforcement officer is~~
24 ~~certified or provided a valid waiver if that law enforcement~~
25 ~~officer has been convicted of, found guilty of, entered a plea~~
26 ~~of guilty to, or entered a plea of nolo contendere to, a felony~~

1 ~~offense under the laws of this State or any other state which~~
2 ~~if committed in this State would be punishable as a felony. The~~
3 ~~Board must also 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, or entered a~~
6 ~~plea of guilty to, on or after January 1, 2022 (the effective~~
7 ~~date of Public Act 101-652) of any misdemeanor specified in~~
8 ~~this Section or if committed in any other state would be an~~
9 ~~offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,~~
10 ~~11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4,~~
11 ~~12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1,~~
12 ~~any misdemeanor in violation of any Section of Part E of Title~~
13 ~~III of the Criminal Code of 1961 or the Criminal Code of 2012,~~
14 ~~or subsection (a) of Section 17-32 of the Criminal Code of 1961~~
15 ~~or the Criminal Code of 2012, or to Section 5 or 5.2 of the~~
16 ~~Cannabis Control Act, or any felony or misdemeanor in~~
17 ~~violation of federal law or the law of any state that is the~~
18 ~~equivalent of any of the offenses specified therein. The Board~~
19 ~~must appoint investigators to enforce the duties conferred~~
20 ~~upon the Board by this Act.~~

21 ~~(a-1) For purposes of this Section, a person is "convicted~~
22 ~~of, or entered a plea of guilty to, plea of nolo contendere to,~~
23 ~~found guilty of" regardless of whether the adjudication of~~
24 ~~guilt or sentence is withheld or not entered thereon. This~~
25 ~~includes sentences of supervision, conditional discharge, or~~
26 ~~first offender probation, or any similar disposition provided~~

1 ~~for by law.~~

2 ~~(b) It is the responsibility of the sheriff or the chief~~
3 ~~executive officer of every law enforcement agency or~~
4 ~~department within this State to report to the Board any~~
5 ~~arrest, conviction, finding of guilt, plea of guilty, or plea~~
6 ~~of nolo contendere to, of any officer for an offense~~
7 ~~identified in this Section, regardless of whether the~~
8 ~~adjudication of guilt or sentence is withheld or not entered~~
9 ~~thereon, this includes sentences of supervision, conditional~~
10 ~~discharge, or first offender probation.~~

11 ~~(c) It is the duty and responsibility of every full-time~~
12 ~~and part-time law enforcement officer in this State to report~~
13 ~~to the Board within 14 days, and the officer's sheriff or chief~~
14 ~~executive officer, of the officer's arrest, conviction, found~~
15 ~~guilty of, or plea of guilty for an offense identified in this~~
16 ~~Section. Any full time or part time law enforcement officer~~
17 ~~who knowingly makes, submits, causes to be submitted, or files~~
18 ~~a false or untruthful report to the Board must have the~~
19 ~~officer's certificate or waiver immediately decertified or~~
20 ~~revoked.~~

21 ~~(d) Any person, or a local or State agency, or the Board is~~
22 ~~immune from liability for submitting, disclosing, or releasing~~
23 ~~information of arrests, convictions, or pleas of guilty in~~
24 ~~this Section as long as the information is submitted,~~
25 ~~disclosed, or released in good faith and without malice. The~~
26 ~~Board has qualified immunity for the release of the~~

1 ~~information.~~

2 ~~(c) Any full-time or part-time law enforcement officer~~
3 ~~with a certificate or waiver issued by the Board who is~~
4 ~~convicted of, found guilty of, or entered a plea of guilty to,~~
5 ~~or entered a plea of nolo contendere to any offense described~~
6 ~~in this Section immediately becomes decertified or no longer~~
7 ~~has a valid waiver. The decertification and invalidity of~~
8 ~~waivers occurs as a matter of law. Failure of a convicted~~
9 ~~person to report to the Board the officer's conviction as~~
10 ~~described in this Section or any continued law enforcement~~
11 ~~practice after receiving a conviction is a Class 4 felony.~~

12 ~~For purposes of this Section, a person is considered to~~
13 ~~have been "convicted of, found guilty of, or entered a plea of~~
14 ~~guilty to, plea of nolo contendere to" regardless of whether~~
15 ~~the adjudication of guilt or sentence is withheld or not~~
16 ~~entered thereon, including sentences of supervision,~~
17 ~~conditional discharge, first offender probation, or any~~
18 ~~similar disposition as provided for by law.~~

19 ~~(f) The Board's investigators shall be law enforcement~~
20 ~~officers as defined in Section 2 of this Act. The Board shall~~
21 ~~not waive the training requirement unless the investigator has~~
22 ~~had a minimum of 5 years experience as a sworn officer of a~~
23 ~~local, State, or federal law enforcement agency. An~~
24 ~~investigator shall not have been terminated for good cause,~~
25 ~~decertified, had his or her law enforcement license or~~
26 ~~certificate revoked in this or any other jurisdiction, or been~~

1 ~~convicted of any of the conduct listed in subsection (a). Any~~
2 ~~complaint filed against the Board's investigators shall be~~
3 ~~investigated by the Illinois State Police.~~

4 ~~(g) The Board must request and receive information and~~
5 ~~assistance from any federal, state, local, or private~~
6 ~~enforcement agency as part of the authorized criminal~~
7 ~~background investigation. The Illinois State Police must~~
8 ~~process, retain, and additionally provide and disseminate~~
9 ~~information to the Board concerning criminal charges, arrests,~~
10 ~~convictions, and their disposition, that have been filed~~
11 ~~against a basic academy applicant, law enforcement applicant,~~
12 ~~or law enforcement officer whose fingerprint identification~~
13 ~~cards are on file or maintained by the Illinois State Police.~~
14 ~~The Federal Bureau of Investigation must provide the Board any~~
15 ~~criminal history record information contained in its files~~
16 ~~pertaining to law enforcement officers or any applicant to a~~
17 ~~Board certified basic law enforcement academy as described in~~
18 ~~this Act based on fingerprint identification. The Board must~~
19 ~~make payment of fees to the Illinois State Police for each~~
20 ~~fingerprint card submission in conformance with the~~
21 ~~requirements of paragraph 22 of Section 55a of the Civil~~
22 ~~Administrative Code of Illinois.~~

23 ~~(g-5) Notwithstanding any provision of law to the~~
24 ~~contrary, the changes to this Section made by this amendatory~~
25 ~~Act of the 102nd General Assembly and Public Act 101-652 shall~~
26 ~~apply prospectively only from July 1, 2022.~~

1 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
2 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

3 (50 ILCS 705/7)

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

7 a. The curriculum for probationary police ~~law~~
8 ~~enforcement~~ officers which shall be offered by all
9 certified schools shall include, but not be limited to,
10 courses of procedural justice, arrest and use and control
11 tactics, search and seizure, including temporary
12 questioning, civil rights, human rights, human relations,
13 cultural competency, including implicit bias and racial
14 and ethnic sensitivity, criminal law, law of criminal
15 procedure, constitutional and proper use of law
16 enforcement authority, crisis intervention training,
17 vehicle and traffic law including uniform and
18 non-discriminatory enforcement of the Illinois Vehicle
19 Code, traffic control and crash investigation, techniques
20 of obtaining physical evidence, court testimonies,
21 statements, reports, firearms training, training in the
22 use of electronic control devices, including the
23 psychological and physiological effects of the use of
24 those devices on humans, first aid (including
25 cardiopulmonary resuscitation), training in the

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

1 The curriculum shall also include training in effective
2 recognition of and responses to stress, trauma, and
3 post-traumatic stress experienced by police ~~law~~
4 ~~enforcement~~ officers that is consistent with Section 25 of
5 the Illinois Mental Health First Aid Training Act in a
6 peer setting, including recognizing signs and symptoms of
7 work-related cumulative stress, issues that may lead to
8 suicide, and solutions for intervention with peer support
9 resources. The curriculum shall include a block of
10 instruction addressing the mandatory reporting
11 requirements under the Abused and Neglected Child
12 Reporting Act. The curriculum shall also include a block
13 of instruction aimed at identifying and interacting with
14 persons with autism and other developmental or physical
15 disabilities, reducing barriers to reporting crimes
16 against persons with autism, and addressing the unique
17 challenges presented by cases involving victims or
18 witnesses with autism and other developmental
19 disabilities. The curriculum shall include training in the
20 detection and investigation of all forms of human
21 trafficking. The curriculum shall also include instruction
22 in trauma-informed responses designed to ensure the
23 physical safety and well-being of a child of an arrested
24 parent or immediate family member; this instruction must
25 include, but is not limited to: (1) understanding the
26 trauma experienced by the child while maintaining the

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

1 to identify situations in which a firearms restraining
2 order is appropriate.

3 b. Minimum courses of study, attendance requirements
4 and equipment requirements.

5 c. Minimum requirements for instructors.

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

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

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

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

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

18 All individuals hired as court security officers on or
19 after June 1, 1997 (the effective date of Public Act
20 89-685) shall be certified within 12 months of the date of
21 their hire, unless a waiver has been obtained by the
22 Board, or they shall forfeit their positions.

23 The Sheriff's Merit Commission, if one exists, or the
24 Sheriff's Office if there is no Sheriff's Merit
25 Commission, shall maintain a list of all individuals who
26 have filed applications to become court security officers

1 and who meet the eligibility requirements established
2 under this Act. Either the Sheriff's Merit Commission, or
3 the Sheriff's Office if no Sheriff's Merit Commission
4 exists, shall establish a schedule of reasonable intervals
5 for verification of the applicants' qualifications under
6 this Act and as established by the Board.

7 g. Minimum in-service training requirements, which a
8 law enforcement officer must satisfactorily complete every
9 3 years. Those requirements shall include constitutional
10 and proper use of law enforcement authority; procedural
11 justice; civil rights; human rights; mental health
12 awareness and response, officer wellness; reporting child
13 abuse and neglect; autism-informed law enforcement
14 responses, techniques, and procedures; and cultural
15 competency, ~~including implicit bias and racial and ethnic~~
16 ~~sensitivity~~. These trainings shall consist of at least 30
17 hours of training every 3 years.

18 h. Minimum in-service training requirements, which a
19 police law enforcement officer must satisfactorily
20 complete at least annually. Those requirements shall
21 include law updates, and use of force training which shall
22 include scenario based training, or similar training
23 approved by the Board ~~emergency medical response training~~
24 ~~and certification, crisis intervention training, and~~
25 ~~officer wellness and mental health.~~

26 ~~i. Minimum in service training requirements as set~~

1 ~~forth in Section 10.6.~~

2 Notwithstanding any provision of law to the contrary, the
3 changes made to this Section by Public Act 101-652, Public Act
4 102-28, and Public Act 102-694 take effect July 1, 2022.

5 (Source: P.A. 102-28, eff. 6-25-21; 102-345, eff. 6-1-22;
6 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff.
7 7-1-23; 103-154, eff. 6-30-23; 103-949, eff. 1-1-25.)

8 (50 ILCS 705/7.5)

9 Sec. 7.5. Police ~~Law enforcement~~ pursuit guidelines. The
10 Board shall annually review police pursuit procedures and make
11 available suggested police ~~law enforcement~~ pursuit guidelines
12 for law enforcement agencies. This Section does not alter the
13 effect of previously existing law, including the immunities
14 established under the Local Governmental and Governmental
15 Employees Tort Immunity Act.

16 (Source: P.A. 101-652, eff. 1-1-22.)

17 (50 ILCS 705/8) (from Ch. 85, par. 508)

18 Sec. 8. Participation required. All home rule local
19 governmental units shall comply with Sections ~~6.3~~ 8.1~~7~~ and
20 8.2 and any other mandatory provisions of this Act. This Act is
21 a limitation on home rule powers under subsection (i) of
22 Section 6 of Article VII of the Illinois Constitution.

23 (Source: P.A. 101-652, eff. 1-1-22.)

1 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

2 Sec. 8.1. Full-time police ~~law enforcement~~ and county
3 corrections officers.

4 (a) After January 1, 1976, no person shall receive a
5 permanent appointment as a law enforcement officer as defined
6 in this Act nor shall any person receive, after the effective
7 date of this amendatory Act of 1984, a permanent appointment
8 as a county corrections officer unless that person has been
9 awarded, within 6 months of his or her initial full-time
10 employment, a certificate attesting to his or her successful
11 completion of the Minimum Standards Basic Law Enforcement and
12 County Correctional Training Course as prescribed by the
13 Board; or has been awarded a certificate attesting to his or
14 her satisfactory completion of a training program of similar
15 content and number of hours and which course has been found
16 acceptable by the Board under the provisions of this Act; or by
17 reason of extensive prior law enforcement or county
18 corrections experience the basic training requirement is
19 determined by the Board to be illogical and unreasonable.

20 If such training is required and not completed within the
21 applicable 6 months, then the officer must forfeit his or her
22 position, or the employing agency must obtain a waiver from
23 the Board extending the period for compliance. Such waiver
24 shall be issued only for good and justifiable reasons, and in
25 no case shall extend more than 90 days beyond the initial 6
26 months. Any hiring agency that fails to train a law

1 enforcement officer within this period shall be prohibited
2 from employing this individual in a law enforcement capacity
3 for one year from the date training was to be completed. If an
4 agency again fails to train the individual a second time, the
5 agency shall be permanently barred from employing this
6 individual in a law enforcement capacity.

7 (b) No provision of this Section shall be construed to
8 mean that a law enforcement officer employed by a local
9 governmental agency at the time of the effective date of this
10 amendatory Act, either as a probationary police officer or as
11 a permanent police officer, shall require certification under
12 the provisions of this Section. No provision of this Section
13 shall be construed to mean that a county corrections officer
14 employed by a local governmental agency at the time of the
15 effective date of this amendatory Act of 1984, either as a
16 probationary county corrections or as a permanent county
17 corrections officer, shall require certification under the
18 provisions of this Section. No provision of this Section shall
19 be construed to apply to certification of elected county
20 sheriffs.

21 (c) This Section does not apply to part-time police
22 officers or probationary part-time police officers.

23 ~~(a) No person shall receive a permanent appointment as a~~
24 ~~law enforcement officer or a permanent appointment as a county~~
25 ~~corrections officer unless that person has been awarded,~~
26 ~~within 6 months of the officer's initial full time employment,~~

1 ~~a certificate attesting to the officer's successful completion~~
2 ~~of the Minimum Standards Basic Law Enforcement or County~~
3 ~~Correctional Training Course as prescribed by the Board; or~~
4 ~~has been awarded a certificate attesting to the officer's~~
5 ~~satisfactory completion of a training program of similar~~
6 ~~content and number of hours and which course has been found~~
7 ~~acceptable by the Board under the provisions of this Act; or a~~
8 ~~training waiver by reason of prior law enforcement or county~~
9 ~~corrections experience, obtained in Illinois, in any other~~
10 ~~state, or with an agency of the federal government, the basic~~
11 ~~training requirement is determined by the Board to be~~
12 ~~illogical and unreasonable. Agencies seeking a reciprocity~~
13 ~~waiver for training completed outside of Illinois must conduct~~
14 ~~a thorough background check and provide verification of the~~
15 ~~officer's prior training. After review and satisfaction of all~~
16 ~~requested conditions, the officer shall be awarded an~~
17 ~~equivalency certificate satisfying the requirements of this~~
18 ~~Section. Within 60 days after the effective date of this~~
19 ~~amendatory Act of the 103rd General Assembly, the Board shall~~
20 ~~adopt uniform rules providing for a waiver process for a~~
21 ~~person previously employed and qualified as a law enforcement~~
22 ~~or county corrections officer under federal law or the laws of~~
23 ~~any other state, or who has completed a basic law enforcement~~
24 ~~officer or correctional officer academy who would be qualified~~
25 ~~to be employed as a law enforcement officer or correctional~~
26 ~~officer by the federal government or any other state. These~~

1 ~~rules shall address the process for evaluating prior training~~
2 ~~credit, a description and list of the courses typically~~
3 ~~required for reciprocity candidates to complete prior to~~
4 ~~taking the exam, and a procedure for employers seeking a~~
5 ~~pre activation determination for a reciprocity training~~
6 ~~waiver. The rules shall provide that any eligible person~~
7 ~~previously trained as a law enforcement or county corrections~~
8 ~~officer under federal law or the laws of any other state shall~~
9 ~~successfully complete the following prior to the approval of a~~
10 ~~waiver:~~

11 ~~(1) a training program or set of coursework approved~~
12 ~~by the Board on the laws of this State relevant to the~~
13 ~~duties and training requirements of law enforcement and~~
14 ~~county correctional officers;~~

15 ~~(2) firearms training; and~~

16 ~~(3) successful passage of the equivalency~~
17 ~~certification examination.~~

18 ~~If such training is required and not completed within the~~
19 ~~applicable 6 months, then the officer must forfeit the~~
20 ~~officer's position, or the employing agency must obtain a~~
21 ~~waiver from the Board extending the period for compliance.~~
22 ~~Such waiver shall be issued only for good and justifiable~~
23 ~~reasons, and in no case shall extend more than 90 days beyond~~
24 ~~the initial 6 months. Any hiring agency that fails to train a~~
25 ~~law enforcement officer within this period shall be prohibited~~
26 ~~from employing this individual in a law enforcement capacity~~

1 ~~for one year from the date training was to be completed. If an~~
2 ~~agency again fails to train the individual a second time, the~~
3 ~~agency shall be permanently barred from employing this~~
4 ~~individual in a law enforcement capacity.~~

5 ~~An individual who is not certified by the Board or whose~~
6 ~~certified status is inactive shall not function as a law~~
7 ~~enforcement officer, be assigned the duties of a law~~
8 ~~enforcement officer by an employing agency, or be authorized~~
9 ~~to carry firearms under the authority of the employer, except~~
10 ~~as otherwise authorized to carry a firearm under State or~~
11 ~~federal law. Sheriffs who are elected as of January 1, 2022~~
12 ~~(the effective date of Public Act 101-652) are exempt from the~~
13 ~~requirement of certified status. Failure to be certified in~~
14 ~~accordance with this Act shall cause the officer to forfeit~~
15 ~~the officer's position.~~

16 ~~An employing agency may not grant a person status as a law~~
17 ~~enforcement officer unless the person has been granted an~~
18 ~~active law enforcement officer certification by the Board.~~

19 ~~(b) Inactive status. A person who has an inactive law~~
20 ~~enforcement officer certification has no law enforcement~~
21 ~~authority.~~

22 ~~(1) A law enforcement officer's certification becomes~~
23 ~~inactive upon termination, resignation, retirement, or~~
24 ~~separation from the officer's employing law enforcement~~
25 ~~agency for any reason. The Board shall re-activate a~~
26 ~~certification upon written application from the law~~

1 ~~enforcement officer's law enforcement agency that shows~~
2 ~~the law enforcement officer: (i) has accepted a full-time~~
3 ~~law enforcement position with that law enforcement agency,~~
4 ~~(ii) is not the subject of a decertification proceeding,~~
5 ~~and (iii) meets all other criteria for re-activation~~
6 ~~required by the Board. The Board may also establish~~
7 ~~special training requirements to be completed as a~~
8 ~~condition for re-activation.~~

9 ~~The Board shall review a notice for reactivation from~~
10 ~~a law enforcement agency and provide a response within 30~~
11 ~~days. The Board may extend this review. A law enforcement~~
12 ~~officer shall be allowed to be employed as a full-time law~~
13 ~~enforcement officer while the law enforcement officer~~
14 ~~reactivation waiver is under review.~~

15 ~~A law enforcement officer who is refused reactivation~~
16 ~~or an employing agency of a law enforcement officer who is~~
17 ~~refused reactivation under this Section may request a~~
18 ~~hearing in accordance with the hearing procedures as~~
19 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

20 ~~The Board may refuse to re-activate the certification~~
21 ~~of a law enforcement officer who was involuntarily~~
22 ~~terminated for good cause by an employing agency for~~
23 ~~conduct subject to decertification under this Act or~~
24 ~~resigned or retired after receiving notice of a law~~
25 ~~enforcement agency's investigation.~~

26 ~~(2) A law enforcement agency may place an officer who~~

1 ~~is currently certified on inactive status by sending a~~
2 ~~written request to the Board. A law enforcement officer~~
3 ~~whose certificate has been placed on inactive status shall~~
4 ~~not function as a law enforcement officer until the~~
5 ~~officer has completed any requirements for reactivating~~
6 ~~the certificate as required by the Board. A request for~~
7 ~~inactive status in this subsection shall be in writing,~~
8 ~~accompanied by verifying documentation, and shall be~~
9 ~~submitted to the Board with a copy to the chief~~
10 ~~administrator of the law enforcement officer's current or~~
11 ~~new employing agency.~~

12 ~~(3) Certification that has become inactive under~~
13 ~~paragraph (2) of this subsection (b) shall be reactivated~~
14 ~~by written notice from the law enforcement officer's~~
15 ~~agency upon a showing that the law enforcement officer:~~
16 ~~(i) is employed in a full time law enforcement position~~
17 ~~with the same law enforcement agency, (ii) is not the~~
18 ~~subject of a decertification proceeding, and (iii) meets~~
19 ~~all other criteria for re activation required by the~~
20 ~~Board.~~

21 ~~(4) Notwithstanding paragraph (3) of this subsection~~
22 ~~(b), a law enforcement officer whose certification has~~
23 ~~become inactive under paragraph (2) may have the officer's~~
24 ~~employing agency submit a request for a waiver of training~~
25 ~~requirements to the Board in writing and accompanied by~~
26 ~~any verifying documentation. A grant of a waiver is within~~

1 ~~the discretion of the Board. Within 7 days of receiving a~~
2 ~~request for a waiver under this Section, the Board shall~~
3 ~~notify the law enforcement officer and the chief~~
4 ~~administrator of the law enforcement officer's employing~~
5 ~~agency, whether the request has been granted, denied, or~~
6 ~~if the Board will take additional time for information. A~~
7 ~~law enforcement agency whose request for a waiver under~~
8 ~~this subsection is denied is entitled to request a review~~
9 ~~of the denial by the Board. The law enforcement agency~~
10 ~~must request a review within 20 days of the waiver being~~
11 ~~denied. The burden of proof shall be on the law~~
12 ~~enforcement agency to show why the law enforcement officer~~
13 ~~is entitled to a waiver of the legislatively required~~
14 ~~training and eligibility requirements.~~

15 ~~(c) No provision of this Section shall be construed to~~
16 ~~mean that a county corrections officer employed by a~~
17 ~~governmental agency at the time of the effective date of this~~
18 ~~amendatory Act, either as a probationary county corrections~~
19 ~~officer or as a permanent county corrections officer, shall~~
20 ~~require certification under the provisions of this Section. No~~
21 ~~provision of this Section shall be construed to apply to~~
22 ~~certification of elected county sheriffs.~~

23 ~~(d) Within 14 days, a law enforcement officer shall report~~
24 ~~to the Board: (1) any name change; (2) any change in~~
25 ~~employment; or (3) the filing of any criminal indictment or~~
26 ~~charges against the officer alleging that the officer~~

1 ~~committed any offense as enumerated in Section 6.1 of this~~
2 ~~Act.~~

3 ~~(c) All law enforcement officers must report the~~
4 ~~completion of the training requirements required in this Act~~
5 ~~in compliance with Section 8.4 of this Act.~~

6 ~~(c-1) Each employing law enforcement agency shall allow~~
7 ~~and provide an opportunity for a law enforcement officer to~~
8 ~~complete the mandated requirements in this Act. All mandated~~
9 ~~training shall be provided at no cost to the employees.~~
10 ~~Employees shall be paid for all time spent attending mandated~~
11 ~~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) This Section does not apply to part-time law~~
22 ~~enforcement officers or probationary part-time law enforcement~~
23 ~~officers.~~

24 ~~(g) Notwithstanding any provision of law to the contrary,~~
25 ~~the changes made to this Section by Public Act 101-652, Public~~
26 ~~Act 102-28, and Public Act 102-694 take effect July 1, 2022.~~

1 (Source: P.A. 102-28, eff. 6-25-21; 102-694, eff. 1-7-22;
2 103-154, eff. 6-30-23; 103-389, eff. 1-1-24.)

3 (50 ILCS 705/8.2)

4 Sec. 8.2. Part-time police ~~law enforcement~~ officers.

5 (a) A person hired to serve as a part-time police officer
6 must obtain from the Board a certificate (i) attesting to his
7 or her successful completion of the part-time police training
8 course; (ii) attesting to his or her satisfactory completion
9 of a training program of similar content and number of hours
10 that has been found acceptable by the Board under the
11 provisions of this Act; or (iii) attesting to the Board's
12 determination that the part-time police training course is
13 unnecessary because of the person's extensive prior law
14 enforcement experience. A person hired on or after March 14,
15 2002 (the effective date of Public Act 92-533) must obtain
16 this certificate within 18 months after the initial date of
17 hire as a probationary part-time police officer in the State
18 of Illinois. The probationary part-time police officer must be
19 enrolled and accepted into a Board-approved course within 6
20 months after active employment by any department in the State.
21 A person hired on or after January 1, 1996 and before March 14,
22 2002 (the effective date of Public Act 92-533) must obtain
23 this certificate within 18 months after the date of hire. A
24 person hired before January 1, 1996 must obtain this
25 certificate within 24 months after January 1, 1996 (the

1 effective date of Public Act 89-170).

2 The employing agency may seek a waiver from the Board
3 extending the period for compliance. A waiver shall be issued
4 only for good and justifiable reasons, and the probationary
5 part-time police officer may not practice as a part-time
6 police officer during the waiver period. If training is
7 required and not completed within the applicable time period,
8 as extended by any waiver that may be granted, then the officer
9 must forfeit his or her position.

10 (b) The part-time police training course referred to in
11 this Section shall be of similar content and the same number of
12 hours as the courses for full-time officers and shall be
13 provided by Mobile Team In-Service Training Units under the
14 Intergovernmental Law Enforcement Officer's In-Service
15 Training Act or by another approved program or facility in a
16 manner prescribed by the Board.

17 (c) For the purposes of this Section, the Board shall
18 adopt rules defining what constitutes employment on a
19 part-time basis.

20 ~~(a) A person hired to serve as a part-time law enforcement~~
21 ~~officer must obtain from the Board a certificate (i) attesting~~
22 ~~to the officer's successful completion of the part-time police~~
23 ~~training course; (ii) attesting to the officer's satisfactory~~
24 ~~completion of a training program of similar content and number~~
25 ~~of hours that has been found acceptable by the Board under the~~
26 ~~provisions of this Act; or (iii) a training waiver attesting~~

1 ~~to the Board's determination that the part-time police~~
2 ~~training course is unnecessary because of the person's prior~~
3 ~~law enforcement experience obtained in Illinois, in any other~~
4 ~~state, or with an agency of the federal government. A person~~
5 ~~hired on or after the effective date of this amendatory Act of~~
6 ~~the 92nd General Assembly must obtain this certificate within~~
7 ~~18 months after the initial date of hire as a probationary~~
8 ~~part-time law enforcement officer in the State of Illinois.~~
9 ~~The probationary part-time law enforcement officer must be~~
10 ~~enrolled and accepted into a Board approved course within 6~~
11 ~~months after active employment by any department in the State.~~
12 ~~A person hired on or after January 1, 1996 and before the~~
13 ~~effective date of this amendatory Act of the 92nd General~~
14 ~~Assembly must obtain this certificate within 18 months after~~
15 ~~the date of hire. A person hired before January 1, 1996 must~~
16 ~~obtain this certificate within 24 months after the effective~~
17 ~~date of this amendatory Act of 1995. Agencies seeking a~~
18 ~~reciprocity waiver for training completed outside of Illinois~~
19 ~~must conduct a thorough background check and provide~~
20 ~~verification of the officer's prior training. After review and~~
21 ~~satisfaction of all requested conditions, the officer shall be~~
22 ~~awarded an equivalency certificate satisfying the requirements~~
23 ~~of this Section. Within 60 days after the effective date of~~
24 ~~this amendatory Act of the 103rd General Assembly, the Board~~
25 ~~shall adopt uniform rules providing for a waiver process for a~~
26 ~~person previously employed and qualified as a law enforcement~~

1 ~~or county corrections officer under federal law or the laws of~~
2 ~~any other state, or who has completed a basic law enforcement~~
3 ~~officer or correctional officer academy who would be qualified~~
4 ~~to be employed as a law enforcement officer or correctional~~
5 ~~officer by the federal government or any other state. These~~
6 ~~rules shall address the process for evaluating prior training~~
7 ~~credit, a description and list of the courses typically~~
8 ~~required for reciprocity candidates to complete prior to~~
9 ~~taking the exam, and a procedure for employers seeking a~~
10 ~~pre activation determination for a reciprocity training~~
11 ~~waiver. The rules shall provide that any eligible person~~
12 ~~previously trained as a law enforcement or county corrections~~
13 ~~officer under federal law or the laws of any other state shall~~
14 ~~successfully complete the following prior to the approval of a~~
15 ~~waiver:~~

16 ~~(1) a training program or set of coursework approved~~
17 ~~by the Board on the laws of this State relevant to the~~
18 ~~duties and training requirements of law enforcement and~~
19 ~~county correctional officers;~~

20 ~~(2) firearms training; and~~

21 ~~(3) successful passage of the equivalency~~
22 ~~certification examination.~~

23 ~~The employing agency may seek an extension waiver from the~~
24 ~~Board extending the period for compliance. An extension waiver~~
25 ~~shall be issued only for good and justifiable reasons, and the~~
26 ~~probationary part time law enforcement officer may not~~

~~practice as a part time law enforcement officer during the extension waiver period. If training is required and not completed within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit the officer's position.~~

~~An individual who is not certified by the Board or whose certified status is inactive shall not function as a law enforcement officer, be assigned the duties of a law enforcement officer by an agency, or be authorized to carry firearms under the authority of the employer, except that sheriffs who are elected are exempt from the requirement of certified status. Failure to be in accordance with this Act shall cause the officer to forfeit the officer's position.~~

~~(a-5) A part time probationary law enforcement officer shall be allowed to complete six months of a part time police training course and function as a law enforcement officer as permitted by this subsection with a waiver from the Board, provided the part time law enforcement officer is still enrolled in the training course. If the part time probationary law enforcement officer withdraws from the course for any reason or does not complete the course within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit the officer's position. A probationary law enforcement officer must function under the following rules:~~

~~(1) A law enforcement agency may not grant a person~~

1 ~~status as a law enforcement officer unless the person has~~
2 ~~been granted an active law enforcement officer~~
3 ~~certification by the Board.~~

4 ~~(2) A part time probationary law enforcement officer~~
5 ~~shall not be used as a permanent replacement for a~~
6 ~~full time law enforcement.~~

7 ~~(3) A part time probationary law enforcement officer~~
8 ~~shall be directly supervised at all times by a Board~~
9 ~~certified law enforcement officer. Direct supervision~~
10 ~~requires oversight and control with the supervisor having~~
11 ~~final decision making authority as to the actions of the~~
12 ~~recruit during duty hours.~~

13 ~~(b) Inactive status. A person who has an inactive law~~
14 ~~enforcement officer certification has no law enforcement~~
15 ~~authority.~~

16 ~~(1) A law enforcement officer's certification becomes~~
17 ~~inactive upon termination, resignation, retirement, or~~
18 ~~separation from the employing agency for any reason. The~~
19 ~~Board shall re activate a certification upon written~~
20 ~~application from the law enforcement officer's employing~~
21 ~~agency that shows the law enforcement officer: (i) has~~
22 ~~accepted a part time law enforcement position with that a~~
23 ~~law enforcement agency, (ii) is not the subject of a~~
24 ~~decertification proceeding, and (iii) meets all other~~
25 ~~criteria for re-activation required by the Board.~~

26 ~~The Board may refuse to re activate the certification~~

1 ~~of a law enforcement officer who was involuntarily~~
2 ~~terminated for good cause by the officer's employing~~
3 ~~agency for conduct subject to decertification under this~~
4 ~~Act or resigned or retired after receiving notice of a law~~
5 ~~enforcement agency's investigation.~~

6 ~~(2) A law enforcement agency may place an officer who~~
7 ~~is currently certified on inactive status by sending a~~
8 ~~written request to the Board. A law enforcement officer~~
9 ~~whose certificate has been placed on inactive status shall~~
10 ~~not function as a law enforcement officer until the~~
11 ~~officer has completed any requirements for reactivating~~
12 ~~the certificate as required by the Board. A request for~~
13 ~~inactive status in this subsection shall be in writing,~~
14 ~~accompanied by verifying documentation, and shall be~~
15 ~~submitted to the Board by the law enforcement officer's~~
16 ~~employing agency.~~

17 ~~(3) Certification that has become inactive under~~
18 ~~paragraph (2) of this subsection (b), shall be reactivated~~
19 ~~by written notice from the law enforcement officer's law~~
20 ~~enforcement agency upon a showing that the law enforcement~~
21 ~~officer is: (i) employed in a part-time law enforcement~~
22 ~~position with the same law enforcement agency, (ii) not~~
23 ~~the subject of a decertification proceeding, and (iii)~~
24 ~~meets all other criteria for re-activation required by the~~
25 ~~Board. The Board may also establish special training~~
26 ~~requirements to be completed as a condition for~~

1 ~~re-activation.~~

2 ~~The Board shall review a notice for reactivation from~~
3 ~~a law enforcement agency and provide a response within 30~~
4 ~~days. The Board may extend this review. A law enforcement~~
5 ~~officer shall be allowed to be employed as a part time law~~
6 ~~enforcement officer while the law enforcement officer~~
7 ~~reactivation waiver is under review.~~

8 ~~A law enforcement officer who is refused reactivation~~
9 ~~or an employing agency of a law enforcement officer who is~~
10 ~~refused reactivation under this Section may request a~~
11 ~~hearing in accordance with the hearing procedures as~~
12 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

13 ~~(4) Notwithstanding paragraph (3) of this Section, a~~
14 ~~law enforcement officer whose certification has become~~
15 ~~inactive under paragraph (2) may have the officer's~~
16 ~~employing agency submit a request for a waiver of training~~
17 ~~requirements to the Board in writing and accompanied by~~
18 ~~any verifying documentation. A grant of a waiver is within~~
19 ~~the discretion of the Board. Within 7 days of receiving a~~
20 ~~request for a waiver under this section, the Board shall~~
21 ~~notify the law enforcement officer and the chief~~
22 ~~administrator of the law enforcement officer's employing~~
23 ~~agency, whether the request has been granted, denied, or~~
24 ~~if the Board will take additional time for information. A~~
25 ~~law enforcement agency or law enforcement officer, whose~~
26 ~~request for a waiver under this subsection is denied, is~~

1 ~~entitled to request a review of the denial by the Board.~~
2 ~~The law enforcement agency must request a review within 20~~
3 ~~days after the waiver being denied. The burden of proof~~
4 ~~shall be on the law enforcement agency to show why the law~~
5 ~~enforcement officer is entitled to a waiver of the~~
6 ~~legislatively required training and eligibility~~
7 ~~requirements.~~

8 ~~(c) The part time police training course referred to in~~
9 ~~this Section shall be of similar content and the same number of~~
10 ~~hours as the courses for full time officers and shall be~~
11 ~~provided by Mobile Team In-Service Training Units under the~~
12 ~~Intergovernmental Law Enforcement Officer's In-Service~~
13 ~~Training Act or by another approved program or facility in a~~
14 ~~manner prescribed by the Board.~~

15 ~~(d) Within 14 days, a law enforcement officer shall report~~
16 ~~to the Board: (1) any name change; (2) any change in~~
17 ~~employment; or (3) the filing of any criminal indictment or~~
18 ~~charges against the officer alleging that the officer~~
19 ~~committed any offense as enumerated in Section 6.1 of this~~
20 ~~Act.~~

21 ~~(e) All law enforcement officers must report the~~
22 ~~completion of the training requirements required in this Act~~
23 ~~in compliance with Section 8.4 of this Act.~~

24 ~~(e-1) Each employing agency shall allow and provide an~~
25 ~~opportunity for a law enforcement officer to complete the~~
26 ~~requirements in this Act. All mandated training shall be~~

1 ~~provided for at no cost to the employees. Employees shall be~~
2 ~~paid for all time spent attending mandated training.~~

3 ~~(e-2) Each agency, academy, or training provider shall~~
4 ~~maintain proof of a law enforcement officer's completion of~~
5 ~~legislatively required training in a format designated by the~~
6 ~~Board. The report of training shall be submitted to the Board~~
7 ~~within 30 days following completion of the training. A copy of~~
8 ~~the report shall be submitted to the law enforcement officer.~~
9 ~~Upon receipt of a properly completed report of training, the~~
10 ~~Board will make the appropriate entry into the training~~
11 ~~records of the law enforcement officer.~~

12 ~~(f) For the purposes of this Section, the Board shall~~
13 ~~adopt rules defining what constitutes employment on a~~
14 ~~part-time basis.~~

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

19 (Source: P.A. 102-694, eff. 1-7-22; 103-389, eff. 1-1-24;
20 revised 7-29-24.)

21 (50 ILCS 705/9) (from Ch. 85, par. 509)

22 Sec. 9. A special fund is hereby established in the State
23 Treasury to be known as the Traffic and Criminal Conviction
24 Surcharge Fund. Moneys in this Fund shall be expended as
25 follows:

1 (1) a portion of the total amount deposited in the
2 Fund may be used, as appropriated by the General Assembly,
3 for the ordinary and contingent expenses of the Illinois
4 Law Enforcement Training Standards Board;

5 (2) a portion of the total amount deposited in the
6 Fund shall be appropriated for the reimbursement of local
7 governmental agencies participating in training programs
8 certified by the Board, in an amount equaling 1/2 of the
9 total sum paid by such agencies during the State's
10 previous fiscal year for mandated training for
11 probationary police ~~law enforcement~~ officers or
12 probationary county corrections officers and for optional
13 advanced and specialized law enforcement or county
14 corrections training; these reimbursements may include the
15 costs for tuition at training schools, the salaries of
16 trainees while in schools, and the necessary travel and
17 room and board expenses for each trainee; if the
18 appropriations under this paragraph (2) are not sufficient
19 to fully reimburse the participating local governmental
20 agencies, the available funds shall be apportioned among
21 such agencies, with priority first given to repayment of
22 the costs of mandatory training given to law enforcement
23 officer or county corrections officer recruits, then to
24 repayment of costs of advanced or specialized training for
25 permanent police ~~law enforcement~~ officers or permanent
26 county corrections officers;

1 (3) a portion of the total amount deposited in the
2 Fund may be used to fund the Intergovernmental Law
3 Enforcement Officer's In-Service Training Act, veto
4 overridden October 29, 1981, as now or hereafter amended,
5 at a rate and method to be determined by the board;

6 (4) a portion of the Fund also may be used by the
7 Illinois State Police for expenses incurred in the
8 training of employees from any State, county, or municipal
9 agency whose function includes enforcement of criminal or
10 traffic law;

11 (5) a portion of the Fund may be used by the Board to
12 fund grant-in-aid programs and services for the training
13 of employees from any county or municipal agency whose
14 functions include corrections or the enforcement of
15 criminal or traffic law;

16 (6) for fiscal years 2013 through 2017 only, a portion
17 of the Fund also may be used by the Department of State
18 Police to finance any of its lawful purposes or functions;

19 (7) a portion of the Fund may be used by the Board,
20 subject to appropriation, to administer grants to local
21 law enforcement agencies for the purpose of purchasing
22 bulletproof vests under the Law Enforcement Officer
23 Bulletproof Vest Act; and

24 (8) a portion of the Fund may be used by the Board to
25 create a law enforcement grant program available for units
26 of local government to fund crime prevention programs,

1 training, and interdiction efforts, including enforcement
2 and prevention efforts, relating to the illegal cannabis
3 market and driving under the influence of cannabis.

4 All payments from the Traffic and Criminal Conviction
5 Surcharge Fund shall be made each year from moneys
6 appropriated for the purposes specified in this Section. No
7 more than 50% of any appropriation under this Act shall be
8 spent in any city having a population of more than 500,000. The
9 State Comptroller and the State Treasurer shall from time to
10 time, at the direction of the Governor, transfer from the
11 Traffic and Criminal Conviction Surcharge Fund to the General
12 Revenue Fund in the State Treasury such amounts as the
13 Governor determines are in excess of the amounts required to
14 meet the obligations of the Traffic and Criminal Conviction
15 Surcharge Fund.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;
17 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

18 (50 ILCS 705/10) (from Ch. 85, par. 510)

19 Sec. 10. The Board may make, amend and rescind such rules
20 and regulations as may be necessary to carry out the
21 provisions of this Act, including those relating to the annual
22 certification of retired law enforcement officers qualified
23 under federal law to carry a concealed weapon. A copy of all
24 rules and regulations and amendments or rescissions thereof
25 shall be filed with the Secretary of State within a reasonable

1 time after their adoption. The schools certified by the Board
2 and participating in the training program may dismiss from the
3 school any trainee prior to the officer's completion of the
4 course, if in the opinion of the person in charge of the
5 training school, the trainee is unable or unwilling to
6 satisfactorily complete the prescribed course of training.

7 ~~The Board shall adopt emergency rules to administer this~~
8 ~~Act in accordance with Section 5-45 of the Illinois~~
9 ~~Administrative Procedure Act. For the purposes of the Illinois~~
10 ~~Administrative Procedure Act, the General Assembly finds that~~
11 ~~the adoption of rules to implement this Act is deemed an~~
12 ~~emergency and necessary to the public interest, safety, and~~
13 ~~welfare.~~

14 (Source: P.A. 101-652, eff. 1-1-22.)

15 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

16 Sec. 10.1. Additional training programs. The Board shall
17 initiate, administer, and conduct training programs for
18 permanent police ~~law enforcement~~ officers and permanent county
19 corrections officers in addition to the basic recruit training
20 program. The Board may initiate, administer, and conduct
21 training programs for part-time police ~~law enforcement~~
22 officers in addition to the basic part-time police ~~law~~
23 ~~enforcement~~ training course. The training for permanent and
24 part-time police ~~law enforcement~~ officers and permanent county
25 corrections officers may be given in any schools selected by

1 the Board. Such training may include all or any part of the
2 subjects enumerated in Sections 7 and 7.4 of this Act.

3 The corporate authorities of all participating local
4 governmental agencies may elect to participate in the advanced
5 training for permanent and part-time police ~~law enforcement~~
6 officers and permanent county corrections officers but
7 nonparticipation in this program shall not in any way affect
8 the mandatory responsibility of governmental units to
9 participate in the basic recruit training programs for
10 probationary full-time and part-time police ~~law enforcement~~
11 and permanent county corrections officers. The failure of any
12 permanent or part-time police ~~law enforcement~~ officer or
13 permanent county corrections officer to successfully complete
14 any course authorized under this Section shall not affect the
15 officer's status as a member of the police department or
16 county sheriff's office of any local governmental agency.

17 The Board may initiate, administer, and conduct training
18 programs for clerks of circuit courts. Those training
19 programs, at the Board's discretion, may be the same or
20 variations of training programs for law enforcement officers.

21 The Board shall initiate, administer, and conduct a
22 training program regarding the set up and operation of
23 portable scales for all municipal and county police officers,
24 technicians, and employees who set up and operate portable
25 scales. This training program must include classroom and field
26 training.

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

2 (50 ILCS 705/10.2)

3 Sec. 10.2. Criminal background investigations.

4 (a) On and after March 14, 2002 (the effective date of
5 Public Act 92-533), an applicant for employment as a peace
6 officer, or for annual certification as a retired law
7 enforcement officer qualified under federal law to carry a
8 concealed weapon, shall authorize an investigation to
9 determine if the applicant has been convicted of, or entered a
10 plea of guilty to, any criminal offense that disqualifies the
11 person as a peace officer.

12 (b) No law enforcement agency may knowingly employ a
13 person, or certify a retired law enforcement officer qualified
14 under federal law to carry a concealed weapon, unless (i) a
15 criminal background investigation of that person has been
16 completed and (ii) that investigation reveals no convictions
17 ~~of~~ or pleas of guilty ~~to~~ of offenses specified in subsection
18 (a) of Section 6.1 of this Act.

19 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
20 102-558, eff. 8-20-21; 102-694, eff. 1-7-22.)

21 (50 ILCS 705/10.3)

22 Sec. 10.3. Training of police ~~law enforcement~~ officers to
23 conduct electronic interrogations.

24 (a) From appropriations made to it for that purpose, the

1 Board shall initiate, administer, and conduct training
2 programs for permanent police ~~law enforcement~~ officers,
3 part-time police ~~law enforcement~~ officers, and recruits on the
4 methods and technical aspects of conducting electronic
5 recordings of interrogations.

6 (b) Subject to appropriation, the Board shall develop
7 technical guidelines for the mandated recording of custodial
8 interrogations in all homicide investigations by law
9 enforcement agencies. These guidelines shall be developed in
10 conjunction with law enforcement agencies and technology
11 accreditation groups to provide guidance for law enforcement
12 agencies in implementing the mandated recording of custodial
13 interrogations in all homicide investigations.

14 (Source: P.A. 101-652, eff. 1-1-22.)

15 (50 ILCS 705/10.5-1 new)

16 Sec. 10.5-1. Conservators of the Peace training course.
17 The Board shall initiate, administer, and conduct a training
18 course for conservators of the peace. The training course may
19 include all or any part of the subjects enumerated in Section
20 7. The Board shall issue a certificate to those persons
21 successfully completing the course. For the purposes of this
22 Section, "conservators of the peace" means those persons
23 designated under Section 3.1-15-25 of the Illinois Municipal
24 Code and Section 4-7 of the Park District Code.

1 (50 ILCS 705/10.11)

2 Sec. 10.11. Training; death and homicide investigation.

3 The Illinois Law Enforcement Training Standards Board shall
4 conduct or approve a training program in death and homicide
5 investigation for the training of law enforcement officers of
6 local law enforcement agencies. Only law enforcement officers
7 who successfully complete the training program may be assigned
8 as lead investigators in death and homicide investigations.
9 Satisfactory completion of the training program shall be
10 evidenced by a certificate issued to the law enforcement
11 officer by the Illinois Law Enforcement Training Standards
12 Board.

13 The Illinois Law Enforcement Training Standards Board
14 shall develop a process for waiver applications sent by a
15 local law enforcement ~~governmental~~ agency administrator for
16 those officers whose prior training and experience as homicide
17 investigators may qualify them for a waiver. The Board may
18 issue a waiver at its discretion, based solely on the prior
19 training and experience of an officer as a homicide
20 investigator. This Section does not affect or impede the
21 powers of the office of the coroner to investigate all deaths
22 as provided in Division 3-3 of the Counties Code and the
23 Coroner Training Board Act.

24 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21;
25 102-694, eff. 1-7-22.)

1 (50 ILCS 705/10.18)

2 Sec. 10.18. Training; administration of opioid
3 antagonists. The Board shall conduct or approve an in-service
4 training program for police ~~law enforcement~~ officers in the
5 administration of opioid antagonists as defined in paragraph
6 (1) of subsection (e) of Section 5-23 of the Substance Use
7 Disorder Act that is in accordance with that Section. As used
8 in this Section, the term "police ~~law enforcement~~ officers"
9 includes full-time or part-time probationary police ~~law~~
10 ~~enforcement~~ officers, permanent or part-time police ~~law~~
11 ~~enforcement~~ officers, recruits, permanent or probationary
12 county corrections officers, permanent or probationary county
13 security officers, and court security officers. The term does
14 not include auxiliary police officers as defined in Section
15 3.1-30-20 of the Illinois Municipal Code.

16 (Source: P.A. 101-652, eff. 1-1-22; 102-813, eff. 5-13-22.)

17 (50 ILCS 705/10.19)

18 Sec. 10.19. Training; administration of epinephrine.

19 (a) This Section, along with Section 40 of the Illinois
20 State Police Act, may be referred to as the Annie LeGere Law.

21 (b) For purposes of this Section, "epinephrine
22 auto-injector" means a single-use device used for the
23 automatic injection of a pre-measured dose of epinephrine into
24 the human body prescribed in the name of a local law
25 enforcement agency.

1 (c) The Board shall conduct or approve an optional
2 advanced training program for police ~~law enforcement~~ officers
3 to recognize and respond to anaphylaxis, including the
4 administration of an epinephrine auto-injector. The training
5 must include, but is not limited to:

6 (1) how to recognize symptoms of an allergic reaction;

7 (2) how to respond to an emergency involving an
8 allergic reaction;

9 (3) how to administer an epinephrine auto-injector;

10 (4) how to respond to an individual with a known
11 allergy as well as an individual with a previously unknown
12 allergy;

13 (5) a test demonstrating competency of the knowledge
14 required to recognize anaphylaxis and administer an
15 epinephrine auto-injector; and

16 (6) other criteria as determined in rules adopted by
17 the Board.

18 (d) A local law enforcement agency may authorize a police
19 ~~law enforcement~~ officer who has completed an optional advanced
20 training program under subsection (c) to carry, administer, or
21 assist with the administration of epinephrine auto-injectors
22 provided by the local law enforcement agency whenever the
23 officer is performing official duties.

24 (e) A local law enforcement agency that authorizes its
25 officers to carry and administer epinephrine auto-injectors
26 under subsection (d) must establish a policy to control the

1 acquisition, storage, transportation, administration, and
2 disposal of epinephrine auto-injectors and to provide
3 continued training in the administration of epinephrine
4 auto-injectors.

5 (f) A physician, physician assistant with prescriptive
6 authority, or advanced practice registered nurse with
7 prescriptive authority may provide a standing protocol or
8 prescription for epinephrine auto-injectors in the name of a
9 local law enforcement agency to be maintained for use when
10 necessary.

11 (g) When a police ~~law enforcement~~ officer administers an
12 epinephrine auto-injector in good faith, the police ~~law~~
13 ~~enforcement~~ officer and local law enforcement agency, and its
14 employees and agents, including a physician, physician
15 assistant with prescriptive authority, or advanced practice
16 registered nurse with prescriptive authority who provides a
17 standing order or prescription for an epinephrine
18 auto-injector, incur no civil or professional liability,
19 except for willful and wanton conduct, or as a result of any
20 injury or death arising from the use of an epinephrine
21 auto-injector.

22 (Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22;
23 103-154, eff. 6-30-23.)

24 (50 ILCS 705/10.20)

25 Sec. 10.20. Disposal of medications. The Board shall

1 develop rules and minimum standards for local law enforcement
2 agencies that authorize police ~~law enforcement~~ officers to
3 dispose of unused medications under Section 18 of the Safe
4 Pharmaceutical Disposal Act.

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

6 (50 ILCS 705/3.1 rep.)

7 (50 ILCS 705/6.3 rep.)

8 (50 ILCS 705/6.6 rep.)

9 (50 ILCS 705/6.7 rep.)

10 (50 ILCS 705/8.3 rep.)

11 (50 ILCS 705/8.4 rep.)

12 (50 ILCS 705/9.2 rep.)

13 (50 ILCS 705/13 rep.)

14 Section 2-380. The Illinois Police Training Act is amended
15 by repealing Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and
16 13.

17 Section 2-390. The Counties Code is amended by changing
18 Section 3-6001.5 as follows:

19 (55 ILCS 5/3-6001.5)

20 Sec. 3-6001.5. Sheriff qualifications. A person is not
21 eligible to be elected or appointed to the office of sheriff,
22 unless that person meets all of the following requirements:

23 (1) Is a United States citizen.

1 payments toward public safety employee health insurance costs
2 and retirement contributions as provided in this Section.

3 (b) Each fiscal year beginning with fiscal year 2026, the
4 State Treasurer shall direct the State Comptroller to pay to
5 each unit of local government that makes a certification under
6 Sections 3-125, 4-118, 5-168, 6-165, and 7-172 of the Illinois
7 Pension Code or under Section 11 of the Public Safety Employee
8 Benefits Act an amount equal to 40% of the total amount
9 certified by that unit of local government under all of the
10 applicable Sections.

11 (c) If, for any reason, the aggregate appropriations made
12 available are insufficient to meet the amount required in
13 subsection (b), this Section shall constitute a continuing
14 appropriation of the amount required under subsection (b).

15 Section 3-10. The Illinois Pension Code is amended by
16 changing Sections 1-160, 3-111, 3-111.1, 3-112, 3-125, 4-109,
17 4-109.1, 4-114, 4-118, 5-155, 5-167.1, 5-168, 5-169, 6-165,
18 6-210, 7-142.1, 7-171, 7-172, 14-152.1, 15-108.1, 15-108.2,
19 15-135, 15-136, and 15-198 and by adding Sections 3-148.5,
20 4-138.15, 5-239, 6-231, and 15-203 as follows:

21 (40 ILCS 5/1-160)

22 (Text of Section from P.A. 102-719)

23 Sec. 1-160. Provisions applicable to new hires.

24 (a) The provisions of this Section apply to a person who,

1 on or after January 1, 2011, first becomes a member or a
2 participant under any reciprocal retirement system or pension
3 fund established under this Code, other than a retirement
4 system or pension fund established under Article 2, 3, 4, 5, 6,
5 7, 15, or 18 of this Code, notwithstanding any other provision
6 of this Code to the contrary, but do not apply to any
7 self-managed plan established under this Code or to any
8 participant of the retirement plan established under Section
9 22-101; except that this Section applies to a person who
10 elected to establish alternative credits by electing in
11 writing after January 1, 2011, but before August 8, 2011,
12 under Section 7-145.1 of this Code. Notwithstanding anything
13 to the contrary in this Section, for purposes of this Section,
14 a person who is a Tier 1 regular employee as defined in Section
15 7-109.4 of this Code or who participated in a retirement
16 system under Article 15 prior to January 1, 2011 shall be
17 deemed a person who first became a member or participant prior
18 to January 1, 2011 under any retirement system or pension fund
19 subject to this Section. The changes made to this Section by
20 Public Act 98-596 are a clarification of existing law and are
21 intended to be retroactive to January 1, 2011 (the effective
22 date of Public Act 96-889), notwithstanding the provisions of
23 Section 1-103.1 of this Code.

24 This Section does not apply to a person who first becomes a
25 noncovered employee under Article 14 on or after the
26 implementation date of the plan created under Section 1-161

1 for that Article, unless that person elects under subsection
2 (b) of Section 1-161 to instead receive the benefits provided
3 under this Section and the applicable provisions of that
4 Article.

5 This Section does not apply to a person who first becomes a
6 member or participant under Article 16 on or after the
7 implementation date of the plan created under Section 1-161
8 for that Article, unless that person elects under subsection
9 (b) of Section 1-161 to instead receive the benefits provided
10 under this Section and the applicable provisions of that
11 Article.

12 This Section does not apply to a person who elects under
13 subsection (c-5) of Section 1-161 to receive the benefits
14 under Section 1-161.

15 This Section does not apply to a person who first becomes a
16 member or participant of an affected pension fund on or after 6
17 months after the resolution or ordinance date, as defined in
18 Section 1-162, unless that person elects under subsection (c)
19 of Section 1-162 to receive the benefits provided under this
20 Section and the applicable provisions of the Article under
21 which he or she is a member or participant.

22 (b) "Final average salary" means, except as otherwise
23 provided in this subsection, the average monthly (or annual)
24 salary obtained by dividing the total salary or earnings
25 calculated under the Article applicable to the member or
26 participant during the 96 consecutive months (or 8 consecutive

1 years) of service within the last 120 months (or 10 years) of
2 service in which the total salary or earnings calculated under
3 the applicable Article was the highest by the number of months
4 (or years) of service in that period. For the purposes of a
5 person who first becomes a member or participant of any
6 retirement system or pension fund to which this Section
7 applies on or after January 1, 2011, in this Code, "final
8 average salary" shall be substituted for the following:

9 (1) (Blank).

10 (2) In Articles 8, 9, 10, 11, and 12, "highest average
11 annual salary for any 4 consecutive years within the last
12 10 years of service immediately preceding the date of
13 withdrawal".

14 (3) In Article 13, "average final salary".

15 (4) In Article 14, "final average compensation".

16 (5) In Article 17, "average salary".

17 (6) In Section 22-207, "wages or salary received by
18 him at the date of retirement or discharge".

19 A member of the Teachers' Retirement System of the State
20 of Illinois who retires on or after June 1, 2021 and for whom
21 the 2020-2021 school year is used in the calculation of the
22 member's final average salary shall use the higher of the
23 following for the purpose of determining the member's final
24 average salary:

25 (A) the amount otherwise calculated under the first
26 paragraph of this subsection; or

1 (B) an amount calculated by the Teachers' Retirement
2 System of the State of Illinois using the average of the
3 monthly (or annual) salary obtained by dividing the total
4 salary or earnings calculated under Article 16 applicable
5 to the member or participant during the 96 months (or 8
6 years) of service within the last 120 months (or 10 years)
7 of service in which the total salary or earnings
8 calculated under the Article was the highest by the number
9 of months (or years) of service in that period.

10 (b-5) Beginning on January 1, 2011, for all purposes under
11 this Code (including without limitation the calculation of
12 benefits and employee contributions), the annual earnings,
13 salary, or wages (based on the plan year) of a member or
14 participant to whom this Section applies shall not exceed
15 \$106,800; however, that amount shall annually thereafter be
16 increased by the lesser of (i) 3% of that amount, including all
17 previous adjustments, or (ii) one-half the annual unadjusted
18 percentage increase (but not less than zero) in the consumer
19 price index-u for the 12 months ending with the September
20 preceding each November 1, including all previous adjustments.

21 For the purposes of this Section, "consumer price index-u"
22 means the index published by the Bureau of Labor Statistics of
23 the United States Department of Labor that measures the
24 average change in prices of goods and services purchased by
25 all urban consumers, United States city average, all items,
26 1982-84 = 100. The new amount resulting from each annual

1 adjustment shall be determined by the Public Pension Division
2 of the Department of Insurance and made available to the
3 boards of the retirement systems and pension funds by November
4 1 of each year.

5 (b-10) Beginning on January 1, 2024, for all purposes
6 under this Code (including, without limitation, the
7 calculation of benefits and employee contributions), the
8 annual earnings, salary, or wages (based on the plan year) of a
9 member or participant under Article 9 to whom this Section
10 applies shall include an annual earnings, salary, or wage cap
11 that tracks the Social Security wage base. Maximum annual
12 earnings, wages, or salary shall be the annual contribution
13 and benefit base established for the applicable year by the
14 Commissioner of the Social Security Administration under the
15 federal Social Security Act.

16 However, in no event shall the annual earnings, salary, or
17 wages for the purposes of this Article and Article 9 exceed any
18 limitation imposed on annual earnings, salary, or wages under
19 Section 1-117. Under no circumstances shall the maximum amount
20 of annual earnings, salary, or wages be greater than the
21 amount set forth in this subsection (b-10) as a result of
22 reciprocal service or any provisions regarding reciprocal
23 services, nor shall the Fund under Article 9 be required to pay
24 any refund as a result of the application of this maximum
25 annual earnings, salary, and wage cap.

26 Nothing in this subsection (b-10) shall cause or otherwise

1 result in any retroactive adjustment of any employee
2 contributions. Nothing in this subsection (b-10) shall cause
3 or otherwise result in any retroactive adjustment of
4 disability or other payments made between January 1, 2011 and
5 January 1, 2024.

6 (c) A member or participant is entitled to a retirement
7 annuity upon written application if he or she has attained age
8 67 (age 65, with respect to service under Article 12 that is
9 subject to this Section, for a member or participant under
10 Article 12 who first becomes a member or participant under
11 Article 12 on or after January 1, 2022 or who makes the
12 election under item (i) of subsection (d-15) of this Section)
13 and has at least 10 years of service credit and is otherwise
14 eligible under the requirements of the applicable Article.

15 A member or participant who has attained age 62 (age 60,
16 with respect to service under Article 12 that is subject to
17 this Section, for a member or participant under Article 12 who
18 first becomes a member or participant under Article 12 on or
19 after January 1, 2022 or who makes the election under item (i)
20 of subsection (d-15) of this Section) and has at least 10 years
21 of service credit and is otherwise eligible under the
22 requirements of the applicable Article may elect to receive
23 the lower retirement annuity provided in subsection (d) of
24 this Section.

25 (c-5) A person who first becomes a member or a participant
26 subject to this Section on or after July 6, 2017 (the effective

1 date of Public Act 100-23), notwithstanding any other
2 provision of this Code to the contrary, is entitled to a
3 retirement annuity under Article 8 or Article 11 upon written
4 application if he or she has attained age 65 and has at least
5 10 years of service credit and is otherwise eligible under the
6 requirements of Article 8 or Article 11 of this Code,
7 whichever is applicable.

8 (d) The retirement annuity of a member or participant who
9 is retiring after attaining age 62 (age 60, with respect to
10 service under Article 12 that is subject to this Section, for a
11 member or participant under Article 12 who first becomes a
12 member or participant under Article 12 on or after January 1,
13 2022 or who makes the election under item (i) of subsection
14 (d-15) of this Section) with at least 10 years of service
15 credit shall be reduced by one-half of 1% for each full month
16 that the member's age is under age 67 (age 65, with respect to
17 service under Article 12 that is subject to this Section, for a
18 member or participant under Article 12 who first becomes a
19 member or participant under Article 12 on or after January 1,
20 2022 or who makes the election under item (i) of subsection
21 (d-15) of this Section).

22 (d-5) The retirement annuity payable under Article 8 or
23 Article 11 to an eligible person subject to subsection (c-5)
24 of this Section who is retiring at age 60 with at least 10
25 years of service credit shall be reduced by one-half of 1% for
26 each full month that the member's age is under age 65.

1 (d-10) Each person who first became a member or
2 participant under Article 8 or Article 11 of this Code on or
3 after January 1, 2011 and prior to July 6, 2017 (the effective
4 date of Public Act 100-23) shall make an irrevocable election
5 either:

6 (i) to be eligible for the reduced retirement age
7 provided in subsections (c-5) and (d-5) of this Section,
8 the eligibility for which is conditioned upon the member
9 or participant agreeing to the increases in employee
10 contributions for age and service annuities provided in
11 subsection (a-5) of Section 8-174 of this Code (for
12 service under Article 8) or subsection (a-5) of Section
13 11-170 of this Code (for service under Article 11); or

14 (ii) to not agree to item (i) of this subsection
15 (d-10), in which case the member or participant shall
16 continue to be subject to the retirement age provisions in
17 subsections (c) and (d) of this Section and the employee
18 contributions for age and service annuity as provided in
19 subsection (a) of Section 8-174 of this Code (for service
20 under Article 8) or subsection (a) of Section 11-170 of
21 this Code (for service under Article 11).

22 The election provided for in this subsection shall be made
23 between October 1, 2017 and November 15, 2017. A person
24 subject to this subsection who makes the required election
25 shall remain bound by that election. A person subject to this
26 subsection who fails for any reason to make the required

1 election within the time specified in this subsection shall be
2 deemed to have made the election under item (ii).

3 (d-15) Each person who first becomes a member or
4 participant under Article 12 on or after January 1, 2011 and
5 prior to January 1, 2022 shall make an irrevocable election
6 either:

7 (i) to be eligible for the reduced retirement age
8 specified in subsections (c) and (d) of this Section, the
9 eligibility for which is conditioned upon the member or
10 participant agreeing to the increase in employee
11 contributions for service annuities specified in
12 subsection (b) of Section 12-150; or

13 (ii) to not agree to item (i) of this subsection
14 (d-15), in which case the member or participant shall not
15 be eligible for the reduced retirement age specified in
16 subsections (c) and (d) of this Section and shall not be
17 subject to the increase in employee contributions for
18 service annuities specified in subsection (b) of Section
19 12-150.

20 The election provided for in this subsection shall be made
21 between January 1, 2022 and April 1, 2022. A person subject to
22 this subsection who makes the required election shall remain
23 bound by that election. A person subject to this subsection
24 who fails for any reason to make the required election within
25 the time specified in this subsection shall be deemed to have
26 made the election under item (ii).

1 (e) Any retirement annuity or supplemental annuity shall
2 be subject to annual increases on the January 1 occurring
3 either on or after the attainment of age 67 (age 65, with
4 respect to service under Article 12 that is subject to this
5 Section, for a member or participant under Article 12 who
6 first becomes a member or participant under Article 12 on or
7 after January 1, 2022 or who makes the election under item (i)
8 of subsection (d-15); and beginning on July 6, 2017 (the
9 effective date of Public Act 100-23), age 65 with respect to
10 service under Article 8 or Article 11 for eligible persons
11 who: (i) are subject to subsection (c-5) of this Section; or
12 (ii) made the election under item (i) of subsection (d-10) of
13 this Section) or the first anniversary of the annuity start
14 date, whichever is later. Each annual increase shall be
15 calculated at 3% or one-half the annual unadjusted percentage
16 increase (but not less than zero) in the consumer price
17 index-u for the 12 months ending with the September preceding
18 each November 1, whichever is less, of the originally granted
19 retirement annuity. If the annual unadjusted percentage change
20 in the consumer price index-u for the 12 months ending with the
21 September preceding each November 1 is zero or there is a
22 decrease, then the annuity shall not be increased.

23 For the purposes of Section 1-103.1 of this Code, the
24 changes made to this Section by Public Act 102-263 are
25 applicable without regard to whether the employee was in
26 active service on or after August 6, 2021 (the effective date

1 of Public Act 102-263).

2 For the purposes of Section 1-103.1 of this Code, the
3 changes made to this Section by Public Act 100-23 are
4 applicable without regard to whether the employee was in
5 active service on or after July 6, 2017 (the effective date of
6 Public Act 100-23).

7 (f) The initial survivor's or widow's annuity of an
8 otherwise eligible survivor or widow of a retired member or
9 participant who first became a member or participant on or
10 after January 1, 2011 shall be in the amount of 66 2/3% of the
11 retired member's or participant's retirement annuity at the
12 date of death. In the case of the death of a member or
13 participant who has not retired and who first became a member
14 or participant on or after January 1, 2011, eligibility for a
15 survivor's or widow's annuity shall be determined by the
16 applicable Article of this Code. The initial benefit shall be
17 66 2/3% of the earned annuity without a reduction due to age. A
18 child's annuity of an otherwise eligible child shall be in the
19 amount prescribed under each Article if applicable. Any
20 survivor's or widow's annuity shall be increased (1) on each
21 January 1 occurring on or after the commencement of the
22 annuity if the deceased member died while receiving a
23 retirement annuity or (2) in other cases, on each January 1
24 occurring after the first anniversary of the commencement of
25 the annuity. Each annual increase shall be calculated at 3% or
26 one-half the annual unadjusted percentage increase (but not

1 less than zero) 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 annuity. If the
4 annual unadjusted percentage change in the consumer price
5 index-u for the 12 months ending with the September preceding
6 each November 1 is zero or there is a decrease, then the
7 annuity shall not be increased.

8 (g) This Section does not apply to a person who ~~The~~
9 ~~benefits in Section 14-110 apply if the person is a fire~~
10 ~~fighter in the fire protection service of a department, a~~
11 ~~security employee of the Department of Corrections or the~~
12 ~~Department of Juvenile Justice, or a security employee of the~~
13 ~~Department of Innovation and Technology, as those terms are~~
14 ~~defined in subsection (b) and subsection (c) of Section~~
15 ~~14-110. A person who meets the requirements of this Section is~~
16 ~~entitled to an annuity calculated under the provisions of~~
17 ~~Section 14-110, in lieu of the regular or minimum retirement~~
18 ~~annuity, only if the person has withdrawn from service with~~
19 ~~not less than 20 years of eligible creditable service and has~~
20 ~~attained age 60, regardless of whether the attainment of age~~
21 ~~60 occurs while the person is still in service.~~

22 (g-5) This Section does not apply to a person who ~~The~~
23 ~~benefits in Section 14-110 apply if the person is a State~~
24 ~~policeman, investigator for the Secretary of State,~~
25 ~~conservation police officer, investigator for the Department~~
26 ~~of Revenue or the Illinois Gaming Board, investigator for the~~

1 Office of the Attorney General, Commerce Commission police
2 officer, or arson investigator, as those terms are defined in
3 subsection (b) and subsection (c) of Section 14-110. ~~A person
4 who meets the requirements of this Section is entitled to an
5 annuity calculated under the provisions of Section 14-110, in
6 lieu of the regular or minimum retirement annuity, only if the
7 person has withdrawn from service with not less than 20 years
8 of eligible creditable service and has attained age 55,
9 regardless of whether the attainment of age 55 occurs while
10 the person is still in service.~~

11 (h) If a person who first becomes a member or a participant
12 of a retirement system or pension fund subject to this Section
13 on or after January 1, 2011 is receiving a retirement annuity
14 or retirement pension under that system or fund and becomes a
15 member or participant under any other system or fund created
16 by this Code and is employed on a full-time basis, except for
17 those members or participants exempted from the provisions of
18 this Section under subsection (a) of this Section, then the
19 person's retirement annuity or retirement pension under that
20 system or fund shall be suspended during that employment. Upon
21 termination of that employment, the person's retirement
22 annuity or retirement pension payments shall resume and be
23 recalculated if recalculation is provided for under the
24 applicable Article of this Code.

25 If a person who first becomes a member of a retirement
26 system or pension fund subject to this Section on or after

1 January 1, 2012 and is receiving a retirement annuity or
2 retirement pension under that system or fund and accepts on a
3 contractual basis a position to provide services to a
4 governmental entity from which he or she has retired, then
5 that person's annuity or retirement pension earned as an
6 active employee of the employer shall be suspended during that
7 contractual service. A person receiving an annuity or
8 retirement pension under this Code shall notify the pension
9 fund or retirement system from which he or she is receiving an
10 annuity or retirement pension, as well as his or her
11 contractual employer, of his or her retirement status before
12 accepting contractual employment. A person who fails to submit
13 such notification shall be guilty of a Class A misdemeanor and
14 required to pay a fine of \$1,000. Upon termination of that
15 contractual employment, the person's retirement annuity or
16 retirement pension payments shall resume and, if appropriate,
17 be recalculated under the applicable provisions of this Code.

18 (i) (Blank).

19 (i-5) It is the intent of this amendatory Act of the 104th
20 General Assembly to provide to the participants specified in
21 subsections (g) and (g-5) who first became participants on or
22 after January 1, 2011 the same level of benefits and
23 eligibility criteria for benefits as those who first became
24 participants before January 1, 2011. The changes made to this
25 Article by this amendatory Act of the 104th General Assembly
26 that provide benefit increases for participants specified in

1 subsections (g) and (g-5) apply without regard to whether the
2 participant was in service on or after the effective date of
3 this amendatory Act of the 104th General Assembly,
4 notwithstanding the provisions of Section 1-103.1. The benefit
5 increases are intended to apply prospectively and do not
6 entitle a participant to retroactive benefit payments or
7 increases. The changes made to this Article by this amendatory
8 Act of the 104th General Assembly shall not cause or otherwise
9 result in any retroactive adjustment of any employee
10 contributions.

11 (j) In the case of a conflict between the provisions of
12 this Section and any other provision of this Code, the
13 provisions of this Section shall control.

14 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
15 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-719, eff.
16 5-6-22; 103-529, eff. 8-11-23.)

17 (Text of Section from P.A. 102-813)

18 Sec. 1-160. Provisions applicable to new hires.

19 (a) The provisions of this Section apply to a person who,
20 on or after January 1, 2011, first becomes a member or a
21 participant under any reciprocal retirement system or pension
22 fund established under this Code, other than a retirement
23 system or pension fund established under Article 2, 3, 4, 5, 6,
24 7, 15, or 18 of this Code, notwithstanding any other provision
25 of this Code to the contrary, but do not apply to any

1 self-managed plan established under this Code or to any
2 participant of the retirement plan established under Section
3 22-101; except that this Section applies to a person who
4 elected to establish alternative credits by electing in
5 writing after January 1, 2011, but before August 8, 2011,
6 under Section 7-145.1 of this Code. Notwithstanding anything
7 to the contrary in this Section, for purposes of this Section,
8 a person who is a Tier 1 regular employee as defined in Section
9 7-109.4 of this Code or who participated in a retirement
10 system under Article 15 prior to January 1, 2011 shall be
11 deemed a person who first became a member or participant prior
12 to January 1, 2011 under any retirement system or pension fund
13 subject to this Section. The changes made to this Section by
14 Public Act 98-596 are a clarification of existing law and are
15 intended to be retroactive to January 1, 2011 (the effective
16 date of Public Act 96-889), notwithstanding the provisions of
17 Section 1-103.1 of this Code.

18 This Section does not apply to a person who first becomes a
19 noncovered employee under Article 14 on or after the
20 implementation date of the plan created under Section 1-161
21 for that Article, unless that person elects under subsection
22 (b) of Section 1-161 to instead receive the benefits provided
23 under this Section and the applicable provisions of that
24 Article.

25 This Section does not apply to a person who first becomes a
26 member or participant under Article 16 on or after the

1 implementation date of the plan created under Section 1-161
2 for that Article, unless that person elects under subsection
3 (b) of Section 1-161 to instead receive the benefits provided
4 under this Section and the applicable provisions of that
5 Article.

6 This Section does not apply to a person who elects under
7 subsection (c-5) of Section 1-161 to receive the benefits
8 under Section 1-161.

9 This Section does not apply to a person who first becomes a
10 member or participant of an affected pension fund on or after 6
11 months after the resolution or ordinance date, as defined in
12 Section 1-162, unless that person elects under subsection (c)
13 of Section 1-162 to receive the benefits provided under this
14 Section and the applicable provisions of the Article under
15 which he or she is a member or participant.

16 (b) "Final average salary" means, except as otherwise
17 provided in this subsection, the average monthly (or annual)
18 salary obtained by dividing the total salary or earnings
19 calculated under the Article applicable to the member or
20 participant during the 96 consecutive months (or 8 consecutive
21 years) of service within the last 120 months (or 10 years) of
22 service in which the total salary or earnings calculated under
23 the applicable Article was the highest by the number of months
24 (or years) of service in that period. For the purposes of a
25 person who first becomes a member or participant of any
26 retirement system or pension fund to which this Section

1 applies on or after January 1, 2011, in this Code, "final
2 average salary" shall be substituted for the following:

3 (1) (Blank).

4 (2) In Articles 8, 9, 10, 11, and 12, "highest average
5 annual salary for any 4 consecutive years within the last
6 10 years of service immediately preceding the date of
7 withdrawal".

8 (3) In Article 13, "average final salary".

9 (4) In Article 14, "final average compensation".

10 (5) In Article 17, "average salary".

11 (6) In Section 22-207, "wages or salary received by
12 him at the date of retirement or discharge".

13 A member of the Teachers' Retirement System of the State
14 of Illinois who retires on or after June 1, 2021 and for whom
15 the 2020-2021 school year is used in the calculation of the
16 member's final average salary shall use the higher of the
17 following for the purpose of determining the member's final
18 average salary:

19 (A) the amount otherwise calculated under the first
20 paragraph of this subsection; or

21 (B) an amount calculated by the Teachers' Retirement
22 System of the State of Illinois using the average of the
23 monthly (or annual) salary obtained by dividing the total
24 salary or earnings calculated under Article 16 applicable
25 to the member or participant during the 96 months (or 8
26 years) of service within the last 120 months (or 10 years)

1 of service in which the total salary or earnings
2 calculated under the Article was the highest by the number
3 of months (or years) of service in that period.

4 (b-5) Beginning on January 1, 2011, for all purposes under
5 this Code (including without limitation the calculation of
6 benefits and employee contributions), the annual earnings,
7 salary, or wages (based on the plan year) of a member or
8 participant to whom this Section applies shall not exceed
9 \$106,800; however, that amount shall annually thereafter be
10 increased by the lesser of (i) 3% of that amount, including all
11 previous adjustments, or (ii) one-half the annual unadjusted
12 percentage increase (but not less than zero) in the consumer
13 price index-u for the 12 months ending with the September
14 preceding each November 1, including all previous adjustments.

15 For the purposes of this Section, "consumer price index-u"
16 means the index published by the Bureau of Labor Statistics of
17 the United States Department of Labor that measures the
18 average change in prices of goods and services purchased by
19 all urban consumers, United States city average, all items,
20 1982-84 = 100. The new amount resulting from each annual
21 adjustment shall be determined by the Public Pension Division
22 of the Department of Insurance and made available to the
23 boards of the retirement systems and pension funds by November
24 1 of each year.

25 (b-10) Beginning on January 1, 2024, for all purposes
26 under this Code (including, without limitation, the

1 calculation of benefits and employee contributions), the
2 annual earnings, salary, or wages (based on the plan year) of a
3 member or participant under Article 9 to whom this Section
4 applies shall include an annual earnings, salary, or wage cap
5 that tracks the Social Security wage base. Maximum annual
6 earnings, wages, or salary shall be the annual contribution
7 and benefit base established for the applicable year by the
8 Commissioner of the Social Security Administration under the
9 federal Social Security Act.

10 However, in no event shall the annual earnings, salary, or
11 wages for the purposes of this Article and Article 9 exceed any
12 limitation imposed on annual earnings, salary, or wages under
13 Section 1-117. Under no circumstances shall the maximum amount
14 of annual earnings, salary, or wages be greater than the
15 amount set forth in this subsection (b-10) as a result of
16 reciprocal service or any provisions regarding reciprocal
17 services, nor shall the Fund under Article 9 be required to pay
18 any refund as a result of the application of this maximum
19 annual earnings, salary, and wage cap.

20 Nothing in this subsection (b-10) shall cause or otherwise
21 result in any retroactive adjustment of any employee
22 contributions. Nothing in this subsection (b-10) shall cause
23 or otherwise result in any retroactive adjustment of
24 disability or other payments made between January 1, 2011 and
25 January 1, 2024.

26 (c) A member or participant is entitled to a retirement

1 annuity upon written application if he or she has attained age
2 67 (age 65, with respect to service under Article 12 that is
3 subject to this Section, for a member or participant under
4 Article 12 who first becomes a member or participant under
5 Article 12 on or after January 1, 2022 or who makes the
6 election under item (i) of subsection (d-15) of this Section)
7 and has at least 10 years of service credit and is otherwise
8 eligible under the requirements of the applicable Article.

9 A member or participant who has attained age 62 (age 60,
10 with respect to service under Article 12 that is subject to
11 this Section, for a member or participant under Article 12 who
12 first becomes a member or participant under Article 12 on or
13 after January 1, 2022 or who makes the election under item (i)
14 of subsection (d-15) of this Section) and has at least 10 years
15 of service credit and is otherwise eligible under the
16 requirements of the applicable Article may elect to receive
17 the lower retirement annuity provided in subsection (d) of
18 this Section.

19 (c-5) A person who first becomes a member or a participant
20 subject to this Section on or after July 6, 2017 (the effective
21 date of Public Act 100-23), notwithstanding any other
22 provision of this Code to the contrary, is entitled to a
23 retirement annuity under Article 8 or Article 11 upon written
24 application if he or she has attained age 65 and has at least
25 10 years of service credit and is otherwise eligible under the
26 requirements of Article 8 or Article 11 of this Code,

1 whichever is applicable.

2 (d) The retirement annuity of a member or participant who
3 is retiring after attaining age 62 (age 60, with respect to
4 service under Article 12 that is subject to this Section, for a
5 member or participant under Article 12 who first becomes a
6 member or participant under Article 12 on or after January 1,
7 2022 or who makes the election under item (i) of subsection
8 (d-15) of this Section) with at least 10 years of service
9 credit shall be reduced by one-half of 1% for each full month
10 that the member's age is under age 67 (age 65, with respect to
11 service under Article 12 that is subject to this Section, for a
12 member or participant under Article 12 who first becomes a
13 member or participant under Article 12 on or after January 1,
14 2022 or who makes the election under item (i) of subsection
15 (d-15) of this Section).

16 (d-5) The retirement annuity payable under Article 8 or
17 Article 11 to an eligible person subject to subsection (c-5)
18 of this Section who is retiring at age 60 with at least 10
19 years of service credit shall be reduced by one-half of 1% for
20 each full month that the member's age is under age 65.

21 (d-10) Each person who first became a member or
22 participant under Article 8 or Article 11 of this Code on or
23 after January 1, 2011 and prior to July 6, 2017 (the effective
24 date of Public Act 100-23) shall make an irrevocable election
25 either:

26 (i) to be eligible for the reduced retirement age

1 provided in subsections (c-5) and (d-5) of this Section,
2 the eligibility for which is conditioned upon the member
3 or participant agreeing to the increases in employee
4 contributions for age and service annuities provided in
5 subsection (a-5) of Section 8-174 of this Code (for
6 service under Article 8) or subsection (a-5) of Section
7 11-170 of this Code (for service under Article 11); or

8 (ii) to not agree to item (i) of this subsection
9 (d-10), in which case the member or participant shall
10 continue to be subject to the retirement age provisions in
11 subsections (c) and (d) of this Section and the employee
12 contributions for age and service annuity as provided in
13 subsection (a) of Section 8-174 of this Code (for service
14 under Article 8) or subsection (a) of Section 11-170 of
15 this Code (for service under Article 11).

16 The election provided for in this subsection shall be made
17 between October 1, 2017 and November 15, 2017. A person
18 subject to this subsection who makes the required election
19 shall remain bound by that election. A person subject to this
20 subsection who fails for any reason to make the required
21 election within the time specified in this subsection shall be
22 deemed to have made the election under item (ii).

23 (d-15) Each person who first becomes a member or
24 participant under Article 12 on or after January 1, 2011 and
25 prior to January 1, 2022 shall make an irrevocable election
26 either:

1 (i) to be eligible for the reduced retirement age
2 specified in subsections (c) and (d) of this Section, the
3 eligibility for which is conditioned upon the member or
4 participant agreeing to the increase in employee
5 contributions for service annuities specified in
6 subsection (b) of Section 12-150; or

7 (ii) to not agree to item (i) of this subsection
8 (d-15), in which case the member or participant shall not
9 be eligible for the reduced retirement age specified in
10 subsections (c) and (d) of this Section and shall not be
11 subject to the increase in employee contributions for
12 service annuities specified in subsection (b) of Section
13 12-150.

14 The election provided for in this subsection shall be made
15 between January 1, 2022 and April 1, 2022. A person subject to
16 this subsection who makes the required election shall remain
17 bound by that election. A person subject to this subsection
18 who fails for any reason to make the required election within
19 the time specified in this subsection shall be deemed to have
20 made the election under item (ii).

21 (e) Any retirement annuity or supplemental annuity shall
22 be subject to annual increases on the January 1 occurring
23 either on or after the attainment of age 67 (age 65, with
24 respect to service under Article 12 that is subject to this
25 Section, for a member or participant under Article 12 who
26 first becomes a member or participant under Article 12 on or

1 after January 1, 2022 or who makes the election under item (i)
2 of subsection (d-15); and beginning on July 6, 2017 (the
3 effective date of Public Act 100-23), age 65 with respect to
4 service under Article 8 or Article 11 for eligible persons
5 who: (i) are subject to subsection (c-5) of this Section; or
6 (ii) made the election under item (i) of subsection (d-10) of
7 this Section) or the first anniversary of the annuity start
8 date, whichever is later. Each annual increase shall be
9 calculated at 3% or one-half the annual unadjusted percentage
10 increase (but not less than zero) in the consumer price
11 index-u for the 12 months ending with the September preceding
12 each November 1, whichever is less, of the originally granted
13 retirement annuity. If the annual unadjusted percentage change
14 in the consumer price index-u for the 12 months ending with the
15 September preceding each November 1 is zero or there is a
16 decrease, then the annuity shall not be increased.

17 For the purposes of Section 1-103.1 of this Code, the
18 changes made to this Section by Public Act 102-263 are
19 applicable without regard to whether the employee was in
20 active service on or after August 6, 2021 (the effective date
21 of Public Act 102-263).

22 For the purposes of Section 1-103.1 of this Code, the
23 changes made to this Section by Public Act 100-23 are
24 applicable without regard to whether the employee was in
25 active service on or after July 6, 2017 (the effective date of
26 Public Act 100-23).

1 (f) The initial survivor's or widow's annuity of an
2 otherwise eligible survivor or widow of a retired member or
3 participant who first became a member or participant on or
4 after January 1, 2011 shall be in the amount of 66 2/3% of the
5 retired member's or participant's retirement annuity at the
6 date of death. In the case of the death of a member or
7 participant who has not retired and who first became a member
8 or participant on or after January 1, 2011, eligibility for a
9 survivor's or widow's annuity shall be determined by the
10 applicable Article of this Code. The initial benefit shall be
11 66 2/3% of the earned annuity without a reduction due to age. A
12 child's annuity of an otherwise eligible child shall be in the
13 amount prescribed under each Article if applicable. Any
14 survivor's or widow's annuity shall be increased (1) on each
15 January 1 occurring on or after the commencement of the
16 annuity if the deceased member died while receiving a
17 retirement annuity or (2) in other cases, on each January 1
18 occurring after the first anniversary of the commencement of
19 the annuity. Each annual increase shall be calculated at 3% or
20 one-half the annual unadjusted percentage increase (but not
21 less than zero) in the consumer price index-u for the 12 months
22 ending with the September preceding each November 1, whichever
23 is less, of the originally granted survivor's annuity. If the
24 annual unadjusted percentage change in the consumer price
25 index-u for the 12 months ending with the September preceding
26 each November 1 is zero or there is a decrease, then the

1 annuity shall not be increased.

2 (g) This Section does not apply to a person who ~~The~~
3 ~~benefits in Section 14-110 apply only if the person is a State~~
4 ~~policeman, a fire fighter in the fire protection service of a~~
5 ~~department, a conservation police officer, an investigator for~~
6 ~~the Secretary of State, an arson investigator, a Commerce~~
7 ~~Commission police officer, investigator for the Department of~~
8 ~~Revenue or the Illinois Gaming Board, a security employee of~~
9 ~~the Department of Corrections or the Department of Juvenile~~
10 ~~Justice, or a security employee of the Department of~~
11 ~~Innovation and Technology, as those terms are defined in~~
12 ~~subsection (b) and subsection (c) of Section 14-110. A person~~
13 ~~who meets the requirements of this Section is entitled to an~~
14 ~~annuity calculated under the provisions of Section 14-110, in~~
15 ~~lieu of the regular or minimum retirement annuity, only if the~~
16 ~~person has withdrawn from service with not less than 20 years~~
17 ~~of eligible creditable service and has attained age 60,~~
18 ~~regardless of whether the attainment of age 60 occurs while~~
19 ~~the person is still in service.~~

20 (h) If a person who first becomes a member or a participant
21 of a retirement system or pension fund subject to this Section
22 on or after January 1, 2011 is receiving a retirement annuity
23 or retirement pension under that system or fund and becomes a
24 member or participant under any other system or fund created
25 by this Code and is employed on a full-time basis, except for
26 those members or participants exempted from the provisions of

1 this Section under subsection (a) of this Section, then the
2 person's retirement annuity or retirement pension under that
3 system or fund shall be suspended during that employment. Upon
4 termination of that employment, the person's retirement
5 annuity or retirement pension payments shall resume and be
6 recalculated if recalculation is provided for under the
7 applicable Article of this Code.

8 If a person who first becomes a member of a retirement
9 system or pension fund subject to this Section on or after
10 January 1, 2012 and is receiving a retirement annuity or
11 retirement pension under that system or fund and accepts on a
12 contractual basis a position to provide services to a
13 governmental entity from which he or she has retired, then
14 that person's annuity or retirement pension earned as an
15 active employee of the employer shall be suspended during that
16 contractual service. A person receiving an annuity or
17 retirement pension under this Code shall notify the pension
18 fund or retirement system from which he or she is receiving an
19 annuity or retirement pension, as well as his or her
20 contractual employer, of his or her retirement status before
21 accepting contractual employment. A person who fails to submit
22 such notification shall be guilty of a Class A misdemeanor and
23 required to pay a fine of \$1,000. Upon termination of that
24 contractual employment, the person's retirement annuity or
25 retirement pension payments shall resume and, if appropriate,
26 be recalculated under the applicable provisions of this Code.

1 (i) (Blank).

2 (i-5) It is the intent of this amendatory Act of the 104th
3 General Assembly to provide to the participants specified in
4 subsections (g) and (g-5) who first became participants on or
5 after January 1, 2011 the same level of benefits and
6 eligibility criteria for benefits as those who first became
7 participants before January 1, 2011. The changes made to this
8 Article by this amendatory Act of the 104th General Assembly
9 that provide benefit increases for participants specified in
10 subsections (g) and (g-5) apply without regard to whether the
11 participant was in service on or after the effective date of
12 this amendatory Act of the 104th General Assembly,
13 notwithstanding the provisions of Section 1-103.1. The benefit
14 increases are intended to apply prospectively and do not
15 entitle a participant to retroactive benefit payments or
16 increases. The changes made to this Article by this amendatory
17 Act of the 104th General Assembly shall not cause or otherwise
18 result in any retroactive adjustment of any employee
19 contributions.

20 (j) In the case of a conflict between the provisions of
21 this Section and any other provision of this Code, the
22 provisions of this Section shall control.

23 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
24 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-813, eff.
25 5-13-22; 103-529, eff. 8-11-23.)

1 (Text of Section from P.A. 102-956)

2 Sec. 1-160. Provisions applicable to new hires.

3 (a) The provisions of this Section apply to a person who,
4 on or after January 1, 2011, first becomes a member or a
5 participant under any reciprocal retirement system or pension
6 fund established under this Code, other than a retirement
7 system or pension fund established under Article 2, 3, 4, 5, 6,
8 7, 15, or 18 of this Code, notwithstanding any other provision
9 of this Code to the contrary, but do not apply to any
10 self-managed plan established under this Code or to any
11 participant of the retirement plan established under Section
12 22-101; except that this Section applies to a person who
13 elected to establish alternative credits by electing in
14 writing after January 1, 2011, but before August 8, 2011,
15 under Section 7-145.1 of this Code. Notwithstanding anything
16 to the contrary in this Section, for purposes of this Section,
17 a person who is a Tier 1 regular employee as defined in Section
18 7-109.4 of this Code or who participated in a retirement
19 system under Article 15 prior to January 1, 2011 shall be
20 deemed a person who first became a member or participant prior
21 to January 1, 2011 under any retirement system or pension fund
22 subject to this Section. The changes made to this Section by
23 Public Act 98-596 are a clarification of existing law and are
24 intended to be retroactive to January 1, 2011 (the effective
25 date of Public Act 96-889), notwithstanding the provisions of
26 Section 1-103.1 of this Code.

1 This Section does not apply to a person who first becomes a
2 noncovered employee under Article 14 on or after the
3 implementation date of the plan created under Section 1-161
4 for that Article, unless that person elects under subsection
5 (b) of Section 1-161 to instead receive the benefits provided
6 under this Section and the applicable provisions of that
7 Article.

8 This Section does not apply to a person who first becomes a
9 member or participant under Article 16 on or after the
10 implementation date of the plan created under Section 1-161
11 for that Article, unless that person elects under subsection
12 (b) of Section 1-161 to instead receive the benefits provided
13 under this Section and the applicable provisions of that
14 Article.

15 This Section does not apply to a person who elects under
16 subsection (c-5) of Section 1-161 to receive the benefits
17 under Section 1-161.

18 This Section does not apply to a person who first becomes a
19 member or participant of an affected pension fund on or after 6
20 months after the resolution or ordinance date, as defined in
21 Section 1-162, unless that person elects under subsection (c)
22 of Section 1-162 to receive the benefits provided under this
23 Section and the applicable provisions of the Article under
24 which he or she is a member or participant.

25 (b) "Final average salary" means, except as otherwise
26 provided in this subsection, the average monthly (or annual)

1 salary obtained by dividing the total salary or earnings
2 calculated under the Article applicable to the member or
3 participant during the 96 consecutive months (or 8 consecutive
4 years) of service within the last 120 months (or 10 years) of
5 service in which the total salary or earnings calculated under
6 the applicable Article was the highest by the number of months
7 (or years) of service in that period. For the purposes of a
8 person who first becomes a member or participant of any
9 retirement system or pension fund to which this Section
10 applies on or after January 1, 2011, in this Code, "final
11 average salary" shall be substituted for the following:

12 (1) (Blank).

13 (2) In Articles 8, 9, 10, 11, and 12, "highest average
14 annual salary for any 4 consecutive years within the last
15 10 years of service immediately preceding the date of
16 withdrawal".

17 (3) In Article 13, "average final salary".

18 (4) In Article 14, "final average compensation".

19 (5) In Article 17, "average salary".

20 (6) In Section 22-207, "wages or salary received by
21 him at the date of retirement or discharge".

22 A member of the Teachers' Retirement System of the State
23 of Illinois who retires on or after June 1, 2021 and for whom
24 the 2020-2021 school year is used in the calculation of the
25 member's final average salary shall use the higher of the
26 following for the purpose of determining the member's final

1 average salary:

2 (A) the amount otherwise calculated under the first
3 paragraph of this subsection; or

4 (B) an amount calculated by the Teachers' Retirement
5 System of the State of Illinois using the average of the
6 monthly (or annual) salary obtained by dividing the total
7 salary or earnings calculated under Article 16 applicable
8 to the member or participant during the 96 months (or 8
9 years) of service within the last 120 months (or 10 years)
10 of service in which the total salary or earnings
11 calculated under the Article was the highest by the number
12 of months (or years) of service in that period.

13 (b-5) Beginning on January 1, 2011, for all purposes under
14 this Code (including without limitation the calculation of
15 benefits and employee contributions), the annual earnings,
16 salary, or wages (based on the plan year) of a member or
17 participant to whom this Section applies shall not exceed
18 \$106,800; however, that amount shall annually thereafter be
19 increased by the lesser of (i) 3% of that amount, including all
20 previous adjustments, or (ii) one-half the annual unadjusted
21 percentage increase (but not less than zero) in the consumer
22 price index-u for the 12 months ending with the September
23 preceding each November 1, including all previous adjustments.

24 For the purposes of this Section, "consumer price index-u"
25 means the index published by the Bureau of Labor Statistics of
26 the United States Department of Labor that measures the

1 average change in prices of goods and services purchased by
2 all urban consumers, United States city average, all items,
3 1982-84 = 100. The new amount resulting from each annual
4 adjustment shall be determined by the Public Pension Division
5 of the Department of Insurance and made available to the
6 boards of the retirement systems and pension funds by November
7 1 of each year.

8 (b-10) Beginning on January 1, 2024, for all purposes
9 under this Code (including, without limitation, the
10 calculation of benefits and employee contributions), the
11 annual earnings, salary, or wages (based on the plan year) of a
12 member or participant under Article 9 to whom this Section
13 applies shall include an annual earnings, salary, or wage cap
14 that tracks the Social Security wage base. Maximum annual
15 earnings, wages, or salary shall be the annual contribution
16 and benefit base established for the applicable year by the
17 Commissioner of the Social Security Administration under the
18 federal Social Security Act.

19 However, in no event shall the annual earnings, salary, or
20 wages for the purposes of this Article and Article 9 exceed any
21 limitation imposed on annual earnings, salary, or wages under
22 Section 1-117. Under no circumstances shall the maximum amount
23 of annual earnings, salary, or wages be greater than the
24 amount set forth in this subsection (b-10) as a result of
25 reciprocal service or any provisions regarding reciprocal
26 services, nor shall the Fund under Article 9 be required to pay

1 any refund as a result of the application of this maximum
2 annual earnings, salary, and wage cap.

3 Nothing in this subsection (b-10) shall cause or otherwise
4 result in any retroactive adjustment of any employee
5 contributions. Nothing in this subsection (b-10) shall cause
6 or otherwise result in any retroactive adjustment of
7 disability or other payments made between January 1, 2011 and
8 January 1, 2024.

9 (c) A member or participant is entitled to a retirement
10 annuity upon written application if he or she has attained age
11 67 (age 65, with respect to service under Article 12 that is
12 subject to this Section, for a member or participant under
13 Article 12 who first becomes a member or participant under
14 Article 12 on or after January 1, 2022 or who makes the
15 election under item (i) of subsection (d-15) of this Section)
16 and has at least 10 years of service credit and is otherwise
17 eligible under the requirements of the applicable Article.

18 A member or participant who has attained age 62 (age 60,
19 with respect to service under Article 12 that is subject to
20 this Section, for a member or participant under Article 12 who
21 first becomes a member or participant under Article 12 on or
22 after January 1, 2022 or who makes the election under item (i)
23 of subsection (d-15) of this Section) and has at least 10 years
24 of service credit and is otherwise eligible under the
25 requirements of the applicable Article may elect to receive
26 the lower retirement annuity provided in subsection (d) of

1 this Section.

2 (c-5) A person who first becomes a member or a participant
3 subject to this Section on or after July 6, 2017 (the effective
4 date of Public Act 100-23), notwithstanding any other
5 provision of this Code to the contrary, is entitled to a
6 retirement annuity under Article 8 or Article 11 upon written
7 application if he or she has attained age 65 and has at least
8 10 years of service credit and is otherwise eligible under the
9 requirements of Article 8 or Article 11 of this Code,
10 whichever is applicable.

11 (d) The retirement annuity of a member or participant who
12 is retiring after attaining age 62 (age 60, with respect to
13 service under Article 12 that is subject to this Section, for a
14 member or participant under Article 12 who first becomes a
15 member or participant under Article 12 on or after January 1,
16 2022 or who makes the election under item (i) of subsection
17 (d-15) of this Section) with at least 10 years of service
18 credit shall be reduced by one-half of 1% for each full month
19 that the member's age is under age 67 (age 65, with respect to
20 service under Article 12 that is subject to this Section, for a
21 member or participant under Article 12 who first becomes a
22 member or participant under Article 12 on or after January 1,
23 2022 or who makes the election under item (i) of subsection
24 (d-15) of this Section).

25 (d-5) The retirement annuity payable under Article 8 or
26 Article 11 to an eligible person subject to subsection (c-5)

1 of this Section who is retiring at age 60 with at least 10
2 years of service credit shall be reduced by one-half of 1% for
3 each full month that the member's age is under age 65.

4 (d-10) Each person who first became a member or
5 participant under Article 8 or Article 11 of this Code on or
6 after January 1, 2011 and prior to July 6, 2017 (the effective
7 date of Public Act 100-23) shall make an irrevocable election
8 either:

9 (i) to be eligible for the reduced retirement age
10 provided in subsections (c-5) and (d-5) of this Section,
11 the eligibility for which is conditioned upon the member
12 or participant agreeing to the increases in employee
13 contributions for age and service annuities provided in
14 subsection (a-5) of Section 8-174 of this Code (for
15 service under Article 8) or subsection (a-5) of Section
16 11-170 of this Code (for service under Article 11); or

17 (ii) to not agree to item (i) of this subsection
18 (d-10), in which case the member or participant shall
19 continue to be subject to the retirement age provisions in
20 subsections (c) and (d) of this Section and the employee
21 contributions for age and service annuity as provided in
22 subsection (a) of Section 8-174 of this Code (for service
23 under Article 8) or subsection (a) of Section 11-170 of
24 this Code (for service under Article 11).

25 The election provided for in this subsection shall be made
26 between October 1, 2017 and November 15, 2017. A person

1 subject to this subsection who makes the required election
2 shall remain bound by that election. A person subject to this
3 subsection who fails for any reason to make the required
4 election within the time specified in this subsection shall be
5 deemed to have made the election under item (ii).

6 (d-15) Each person who first becomes a member or
7 participant under Article 12 on or after January 1, 2011 and
8 prior to January 1, 2022 shall make an irrevocable election
9 either:

10 (i) to be eligible for the reduced retirement age
11 specified in subsections (c) and (d) of this Section, the
12 eligibility for which is conditioned upon the member or
13 participant agreeing to the increase in employee
14 contributions for service annuities specified in
15 subsection (b) of Section 12-150; or

16 (ii) to not agree to item (i) of this subsection
17 (d-15), in which case the member or participant shall not
18 be eligible for the reduced retirement age specified in
19 subsections (c) and (d) of this Section and shall not be
20 subject to the increase in employee contributions for
21 service annuities specified in subsection (b) of Section
22 12-150.

23 The election provided for in this subsection shall be made
24 between January 1, 2022 and April 1, 2022. A person subject to
25 this subsection who makes the required election shall remain
26 bound by that election. A person subject to this subsection

1 who fails for any reason to make the required election within
2 the time specified in this subsection shall be deemed to have
3 made the election under item (ii).

4 (e) Any retirement annuity or supplemental annuity shall
5 be subject to annual increases on the January 1 occurring
6 either on or after the attainment of age 67 (age 65, with
7 respect to service under Article 12 that is subject to this
8 Section, for a member or participant under Article 12 who
9 first becomes a member or participant under Article 12 on or
10 after January 1, 2022 or who makes the election under item (i)
11 of subsection (d-15); and beginning on July 6, 2017 (the
12 effective date of Public Act 100-23), age 65 with respect to
13 service under Article 8 or Article 11 for eligible persons
14 who: (i) are subject to subsection (c-5) of this Section; or
15 (ii) made the election under item (i) of subsection (d-10) of
16 this Section) or the first anniversary of the annuity start
17 date, whichever is later. Each annual increase shall be
18 calculated at 3% or one-half the annual unadjusted percentage
19 increase (but not less than zero) in the consumer price
20 index-u for the 12 months ending with the September preceding
21 each November 1, whichever is less, of the originally granted
22 retirement annuity. If the annual unadjusted percentage change
23 in the consumer price index-u for the 12 months ending with the
24 September preceding each November 1 is zero or there is a
25 decrease, then the annuity shall not be increased.

26 For the purposes of Section 1-103.1 of this Code, the

1 changes made to this Section by Public Act 102-263 are
2 applicable without regard to whether the employee was in
3 active service on or after August 6, 2021 (the effective date
4 of Public Act 102-263).

5 For the purposes of Section 1-103.1 of this Code, the
6 changes made to this Section by Public Act 100-23 are
7 applicable without regard to whether the employee was in
8 active service on or after July 6, 2017 (the effective date of
9 Public Act 100-23).

10 (f) The initial survivor's or widow's annuity of an
11 otherwise eligible survivor or widow of a retired member or
12 participant who first became a member or participant on or
13 after January 1, 2011 shall be in the amount of 66 2/3% of the
14 retired member's or participant's retirement annuity at the
15 date of death. In the case of the death of a member or
16 participant who has not retired and who first became a member
17 or participant on or after January 1, 2011, eligibility for a
18 survivor's or widow's annuity shall be determined by the
19 applicable Article of this Code. The initial benefit shall be
20 66 2/3% of the earned annuity without a reduction due to age. A
21 child's annuity of an otherwise eligible child shall be in the
22 amount prescribed under each Article if applicable. Any
23 survivor's or widow's annuity shall be increased (1) on each
24 January 1 occurring on or after the commencement of the
25 annuity if the deceased member died while receiving a
26 retirement annuity or (2) in other cases, on each January 1

1 occurring after the first anniversary of the commencement of
2 the annuity. Each annual increase shall be calculated at 3% or
3 one-half the annual unadjusted percentage increase (but not
4 less than zero) in the consumer price index-u for the 12 months
5 ending with the September preceding each November 1, whichever
6 is less, of the originally granted survivor's annuity. If the
7 annual unadjusted percentage change in the consumer price
8 index-u for the 12 months ending with the September preceding
9 each November 1 is zero or there is a decrease, then the
10 annuity shall not be increased.

11 (g) This Section does not apply to a person who ~~The~~
12 ~~benefits in Section 14-110 apply only if the person is a State~~
13 ~~policeman, a fire fighter in the fire protection service of a~~
14 ~~department, a conservation police officer, an investigator for~~
15 ~~the Secretary of State, an investigator for the Office of the~~
16 ~~Attorney General, an arson investigator, a Commerce Commission~~
17 ~~police officer, investigator for the Department of Revenue or~~
18 ~~the Illinois Gaming Board, a security employee of the~~
19 ~~Department of Corrections or the Department of Juvenile~~
20 ~~Justice, or a security employee of the Department of~~
21 ~~Innovation and Technology, as those terms are defined in~~
22 ~~subsection (b) and subsection (c) of Section 14-110. A person~~
23 ~~who meets the requirements of this Section is entitled to an~~
24 ~~annuity calculated under the provisions of Section 14-110, in~~
25 ~~lieu of the regular or minimum retirement annuity, only if the~~
26 ~~person has withdrawn from service with not less than 20 years~~

1 ~~of eligible creditable service and has attained age 60,~~
2 ~~regardless of whether the attainment of age 60 occurs while~~
3 ~~the person is still in service.~~

4 (h) If a person who first becomes a member or a participant
5 of a retirement system or pension fund subject to this Section
6 on or after January 1, 2011 is receiving a retirement annuity
7 or retirement pension under that system or fund and becomes a
8 member or participant under any other system or fund created
9 by this Code and is employed on a full-time basis, except for
10 those members or participants exempted from the provisions of
11 this Section under subsection (a) of this Section, then the
12 person's retirement annuity or retirement pension under that
13 system or fund shall be suspended during that employment. Upon
14 termination of that employment, the person's retirement
15 annuity or retirement pension payments shall resume and be
16 recalculated if recalculation is provided for under the
17 applicable Article of this Code.

18 If a person who first becomes a member of a retirement
19 system or pension fund subject to this Section on or after
20 January 1, 2012 and is receiving a retirement annuity or
21 retirement pension under that system or fund and accepts on a
22 contractual basis a position to provide services to a
23 governmental entity from which he or she has retired, then
24 that person's annuity or retirement pension earned as an
25 active employee of the employer shall be suspended during that
26 contractual service. A person receiving an annuity or

1 retirement pension under this Code shall notify the pension
2 fund or retirement system from which he or she is receiving an
3 annuity or retirement pension, as well as his or her
4 contractual employer, of his or her retirement status before
5 accepting contractual employment. A person who fails to submit
6 such notification shall be guilty of a Class A misdemeanor and
7 required to pay a fine of \$1,000. Upon termination of that
8 contractual employment, the person's retirement annuity or
9 retirement pension payments shall resume and, if appropriate,
10 be recalculated under the applicable provisions of this Code.

11 (i) (Blank).

12 (i-5) It is the intent of this amendatory Act of the 104th
13 General Assembly to provide to the participants specified in
14 subsections (g) and (g-5) who first became participants on or
15 after January 1, 2011 the same level of benefits and
16 eligibility criteria for benefits as those who first became
17 participants before January 1, 2011. The changes made to this
18 Article by this amendatory Act of the 104th General Assembly
19 that provide benefit increases for participants specified in
20 subsections (g) and (g-5) apply without regard to whether the
21 participant was in service on or after the effective date of
22 this amendatory Act of the 104th General Assembly,
23 notwithstanding the provisions of Section 1-103.1. The benefit
24 increases are intended to apply prospectively and do not
25 entitle a participant to retroactive benefit payments or
26 increases. The changes made to this Article by this amendatory

1 Act of the 104th General Assembly shall not cause or otherwise
2 result in any retroactive adjustment of any employee
3 contributions.

4 (j) In the case of a conflict between the provisions of
5 this Section and any other provision of this Code, the
6 provisions of this Section shall control.

7 (Source: P.A. 102-16, eff. 6-17-21; 102-210, eff. 1-1-22;
8 102-263, eff. 8-6-21; 102-956, eff. 5-27-22; 103-529, eff.
9 8-11-23.)

10 (40 ILCS 5/3-111) (from Ch. 108 1/2, par. 3-111)

11 Sec. 3-111. Pension.

12 (a) A police officer age 50 or more with 20 or more years
13 of creditable service, who is not a participant in the
14 self-managed plan under Section 3-109.3 and who is no longer
15 in service as a police officer, shall receive a pension of 1/2
16 of the salary attached to the rank held by the officer on the
17 police force for one year immediately prior to retirement or,
18 beginning July 1, 1987 for persons terminating service on or
19 after that date, the salary attached to the rank held on the
20 last day of service or for one year prior to the last day,
21 whichever is greater. The pension shall be increased by 2.5%
22 of such salary for each additional year of service over 20
23 years of service through 30 years of service, to a maximum of
24 75% of such salary.

25 The changes made to this subsection (a) by this amendatory

1 Act of the 91st General Assembly apply to all pensions that
2 become payable under this subsection on or after January 1,
3 1999. All pensions payable under this subsection that began on
4 or after January 1, 1999 and before the effective date of this
5 amendatory Act shall be recalculated, and the amount of the
6 increase accruing for that period shall be payable to the
7 pensioner in a lump sum.

8 (a-5) No pension in effect on or granted after June 30,
9 1973 shall be less than \$200 per month. Beginning July 1, 1987,
10 the minimum retirement pension for a police officer having at
11 least 20 years of creditable service shall be \$400 per month,
12 without regard to whether or not retirement occurred prior to
13 that date. If the minimum pension established in Section
14 3-113.1 is greater than the minimum provided in this
15 subsection, the Section 3-113.1 minimum controls.

16 (b) A police officer mandatorily retired from service due
17 to age by operation of law, having at least 8 but less than 20
18 years of creditable service, shall receive a pension equal to
19 2 1/2% of the salary attached to the rank he or she held on the
20 police force for one year immediately prior to retirement or,
21 beginning July 1, 1987 for persons terminating service on or
22 after that date, the salary attached to the rank held on the
23 last day of service or for one year prior to the last day,
24 whichever is greater, for each year of creditable service.

25 A police officer who retires or is separated from service
26 having at least 8 years but less than 20 years of creditable

1 service, who is not mandatorily retired due to age by
2 operation of law, and who does not apply for a refund of
3 contributions at his or her last separation from police
4 service, shall receive a pension upon attaining age 60 equal
5 to 2.5% of the salary attached to the rank held by the police
6 officer on the police force for one year immediately prior to
7 retirement or, beginning July 1, 1987 for persons terminating
8 service on or after that date, the salary attached to the rank
9 held on the last day of service or for one year prior to the
10 last day, whichever is greater, for each year of creditable
11 service.

12 (c) A police officer no longer in service who has at least
13 one but less than 8 years of creditable service in a police
14 pension fund but meets the requirements of this subsection (c)
15 shall be eligible to receive a pension from that fund equal to
16 2.5% of the salary attached to the rank held on the last day of
17 service under that fund or for one year prior to that last day,
18 whichever is greater, for each year of creditable service in
19 that fund. The pension shall begin no earlier than upon
20 attainment of age 60 (or upon mandatory retirement from the
21 fund by operation of law due to age, if that occurs before age
22 60) and in no event before the effective date of this
23 amendatory Act of 1997.

24 In order to be eligible for a pension under this
25 subsection (c), the police officer must have at least 8 years
26 of creditable service in a second police pension fund under

1 this Article and be receiving a pension under subsection (a)
2 or (b) of this Section from that second fund. The police
3 officer need not be in service on or after the effective date
4 of this amendatory Act of 1997.

5 (d) (Blank). ~~Notwithstanding any other provision of this~~
6 ~~Article, the provisions of this subsection (d) apply to a~~
7 ~~person who is not a participant in the self managed plan under~~
8 ~~Section 3-109.3 and who first becomes a police officer under~~
9 ~~this Article on or after January 1, 2011.~~

10 ~~A police officer age 55 or more who has 10 or more years of~~
11 ~~service in that capacity shall be entitled at his option to~~
12 ~~receive a monthly pension for his service as a police officer~~
13 ~~computed by multiplying 2.5% for each year of such service by~~
14 ~~his or her final average salary.~~

15 ~~The pension of a police officer who is retiring after~~
16 ~~attaining age 50 with 10 or more years of creditable service~~
17 ~~shall be reduced by one half of 1% for each month that the~~
18 ~~police officer's age is under age 55.~~

19 ~~The maximum pension under this subsection (d) shall be 75%~~
20 ~~of final average salary.~~

21 ~~For the purposes of this subsection (d), "final average~~
22 ~~salary" means the greater of: (i) the average monthly salary~~
23 ~~obtained by dividing the total salary of the police officer~~
24 ~~during the 48 consecutive months of service within the last 60~~
25 ~~months of service in which the total salary was the highest by~~
26 ~~the number of months of service in that period; or (ii) the~~

1 ~~average monthly salary obtained by dividing the total salary~~
2 ~~of the police officer during the 96 consecutive months of~~
3 ~~service within the last 120 months of service in which the~~
4 ~~total salary was the highest by the number of months of service~~
5 ~~in that period.~~

6 ~~Beginning on January 1, 2011, for all purposes under this~~
7 ~~Code (including without limitation the calculation of benefits~~
8 ~~and employee contributions), the annual salary based on the~~
9 ~~plan year of a member or participant to whom this Section~~
10 ~~applies shall not exceed \$106,800; however, that amount shall~~
11 ~~annually thereafter be increased by the lesser of (i) 3% of~~
12 ~~that amount, including all previous adjustments, or (ii) the~~
13 ~~annual unadjusted percentage increase (but not less than zero)~~
14 ~~in the consumer price index u for the 12 months ending with the~~
15 ~~September preceding each November 1, including all previous~~
16 ~~adjustments.~~

17 ~~Nothing in this amendatory Act of the 101st General~~
18 ~~Assembly shall cause or otherwise result in any retroactive~~
19 ~~adjustment of any employee contributions.~~

20 (Source: P.A. 101-610, eff. 1-1-20.)

21 (40 ILCS 5/3-111.1) (from Ch. 108 1/2, par. 3-111.1)

22 Sec. 3-111.1. Increase in pension.

23 (a) Except as provided in subsection (e), the monthly
24 pension of a police officer who retires after July 1, 1971, and
25 prior to January 1, 1986, shall be increased, upon either the

1 first of the month following the first anniversary of the date
2 of retirement if the officer is 60 years of age or over at
3 retirement date, or upon the first day of the month following
4 attainment of age 60 if it occurs after the first anniversary
5 of retirement, by 3% of the originally granted pension and by
6 an additional 3% of the originally granted pension in January
7 of each year thereafter.

8 (b) The monthly pension of a police officer who retired
9 from service with 20 or more years of service, on or before
10 July 1, 1971, shall be increased in January of the year
11 following the year of attaining age 65 or in January of 1972,
12 if then over age 65, by 3% of the originally granted pension
13 for each year the police officer received pension payments. In
14 each January thereafter, he or she shall receive an additional
15 increase of 3% of the original pension.

16 (c) The monthly pension of a police officer who retires on
17 disability or is retired for disability shall be increased in
18 January of the year following the year of attaining age 60, by
19 3% of the original grant of pension for each year he or she
20 received pension payments. In each January thereafter, the
21 police officer shall receive an additional increase of 3% of
22 the original pension.

23 (d) The monthly pension of a police officer who retires
24 after January 1, 1986, shall be increased, upon either the
25 first of the month following the first anniversary of the date
26 of retirement if the officer is 55 years of age or over, or

1 upon the first day of the month following attainment of age 55
2 if it occurs after the first anniversary of retirement, by
3 1/12 of 3% of the originally granted pension for each full
4 month that has elapsed since the pension began, and by an
5 additional 3% of the originally granted pension in January of
6 each year thereafter.

7 The changes made to this subsection (d) by this amendatory
8 Act of the 91st General Assembly apply to all initial
9 increases that become payable under this subsection on or
10 after January 1, 1999. All initial increases that became
11 payable under this subsection on or after January 1, 1999 and
12 before the effective date of this amendatory Act shall be
13 recalculated and the additional amount accruing for that
14 period, if any, shall be payable to the pensioner in a lump
15 sum.

16 (e) Notwithstanding the provisions of subsection (a), upon
17 the first day of the month following (1) the first anniversary
18 of the date of retirement, or (2) the attainment of age 55, or
19 (3) July 1, 1987, whichever occurs latest, the monthly pension
20 of a police officer who retired on or after January 1, 1977 and
21 on or before January 1, 1986, and did not receive an increase
22 under subsection (a) before July 1, 1987, shall be increased
23 by 3% of the originally granted monthly pension for each full
24 year that has elapsed since the pension began, and by an
25 additional 3% of the originally granted pension in each
26 January thereafter. The increases provided under this

1 subsection are in lieu of the increases provided in subsection
2 (a).

3 (f) Notwithstanding the other provisions of this Section,
4 beginning with increases granted on or after July 1, 1993, the
5 second and all subsequent automatic annual increases granted
6 under subsection (a), (b), (d), or (e) of this Section shall be
7 calculated as 3% of the amount of pension payable at the time
8 of the increase, including any increases previously granted
9 under this Section, rather than 3% of the originally granted
10 pension amount. Section 1-103.1 does not apply to this
11 subsection (f).

12 (g) Notwithstanding any other provision of this Article,
13 the monthly pension of a person who first becomes a police
14 officer under this Article on or after January 1, 2011 shall be
15 increased on the January 1 occurring either on or after the
16 attainment of age 60 or the first anniversary of the pension
17 start date, whichever is later; except that, beginning on the
18 effective date of this amendatory Act of the 104th General
19 Assembly, eligibility for and the amount of the automatic
20 increase in the monthly pension of such a person shall be
21 calculated as otherwise provided in this Section. Each annual
22 increase shall be calculated at 3% or one-half the annual
23 unadjusted percentage increase (but not less than zero) in the
24 consumer price index-u for the 12 months ending with the
25 September preceding each November 1, whichever is less, of the
26 originally granted pension. If the annual unadjusted

1 percentage change in the consumer price index-u for a 12-month
2 period ending in September is zero or, when compared with the
3 preceding period, decreases, then the pension shall not be
4 increased.

5 For the purposes of this subsection (g), "consumer price
6 index-u" means the index published by the Bureau of Labor
7 Statistics of the United States Department of Labor that
8 measures the average change in prices of goods and services
9 purchased by all urban consumers, United States city average,
10 all items, 1982-84 = 100. The new amount resulting from each
11 annual adjustment shall be determined by the Public Pension
12 Division of the Department of Insurance and made available to
13 the boards of the pension funds.

14 (Source: P.A. 96-1495, eff. 1-1-11.)

15 (40 ILCS 5/3-112) (from Ch. 108 1/2, par. 3-112)

16 Sec. 3-112. Pension to survivors.

17 (a) Upon the death of a police officer entitled to a
18 pension under Section 3-111, the surviving spouse shall be
19 entitled to the pension to which the police officer was then
20 entitled. Upon the death of the surviving spouse, or upon the
21 remarriage of the surviving spouse if that remarriage
22 terminates the surviving spouse's eligibility under Section
23 3-121, the police officer's unmarried children who are under
24 age 18 or who are dependent because of physical or mental
25 disability shall be entitled to equal shares of such pension.

1 If there is no eligible surviving spouse and no eligible
2 child, the dependent parent or parents of the officer shall be
3 entitled to receive or share such pension until their death or
4 marriage or remarriage after the death of the police officer.

5 Notwithstanding any other provision of this Article, for a
6 person who first becomes a police officer under this Article
7 on or after January 1, 2011, the pension to which the surviving
8 spouse, children, or parents are entitled under this
9 subsection (a) shall be in an amount equal to the greater of
10 (i) 54% of the police officer's monthly salary at the date of
11 death, or (ii) 66 2/3% of the police officer's earned pension
12 at the date of death, and, if there is a surviving spouse, 12%
13 of such monthly salary shall be granted to the guardian of any
14 minor child or children, including a child who has been
15 conceived but not yet born, for each such child until
16 attainment of age 18. Upon the death of the surviving spouse
17 leaving one or more minor children, or upon the death of a
18 police officer leaving one or more minor children but no
19 surviving spouse, a monthly pension of 20% of the monthly
20 salary shall be granted to the duly appointed guardian of each
21 such child for the support and maintenance of each such child
22 until the child reaches age 18. The total pension provided
23 under this paragraph shall not exceed 75% of the monthly
24 salary of the deceased police officer (1) when paid to the
25 survivor of a police officer who has attained 20 or more years
26 of service credit and who receives or is eligible to receive a

1 retirement pension under this Article, (2) when paid to the
2 survivor of a police officer who dies as a result of illness or
3 accident, (3) when paid to the survivor of a police officer who
4 dies from any cause while in receipt of a disability pension
5 under this Article, or (4) when paid to the survivor of a
6 deferred pensioner. Nothing in this subsection (a) shall act
7 to diminish the survivor's benefits described in subsection
8 (e) of this Section.

9 Notwithstanding Section 1-103.1, the changes made to this
10 subsection apply without regard to whether the deceased police
11 officer was in service on or after the effective date of this
12 amendatory Act of the 101st General Assembly.

13 Notwithstanding any other provision of this Article, the
14 monthly pension of a survivor of a person who first becomes a
15 police officer under this Article on or after January 1, 2011
16 shall be increased on the January 1 after attainment of age 60
17 by the recipient of the survivor's pension and each January 1
18 thereafter by 3% or one-half the annual unadjusted percentage
19 increase (but not less than zero) in the consumer price
20 index-u for the 12 months ending with the September preceding
21 each November 1, whichever is less, of the originally granted
22 survivor's pension; except that, beginning on the effective
23 date of this amendatory Act of the 104th General Assembly,
24 eligibility for and the amount of the automatic increase in
25 the monthly pension of such a survivor shall be calculated as
26 otherwise provided in this Section. If the annual unadjusted

1 percentage change in the consumer price index-u for a 12-month
2 period ending in September is zero or, when compared with the
3 preceding period, decreases, then the survivor's pension shall
4 not be increased.

5 For the purposes of this subsection (a), "consumer price
6 index-u" means the index published by the Bureau of Labor
7 Statistics of the United States Department of Labor that
8 measures the average change in prices of goods and services
9 purchased by all urban consumers, United States city average,
10 all items, 1982-84 = 100. The new amount resulting from each
11 annual adjustment shall be determined by the Public Pension
12 Division of the Department of Insurance and made available to
13 the boards of the pension funds.

14 (b) Upon the death of a police officer while in service,
15 having at least 20 years of creditable service, or upon the
16 death of a police officer who retired from service with at
17 least 20 years of creditable service, whether death occurs
18 before or after attainment of age 50, the pension earned by the
19 police officer as of the date of death as provided in Section
20 3-111 shall be paid to the survivors in the sequence provided
21 in subsection (a) of this Section.

22 (c) Upon the death of a police officer while in service,
23 having at least 10 but less than 20 years of service, a pension
24 of 1/2 of the salary attached to the rank or ranks held by the
25 officer for one year immediately prior to death shall be
26 payable to the survivors in the sequence provided in

1 subsection (a) of this Section. If death occurs as a result of
2 the performance of duty, the 10 year requirement shall not
3 apply and the pension to survivors shall be payable after any
4 period of service.

5 (d) Beginning July 1, 1987, a minimum pension of \$400 per
6 month shall be paid to all surviving spouses, without regard
7 to the fact that the death of the police officer occurred prior
8 to that date. If the minimum pension established in Section
9 3-113.1 is greater than the minimum provided in this
10 subsection, the Section 3-113.1 minimum controls.

11 (e) The pension of the surviving spouse of a police
12 officer who dies (i) on or after January 1, 2001, (ii) without
13 having begun to receive either a retirement pension payable
14 under Section 3-111 or a disability pension payable under
15 Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6, and (iii) as a
16 result of sickness, accident, or injury incurred in or
17 resulting from the performance of an act of duty shall not be
18 less than 100% of the salary attached to the rank held by the
19 deceased police officer on the last day of service,
20 notwithstanding any provision in this Article to the contrary.
21 (Source: P.A. 101-610, eff. 1-1-20.)

22 (40 ILCS 5/3-125) (from Ch. 108 1/2, par. 3-125)
23 Sec. 3-125. Financing.

24 (a) The city council or the board of trustees of the
25 municipality shall annually levy a tax upon all the taxable

1 property of the municipality at the rate on the dollar which
2 will produce an amount which, when added to the deductions
3 from the salaries or wages of police officers, and revenues
4 available from other sources, including State contributions,
5 will equal a sum sufficient to meet the annual requirements of
6 the police pension fund. The annual requirements to be
7 provided by such tax levy are equal to (1) the normal cost of
8 the pension fund for the year involved, plus (2) an amount
9 sufficient to bring the total assets of the pension fund up to
10 90% of the total actuarial liabilities of the pension fund by
11 the end of municipal fiscal year 2040, as annually updated and
12 determined by an enrolled actuary employed by the Illinois
13 Department of Insurance or by an enrolled actuary retained by
14 the pension fund or the municipality, minus (3) any
15 anticipated State contributions from the Local Government
16 Retirement Fund for the year involved. In making these
17 determinations, the required minimum employer contribution
18 shall be calculated each year as a level percentage of payroll
19 over the years remaining up to and including fiscal year 2040
20 and shall be determined under the projected unit credit
21 actuarial cost method. The tax shall be levied and collected
22 in the same manner as the general taxes of the municipality,
23 and in addition to all other taxes now or hereafter authorized
24 to be levied upon all property within the municipality, and
25 shall be in addition to the amount authorized to be levied for
26 general purposes as provided by Section 8-3-1 of the Illinois

1 Municipal Code, approved May 29, 1961, as amended. The tax
2 shall be forwarded directly to the treasurer of the board
3 within 30 business days after receipt by the county.

4 (a-5) Beginning in State fiscal year 2026, the city
5 council or the board of trustees of the municipality shall
6 certify to the Governor the amount of (1) the normal cost of
7 the pension fund for the year involved, plus (2) an amount
8 sufficient to bring the total assets of the pension fund up to
9 90% of the total actuarial liabilities of the pension fund by
10 the end of municipal fiscal year 2040, as annually updated and
11 determined by an enrolled actuary employed by the Department
12 of Insurance or by an enrolled actuary retained by the pension
13 fund or the municipality.

14 (b) For purposes of determining the required employer
15 contribution to a pension fund, the value of the pension
16 fund's assets shall be equal to the actuarial value of the
17 pension fund's assets, which shall be calculated as follows:

18 (1) On March 30, 2011, the actuarial value of a
19 pension fund's assets shall be equal to the market value
20 of the assets as of that date.

21 (2) In determining the actuarial value of the System's
22 assets for fiscal years after March 30, 2011, any
23 actuarial gains or losses from investment return incurred
24 in a fiscal year shall be recognized in equal annual
25 amounts over the 5-year period following that fiscal year.

26 (c) If a participating municipality fails to transmit to

1 the fund contributions required of it under this Article for
2 more than 90 days after the payment of those contributions is
3 due, the fund may, after giving notice to the municipality,
4 certify to the State Comptroller the amounts of the delinquent
5 payments in accordance with any applicable rules of the
6 Comptroller, and the Comptroller must, beginning in fiscal
7 year 2016, deduct and remit to the fund the certified amounts
8 or a portion of those amounts from the following proportions
9 of payments of State funds to the municipality:

10 (1) in fiscal year 2016, one-third of the total amount
11 of any payments of State funds to the municipality;

12 (2) in fiscal year 2017, two-thirds of the total
13 amount of any payments of State funds to the municipality;

14 and

15 (3) in fiscal year 2018 and each fiscal year
16 thereafter, the total amount of any payments of State
17 funds to the municipality.

18 The State Comptroller may not deduct from any payments of
19 State funds to the municipality more than the amount of
20 delinquent payments certified to the State Comptroller by the
21 fund.

22 (d) The police pension fund shall consist of the following
23 moneys which shall be set apart by the treasurer of the
24 municipality:

25 (1) All moneys derived from the taxes levied
26 hereunder;

1 (2) Contributions by police officers under Section
2 3-125.1;

3 (2.5) All moneys received from the Police Officers'
4 Pension Investment Fund as provided in Article 22B of this
5 Code;

6 (3) All moneys accumulated by the municipality under
7 any previous legislation establishing a fund for the
8 benefit of disabled or retired police officers;

9 (4) Donations, gifts or other transfers authorized by
10 this Article.

11 (e) The Commission on Government Forecasting and
12 Accountability shall conduct a study of all funds established
13 under this Article and shall report its findings to the
14 General Assembly on or before January 1, 2013. To the fullest
15 extent possible, the study shall include, but not be limited
16 to, the following:

17 (1) fund balances;

18 (2) historical employer contribution rates for each
19 fund;

20 (3) the actuarial formulas used as a basis for
21 employer contributions, including the actual assumed rate
22 of return for each year, for each fund;

23 (4) available contribution funding sources;

24 (5) the impact of any revenue limitations caused by
25 PTELL and employer home rule or non-home rule status; and

26 (6) existing statutory funding compliance procedures

1 and funding enforcement mechanisms for all municipal
2 pension funds.

3 (Source: P.A. 101-610, eff. 1-1-20.)

4 (40 ILCS 5/3-148.5 new)

5 Sec. 3-148.5. Application of this amendatory Act of the
6 104th General Assembly. It is the intent of this amendatory
7 Act of the 104th General Assembly to provide to police
8 officers who first became police officers on or after January
9 1, 2011 the same level of benefits and eligibility criteria
10 for benefits as those who first became police officers before
11 January 1, 2011. The changes made to this Article by this
12 amendatory Act of the 104th General Assembly that provide
13 benefit increases for police officers apply without regard to
14 whether the police officer was in service on or after the
15 effective date of this amendatory Act of the 104th General
16 Assembly, notwithstanding the provisions of Section 1-103.1.
17 The benefit increases are intended to apply prospectively and
18 do not entitle a police officer to retroactive benefit
19 payments or increases. The changes made to this Article by
20 this amendatory Act of the 104th General Assembly shall not
21 cause or otherwise result in any retroactive adjustment of any
22 employee contributions.

23 (40 ILCS 5/4-109) (from Ch. 108 1/2, par. 4-109)

24 Sec. 4-109. Pension.

1 (a) A firefighter age 50 or more with 20 or more years of
2 creditable service, who is no longer in service as a
3 firefighter, shall receive a monthly pension of 1/2 the
4 monthly salary attached to the rank held by him or her in the
5 fire service at the date of retirement.

6 The monthly pension shall be increased by 1/12 of 2.5% of
7 such monthly salary for each additional month over 20 years of
8 service through 30 years of service, to a maximum of 75% of
9 such monthly salary.

10 The changes made to this subsection (a) by this amendatory
11 Act of the 91st General Assembly apply to all pensions that
12 become payable under this subsection on or after January 1,
13 1999. All pensions payable under this subsection that began on
14 or after January 1, 1999 and before the effective date of this
15 amendatory Act shall be recalculated, and the amount of the
16 increase accruing for that period shall be payable to the
17 pensioner in a lump sum.

18 (b) A firefighter who retires or is separated from service
19 having at least 10 but less than 20 years of creditable
20 service, who is not entitled to receive a disability pension,
21 and who did not apply for a refund of contributions at his or
22 her last separation from service shall receive a monthly
23 pension upon attainment of age 60 based on the monthly salary
24 attached to his or her rank in the fire service on the date of
25 retirement or separation from service according to the
26 following schedule:

1 For 10 years of service, 15% of salary;
2 For 11 years of service, 17.6% of salary;
3 For 12 years of service, 20.4% of salary;
4 For 13 years of service, 23.4% of salary;
5 For 14 years of service, 26.6% of salary;
6 For 15 years of service, 30% of salary;
7 For 16 years of service, 33.6% of salary;
8 For 17 years of service, 37.4% of salary;
9 For 18 years of service, 41.4% of salary;
10 For 19 years of service, 45.6% of salary.

11 (c) (Blank). ~~Notwithstanding any other provision of this~~
12 ~~Article, the provisions of this subsection (c) apply to a~~
13 ~~person who first becomes a firefighter under this Article on~~
14 ~~or after January 1, 2011.~~

15 ~~A firefighter age 55 or more who has 10 or more years of~~
16 ~~service in that capacity shall be entitled at his option to~~
17 ~~receive a monthly pension for his service as a firefighter~~
18 ~~computed by multiplying 2.5% for each year of such service by~~
19 ~~his or her final average salary.~~

20 ~~The pension of a firefighter who is retiring after~~
21 ~~attaining age 50 with 10 or more years of creditable service~~
22 ~~shall be reduced by one half of 1% for each month that the~~
23 ~~firefighter's age is under age 55.~~

24 ~~The maximum pension under this subsection (c) shall be 75%~~
25 ~~of final average salary.~~

26 ~~For the purposes of this subsection (c), "final average~~

1 ~~salary" means the greater of: (i) the average monthly salary~~
2 ~~obtained by dividing the total salary of the firefighter~~
3 ~~during the 48 consecutive months of service within the last 60~~
4 ~~months of service in which the total salary was the highest by~~
5 ~~the number of months of service in that period; or (ii) the~~
6 ~~average monthly salary obtained by dividing the total salary~~
7 ~~of the firefighter during the 96 consecutive months of service~~
8 ~~within the last 120 months of service in which the total salary~~
9 ~~was the highest by the number of months of service in that~~
10 ~~period.~~

11 ~~Beginning on January 1, 2011, for all purposes under this~~
12 ~~Code (including without limitation the calculation of benefits~~
13 ~~and employee contributions), the annual salary based on the~~
14 ~~plan year of a member or participant to whom this Section~~
15 ~~applies shall not exceed \$106,800; however, that amount shall~~
16 ~~annually thereafter be increased by the lesser of (i) 3% of~~
17 ~~that amount, including all previous adjustments, or (ii) the~~
18 ~~annual unadjusted percentage increase (but not less than zero)~~
19 ~~in the consumer price index u for the 12 months ending with the~~
20 ~~September preceding each November 1, including all previous~~
21 ~~adjustments.~~

22 ~~Nothing in this amendatory Act of the 101st General~~
23 ~~Assembly shall cause or otherwise result in any retroactive~~
24 ~~adjustment of any employee contributions.~~

25 (Source: P.A. 101-610, eff. 1-1-20.)

1 (40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

2 Sec. 4-109.1. Increase in pension.

3 (a) Except as provided in subsection (e), the monthly
4 pension of a firefighter who retires after July 1, 1971 and
5 prior to January 1, 1986, shall, upon either the first of the
6 month following the first anniversary of the date of
7 retirement if 60 years of age or over at retirement date, or
8 upon the first day of the month following attainment of age 60
9 if it occurs after the first anniversary of retirement, be
10 increased by 2% of the originally granted monthly pension and
11 by an additional 2% in each January thereafter. Effective
12 January 1976, the rate of the annual increase shall be 3% of
13 the originally granted monthly pension.

14 (b) The monthly pension of a firefighter who retired from
15 service with 20 or more years of service, on or before July 1,
16 1971, shall be increased, in January of the year following the
17 year of attaining age 65 or in January 1972, if then over age
18 65, by 2% of the originally granted monthly pension, for each
19 year the firefighter received pension payments. In each
20 January thereafter, he or she shall receive an additional
21 increase of 2% of the original monthly pension. Effective
22 January 1976, the rate of the annual increase shall be 3%.

23 (c) The monthly pension of a firefighter who is receiving
24 a disability pension under this Article shall be increased, in
25 January of the year following the year the firefighter attains
26 age 60, or in January 1974, if then over age 60, by 2% of the

1 originally granted monthly pension for each year he or she
2 received pension payments. In each January thereafter, the
3 firefighter shall receive an additional increase of 2% of the
4 original monthly pension. Effective January 1976, the rate of
5 the annual increase shall be 3%.

6 (c-1) On January 1, 1998, every child's disability benefit
7 payable on that date under Section 4-110 or 4-110.1 shall be
8 increased by an amount equal to 1/12 of 3% of the amount of the
9 benefit, multiplied by the number of months for which the
10 benefit has been payable. On each January 1 thereafter, every
11 child's disability benefit payable under Section 4-110 or
12 4-110.1 shall be increased by 3% of the amount of the benefit
13 then being paid, including any previous increases received
14 under this Article. These increases are not subject to any
15 limitation on the maximum benefit amount included in Section
16 4-110 or 4-110.1.

17 (c-2) On July 1, 2004, every pension payable to or on
18 behalf of a minor or disabled surviving child that is payable
19 on that date under Section 4-114 shall be increased by an
20 amount equal to 1/12 of 3% of the amount of the pension,
21 multiplied by the number of months for which the benefit has
22 been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and
23 July 1, 2008, every pension payable to or on behalf of a minor
24 or disabled surviving child that is payable under Section
25 4-114 shall be increased by 3% of the amount of the pension
26 then being paid, including any previous increases received

1 under this Article. These increases are not subject to any
2 limitation on the maximum benefit amount included in Section
3 4-114.

4 (d) The monthly pension of a firefighter who retires after
5 January 1, 1986, shall, upon either the first of the month
6 following the first anniversary of the date of retirement if
7 55 years of age or over, or upon the first day of the month
8 following attainment of age 55 if it occurs after the first
9 anniversary of retirement, be increased by 1/12 of 3% of the
10 originally granted monthly pension for each full month that
11 has elapsed since the pension began, and by an additional 3% in
12 each January thereafter.

13 The changes made to this subsection (d) by this amendatory
14 Act of the 91st General Assembly apply to all initial
15 increases that become payable under this subsection on or
16 after January 1, 1999. All initial increases that became
17 payable under this subsection on or after January 1, 1999 and
18 before the effective date of this amendatory Act shall be
19 recalculated and the additional amount accruing for that
20 period, if any, shall be payable to the pensioner in a lump
21 sum.

22 (e) Notwithstanding the provisions of subsection (a), upon
23 the first day of the month following (1) the first anniversary
24 of the date of retirement, or (2) the attainment of age 55, or
25 (3) July 1, 1987, whichever occurs latest, the monthly pension
26 of a firefighter who retired on or after January 1, 1977 and on

1 or before January 1, 1986 and did not receive an increase under
2 subsection (a) before July 1, 1987, shall be increased by 3% of
3 the originally granted monthly pension for each full year that
4 has elapsed since the pension began, and by an additional 3% in
5 each January thereafter. The increases provided under this
6 subsection are in lieu of the increases provided in subsection
7 (a).

8 (f) In July 2009, the monthly pension of a firefighter who
9 retired before July 1, 1977 shall be recalculated and
10 increased to reflect the amount that the firefighter would
11 have received in July 2009 had the firefighter been receiving
12 a 3% compounded increase for each year he or she received
13 pension payments after January 1, 1986, plus any increases in
14 pension received for each year prior to January 1, 1986. In
15 each January thereafter, he or she shall receive an additional
16 increase of 3% of the amount of the pension then being paid.
17 The changes made to this Section by this amendatory Act of the
18 96th General Assembly apply without regard to whether the
19 firefighter was in service on or after its effective date.

20 (g) Notwithstanding any other provision of this Article,
21 the monthly pension of a person who first becomes a
22 firefighter under this Article on or after January 1, 2011
23 shall be increased on the January 1 occurring either on or
24 after the attainment of age 60 or the first anniversary of the
25 pension start date, whichever is later; except that, beginning
26 on the effective date of this amendatory Act of the 104th

1 General Assembly, eligibility for and the amount of the
2 automatic increase in the monthly pension of such a person
3 shall be calculated as otherwise provided in this Section.

4 Each annual increase shall be calculated at 3% or one-half the
5 annual unadjusted percentage increase (but not less than zero)
6 in the consumer price index-u for the 12 months ending with the
7 September preceding each November 1, whichever is less, of the
8 originally granted pension. If the annual unadjusted
9 percentage change in the consumer price index-u for a 12-month
10 period ending in September is zero or, when compared with the
11 preceding period, decreases, then the pension shall not be
12 increased.

13 For the purposes of this subsection (g), "consumer price
14 index-u" means the index published by the Bureau of Labor
15 Statistics of the United States Department of Labor that
16 measures the average change in prices of goods and services
17 purchased by all urban consumers, United States city average,
18 all items, 1982-84 = 100. The new amount resulting from each
19 annual adjustment shall be determined by the Public Pension
20 Division of the Department of Insurance and made available to
21 the boards of the pension funds.

22 (Source: P.A. 96-775, eff. 8-28-09; 96-1495, eff. 1-1-11.)

23 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

24 Sec. 4-114. Pension to survivors. If a firefighter who is
25 not receiving a disability pension under Section 4-110 or

1 4-110.1 dies (1) as a result of any illness or accident, or (2)
2 from any cause while in receipt of a disability pension under
3 this Article, or (3) during retirement after 20 years service,
4 or (4) while vested for or in receipt of a pension payable
5 under subsection (b) of Section 4-109, or (5) while a deferred
6 pensioner, having made all required contributions, a pension
7 shall be paid to his or her survivors, based on the monthly
8 salary attached to the firefighter's rank on the last day of
9 service in the fire department, as follows:

10 (a) (1) To the surviving spouse, a monthly pension of
11 40% of the monthly salary, and if there is a surviving
12 spouse, to the guardian of any minor child or children
13 including a child which has been conceived but not yet
14 born, 12% of such monthly salary for each such child until
15 attainment of age 18 or until the child's marriage,
16 whichever occurs first. Beginning July 1, 1993, the
17 monthly pension to the surviving spouse shall be 54% of
18 the monthly salary for all persons receiving a surviving
19 spouse pension under this Article, regardless of whether
20 the deceased firefighter was in service on or after the
21 effective date of this amendatory Act of 1993.

22 (2) Beginning July 1, 2004, unless the amount provided
23 under paragraph (1) of this subsection (a) is greater, the
24 total monthly pension payable under this paragraph (a),
25 including any amount payable on account of children, to
26 the surviving spouse of a firefighter who died (i) while

1 receiving a retirement pension, (ii) while he or she was a
2 deferred pensioner with at least 20 years of creditable
3 service, or (iii) while he or she was in active service
4 having at least 20 years of creditable service, regardless
5 of age, shall be no less than 100% of the monthly
6 retirement pension earned by the deceased firefighter at
7 the time of death, regardless of whether death occurs
8 before or after attainment of age 50, including any
9 increases under Section 4-109.1. This minimum applies to
10 all such surviving spouses who are eligible to receive a
11 surviving spouse pension, regardless of whether the
12 deceased firefighter was in service on or after the
13 effective date of this amendatory Act of the 93rd General
14 Assembly, and notwithstanding any limitation on maximum
15 pension under paragraph (d) or any other provision of this
16 Article.

17 (3) If the pension paid on and after July 1, 2004 to
18 the surviving spouse of a firefighter who died on or after
19 July 1, 2004 and before the effective date of this
20 amendatory Act of the 93rd General Assembly was less than
21 the minimum pension payable under paragraph (1) or (2) of
22 this subsection (a), the fund shall pay a lump sum equal to
23 the difference within 90 days after the effective date of
24 this amendatory Act of the 93rd General Assembly.

25 The pension to the surviving spouse shall terminate in
26 the event of the surviving spouse's remarriage prior to

1 July 1, 1993; remarriage on or after that date does not
2 affect the surviving spouse's pension, regardless of
3 whether the deceased firefighter was in service on or
4 after the effective date of this amendatory Act of 1993.

5 The surviving spouse's pension shall be subject to the
6 minimum established in Section 4-109.2.

7 (b) Upon the death of the surviving spouse leaving one
8 or more minor children, or upon the death of a firefighter
9 leaving one or more minor children but no surviving
10 spouse, to the duly appointed guardian of each such child,
11 for support and maintenance of each such child until the
12 child reaches age 18 or marries, whichever occurs first, a
13 monthly pension of 20% of the monthly salary.

14 In a case where the deceased firefighter left one or
15 more minor children but no surviving spouse and the
16 guardian of a child is receiving a pension of 12% of the
17 monthly salary on August 16, 2013 (the effective date of
18 Public Act 98-391), the pension is increased by Public Act
19 98-391 to 20% of the monthly salary for each such child,
20 beginning on the pension payment date occurring on or next
21 following August 16, 2013. The changes to this Section
22 made by Public Act 98-391 apply without regard to whether
23 the deceased firefighter was in service on or after August
24 16, 2013.

25 (c) If a deceased firefighter leaves no surviving
26 spouse or unmarried minor children under age 18, but

1 leaves a dependent father or mother, to each dependent
2 parent a monthly pension of 18% of the monthly salary. To
3 qualify for the pension, a dependent parent must furnish
4 satisfactory proof that the deceased firefighter was at
5 the time of his or her death the sole supporter of the
6 parent or that the parent was the deceased's dependent for
7 federal income tax purposes.

8 (d) The total pension provided under paragraphs (a),
9 (b) and (c) of this Section shall not exceed 75% of the
10 monthly salary of the deceased firefighter (1) when paid
11 to the survivor of a firefighter who has attained 20 or
12 more years of service credit and who receives or is
13 eligible to receive a retirement pension under this
14 Article, or (2) when paid to the survivor of a firefighter
15 who dies as a result of illness or accident, or (3) when
16 paid to the survivor of a firefighter who dies from any
17 cause while in receipt of a disability pension under this
18 Article, or (4) when paid to the survivor of a deferred
19 pensioner. For all other survivors of deceased
20 firefighters, the total pension provided under paragraphs
21 (a), (b) and (c) of this Section shall not exceed 50% of
22 the retirement annuity the firefighter would have received
23 on the date of death.

24 The maximum pension limitations in this paragraph (d)
25 do not control over any contrary provision of this Article
26 explicitly establishing a minimum amount of pension or

1 granting a one-time or annual increase in pension.

2 (e) If a firefighter leaves no eligible survivors
3 under paragraphs (a), (b) and (c), the board shall refund
4 to the firefighter's estate the amount of his or her
5 accumulated contributions, less the amount of pension
6 payments, if any, made to the firefighter while living.

7 (f) (Blank).

8 (g) If a judgment of dissolution of marriage between a
9 firefighter and spouse is judicially set aside subsequent
10 to the firefighter's death, the surviving spouse is
11 eligible for the pension provided in paragraph (a) only if
12 the judicial proceedings are filed within 2 years after
13 the date of the dissolution of marriage and within one
14 year after the firefighter's death and the board is made a
15 party to the proceedings. In such case the pension shall
16 be payable only from the date of the court's order setting
17 aside the judgment of dissolution of marriage.

18 (h) Benefits payable on account of a child under this
19 Section shall not be reduced or terminated by reason of
20 the child's attainment of age 18 if he or she is then
21 dependent by reason of a physical or mental disability but
22 shall continue to be paid as long as such dependency
23 continues. Individuals over the age of 18 and adjudged as
24 a disabled person pursuant to Article XIa of the Probate
25 Act of 1975, except for persons receiving benefits under
26 Article III of the Illinois Public Aid Code, shall be

1 eligible to receive benefits under this Act.

2 (i) Beginning January 1, 2000, the pension of the
3 surviving spouse of a firefighter who dies on or after
4 January 1, 1994 as a result of sickness, accident, or
5 injury incurred in or resulting from the performance of an
6 act of duty or from the cumulative effects of acts of duty
7 shall not be less than 100% of the salary attached to the
8 rank held by the deceased firefighter on the last day of
9 service, notwithstanding subsection (d) or any other
10 provision of this Article.

11 (j) Beginning July 1, 2004, the pension of the
12 surviving spouse of a firefighter who dies on or after
13 January 1, 1988 as a result of sickness, accident, or
14 injury incurred in or resulting from the performance of an
15 act of duty or from the cumulative effects of acts of duty
16 shall not be less than 100% of the salary attached to the
17 rank held by the deceased firefighter on the last day of
18 service, notwithstanding subsection (d) or any other
19 provision of this Article.

20 Notwithstanding any other provision of this Article, if a
21 person who first becomes a firefighter under this Article on
22 or after January 1, 2011 and who is not receiving a disability
23 pension under Section 4-110 or 4-110.1 dies (1) as a result of
24 any illness or accident, (2) from any cause while in receipt of
25 a disability pension under this Article, (3) during retirement
26 after 20 years service, (4) while vested for or in receipt of a

1 pension payable under subsection (b) of Section 4-109, or (5)
2 while a deferred pensioner, having made all required
3 contributions, then a pension shall be paid to his or her
4 survivors in an amount equal to the greater of (i) 54% of the
5 firefighter's monthly salary at the date of death, or (ii) 66
6 2/3% of the firefighter's earned pension at the date of death,
7 and, if there is a surviving spouse, 12% of such monthly salary
8 shall be granted to the guardian of any minor child or
9 children, including a child who has been conceived but not yet
10 born, for each such child until attainment of age 18. Upon the
11 death of the surviving spouse leaving one or more minor
12 children, or upon the death of a firefighter leaving one or
13 more minor children but no surviving spouse, a monthly pension
14 of 20% of the monthly salary shall be granted to the duly
15 appointed guardian of each such child for the support and
16 maintenance of each such child until the child reaches age 18.
17 The total pension provided under this paragraph shall not
18 exceed 75% of the monthly salary of the deceased firefighter
19 (1) when paid to the survivor of a firefighter who has attained
20 20 or more years of service credit and who receives or is
21 eligible to receive a retirement pension under this Article,
22 (2) when paid to the survivor of a firefighter who dies as a
23 result of illness or accident, (3) when paid to the survivor of
24 a firefighter who dies from any cause while in receipt of a
25 disability pension under this Article, or (4) when paid to the
26 survivor of a deferred pensioner. Nothing in this Section

1 shall act to diminish the survivor's benefits described in
2 subsection (j) of this Section.

3 Notwithstanding Section 1-103.1, the changes made to this
4 subsection apply without regard to whether the deceased
5 firefighter was in service on or after the effective date of
6 this amendatory Act of the 101st General Assembly.

7 Notwithstanding any other provision of this Article, the
8 monthly pension of a survivor of a person who first becomes a
9 firefighter under this Article on or after January 1, 2011
10 shall be increased on the January 1 after attainment of age 60
11 by the recipient of the survivor's pension and each January 1
12 thereafter by 3% or one-half the annual unadjusted percentage
13 increase in the consumer price index-u for the 12 months
14 ending with the September preceding each November 1, whichever
15 is less, of the originally granted survivor's pension; except
16 that, beginning on the effective date of this amendatory Act
17 of the 104th General Assembly, eligibility for and the amount
18 of the automatic increase in the monthly pension of such a
19 survivor shall be calculated as otherwise provided in this
20 Section. If the annual unadjusted percentage change in the
21 consumer price index-u for a 12-month period ending in
22 September is zero or, when compared with the preceding period,
23 decreases, then the survivor's pension shall not be increased.

24 For the purposes of this Section, "consumer price index-u"
25 means the index published by the Bureau of Labor Statistics of
26 the United States Department of Labor that measures the

1 average change in prices of goods and services purchased by
2 all urban consumers, United States city average, all items,
3 1982-84 = 100. The new amount resulting from each annual
4 adjustment shall be determined by the Public Pension Division
5 of the Department of Insurance and made available to the
6 boards of the pension funds.

7 (Source: P.A. 101-610, eff. 1-1-20.)

8 (40 ILCS 5/4-118) (from Ch. 108 1/2, par. 4-118)

9 Sec. 4-118. Financing.

10 (a) The city council or the board of trustees of the
11 municipality shall annually levy a tax upon all the taxable
12 property of the municipality at the rate on the dollar which
13 will produce an amount which, when added to the deductions
14 from the salaries or wages of firefighters and revenues
15 available from other sources, will equal a sum sufficient to
16 meet the annual actuarial requirements of the pension fund, as
17 determined by an enrolled actuary employed by the Illinois
18 Department of Insurance or by an enrolled actuary retained by
19 the pension fund or municipality. For the purposes of this
20 Section, the annual actuarial requirements of the pension fund
21 are equal to (1) the normal cost of the pension fund, or 17.5%
22 of the salaries and wages to be paid to firefighters for the
23 year involved, whichever is greater, plus (2) an annual amount
24 sufficient to bring the total assets of the pension fund up to
25 90% of the total actuarial liabilities of the pension fund by

1 the end of municipal fiscal year 2040, as annually updated and
2 determined by an enrolled actuary employed by the Illinois
3 Department of Insurance or by an enrolled actuary retained by
4 the pension fund or the municipality, minus (3) any
5 anticipated State contributions from the Local Government
6 Retirement Fund for the year involved. In making these
7 determinations, the required minimum employer contribution
8 shall be calculated each year as a level percentage of payroll
9 over the years remaining up to and including fiscal year 2040
10 and shall be determined under the projected unit credit
11 actuarial cost method. The amount to be applied towards the
12 amortization of the unfunded accrued liability in any year
13 shall not be less than the annual amount required to amortize
14 the unfunded accrued liability, including interest, as a level
15 percentage of payroll over the number of years remaining in
16 the 40-year amortization period.

17 (a-1) Beginning in State fiscal year 2026, the city
18 council or the board of trustees of the municipality shall
19 certify to the Governor the amount of (1) the normal cost of
20 the pension fund, or 17.5% of the salaries and wages to be paid
21 to firefighters for the year involved, whichever is greater,
22 plus (2) an annual amount sufficient to bring the total assets
23 of the pension fund up to 90% of the total actuarial
24 liabilities of the pension fund by the end of municipal fiscal
25 year 2040, as annually updated and determined by an enrolled
26 actuary employed by the Department of Insurance or by an

1 enrolled actuary retained by the pension fund or the
2 municipality.

3 (a-2) A municipality that has established a pension fund
4 under this Article and that employs a full-time firefighter,
5 as defined in Section 4-106, shall be deemed a primary
6 employer with respect to that full-time firefighter. Any
7 municipality of 5,000 or more inhabitants that employs or
8 enrolls a firefighter while that firefighter continues to earn
9 service credit as a participant in a primary employer's
10 pension fund under this Article shall be deemed a secondary
11 employer and such employees shall be deemed to be secondary
12 employee firefighters. To ensure that the primary employer's
13 pension fund under this Article is aware of additional
14 liabilities and risks to which firefighters are exposed when
15 performing work as firefighters for secondary employers, a
16 secondary employer shall annually prepare a report accounting
17 for all hours worked by and wages and salaries paid to the
18 secondary employee firefighters it receives services from or
19 employs for each fiscal year in which such firefighters are
20 employed and transmit a certified copy of that report to the
21 primary employer's pension fund, the Department of Insurance,
22 and the secondary employee firefighter no later than 30 days
23 after the end of any fiscal year in which wages were paid to
24 the secondary employee firefighters.

25 Nothing in this Section shall be construed to allow a
26 secondary employee to qualify for benefits or creditable

1 service for employment as a firefighter for a secondary
2 employer.

3 (a-5) For purposes of determining the required employer
4 contribution to a pension fund, the value of the pension
5 fund's assets shall be equal to the actuarial value of the
6 pension fund's assets, which shall be calculated as follows:

7 (1) On March 30, 2011, the actuarial value of a
8 pension fund's assets shall be equal to the market value
9 of the assets as of that date.

10 (2) In determining the actuarial value of the pension
11 fund's assets for fiscal years after March 30, 2011, any
12 actuarial gains or losses from investment return incurred
13 in a fiscal year shall be recognized in equal annual
14 amounts over the 5-year period following that fiscal year.

15 (b) The tax shall be levied and collected in the same
16 manner as the general taxes of the municipality, and shall be
17 in addition to all other taxes now or hereafter authorized to
18 be levied upon all property within the municipality, and in
19 addition to the amount authorized to be levied for general
20 purposes, under Section 8-3-1 of the Illinois Municipal Code
21 or under Section 14 of the Fire Protection District Act. The
22 tax shall be forwarded directly to the treasurer of the board
23 within 30 business days of receipt by the county (or, in the
24 case of amounts added to the tax levy under subsection (f),
25 used by the municipality to pay the employer contributions
26 required under subsection (b-1) of Section 15-155 of this

1 Code).

2 (b-5) If a participating municipality fails to transmit to
3 the fund contributions required of it under this Article for
4 more than 90 days after the payment of those contributions is
5 due, the fund may, after giving notice to the municipality,
6 certify to the State Comptroller the amounts of the delinquent
7 payments in accordance with any applicable rules of the
8 Comptroller, and the Comptroller must, beginning in fiscal
9 year 2016, deduct and remit to the fund the certified amounts
10 or a portion of those amounts from the following proportions
11 of payments of State funds to the municipality:

12 (1) in fiscal year 2016, one-third of the total amount
13 of any payments of State funds to the municipality;

14 (2) in fiscal year 2017, two-thirds of the total
15 amount of any payments of State funds to the municipality;

16 and

17 (3) in fiscal year 2018 and each fiscal year
18 thereafter, the total amount of any payments of State
19 funds to the municipality.

20 The State Comptroller may not deduct from any payments of
21 State funds to the municipality more than the amount of
22 delinquent payments certified to the State Comptroller by the
23 fund.

24 (c) The board shall make available to the membership and
25 the general public for inspection and copying at reasonable
26 times the most recent Actuarial Valuation Balance Sheet and

1 Tax Levy Requirement issued to the fund by the Department of
2 Insurance.

3 (d) The firefighters' pension fund shall consist of the
4 following moneys which shall be set apart by the treasurer of
5 the municipality: (1) all moneys derived from the taxes levied
6 hereunder; (2) contributions by firefighters as provided under
7 Section 4-118.1; (2.5) all moneys received from the
8 Firefighters' Pension Investment Fund as provided in Article
9 22C of this Code; (3) all rewards in money, fees, gifts, and
10 emoluments that may be paid or given for or on account of
11 extraordinary service by the fire department or any member
12 thereof, except when allowed to be retained by competitive
13 awards; and (4) any money, real estate or personal property
14 received by the board.

15 (e) For the purposes of this Section, "enrolled actuary"
16 means an actuary: (1) who is a member of the Society of
17 Actuaries or the American Academy of Actuaries; and (2) who is
18 enrolled under Subtitle C of Title III of the Employee
19 Retirement Income Security Act of 1974, or who has been
20 engaged in providing actuarial services to one or more public
21 retirement systems for a period of at least 3 years as of July
22 1, 1983.

23 (f) The corporate authorities of a municipality that
24 employs a person who is described in subdivision (d) of
25 Section 4-106 may add to the tax levy otherwise provided for in
26 this Section an amount equal to the projected cost of the

1 employer contributions required to be paid by the municipality
2 to the State Universities Retirement System under subsection
3 (b-1) of Section 15-155 of this Code.

4 (g) The Commission on Government Forecasting and
5 Accountability shall conduct a study of all funds established
6 under this Article and shall report its findings to the
7 General Assembly on or before January 1, 2013. To the fullest
8 extent possible, the study shall include, but not be limited
9 to, the following:

10 (1) fund balances;

11 (2) historical employer contribution rates for each
12 fund;

13 (3) the actuarial formulas used as a basis for
14 employer contributions, including the actual assumed rate
15 of return for each year, for each fund;

16 (4) available contribution funding sources;

17 (5) the impact of any revenue limitations caused by
18 PTELL and employer home rule or non-home rule status; and

19 (6) existing statutory funding compliance procedures
20 and funding enforcement mechanisms for all municipal
21 pension funds.

22 (Source: P.A. 101-522, eff. 8-23-19; 101-610, eff. 1-1-20;
23 102-59, eff. 7-9-21; 102-558, eff. 8-20-21.)

24 (40 ILCS 5/4-138.15 new)

25 Sec. 4-138.15. Application of this amendatory Act of the

1 104th General Assembly. It is the intent of this amendatory
2 Act of the 104th General Assembly to provide to firefighters
3 who first became firefighters on or after January 1, 2011 the
4 same level of benefits and eligibility criteria for benefits
5 as those who first became firefighters before January 1, 2011.
6 The changes made to this Article by this amendatory Act of the
7 104th General Assembly that provide benefit increases for
8 firefighters apply without regard to whether the firefighter
9 was in service on or after the effective date of this
10 amendatory Act of the 104th General Assembly, notwithstanding
11 the provisions of Section 1-103.1. The benefit increases are
12 intended to apply prospectively and do not entitle a
13 firefighter to retroactive benefit payments or increases. The
14 changes made to this Article by this amendatory Act of the
15 104th General Assembly shall not cause or otherwise result in
16 any retroactive adjustment of any employee contributions.

17 (40 ILCS 5/5-155) (from Ch. 108 1/2, par. 5-155)

18 Sec. 5-155. Ordinary disability benefit. A policeman less
19 than age 63 who becomes disabled after the effective date as
20 the result of any cause other than injury incurred in the
21 performance of an act of duty, shall receive ordinary
22 disability benefit during any period or periods of disability
23 exceeding 30 days, for which he does not have a right to
24 receive any part of his salary. Payment of such benefit shall
25 not exceed, in the aggregate, throughout the total service of

1 the policeman, a period equal to one-fourth of the service
2 rendered to the city prior to the time he became disabled, nor
3 more than 5 years. In computing such period of service, the
4 time that the policeman received ordinary disability benefit
5 shall not be included.

6 When a disabled policeman becomes age 63 or would have
7 been retired by operation of law, whichever is later, the
8 disability benefit shall cease. The policeman, if still
9 disabled, shall thereafter receive such annuity as is provided
10 in accordance with other provisions of this Article.

11 Ordinary disability benefit shall be 50% of the
12 policeman's salary, as salary is defined in this Article
13 ~~(including the limitation in Section 5-238 if applicable)~~, at
14 the time disability occurs. Until September 1, 1969, before
15 any payment, an amount equal to the sum ordinarily deducted
16 from the policeman's salary for all annuity purposes for the
17 period for which payment of ordinary disability benefit is
18 made shall be deducted from such payment and credited as a
19 deduction from salary for such period. Beginning September 1,
20 1969, the city shall also contribute all amounts ordinarily
21 contributed by it for annuity purposes for the policeman as if
22 he were in active discharge of his duties. Such sums so
23 credited shall be regarded, for annuity and refund purposes,
24 as sums contributed by the policeman.

25 (Source: P.A. 99-905, eff. 11-29-16.)

1 (40 ILCS 5/5-167.1) (from Ch. 108 1/2, par. 5-167.1)

2 Sec. 5-167.1. Automatic increase in annuity; retirement
3 from service after September 1, 1967.

4 (a) A policeman who retires from service after September
5 1, 1967 with at least 20 years of service credit shall, upon
6 either the first of the month following the first anniversary
7 of his date of retirement if he is age 55 or over on that
8 anniversary date, or upon the first of the month following his
9 attainment of age 55 if it occurs after the first anniversary
10 of his retirement date, have his then fixed and payable
11 monthly annuity increased by 3% and such first fixed annuity
12 as granted at retirement increased by an additional 3% in
13 January of each year thereafter.

14 Any policeman born before January 1, 1945 who qualifies
15 for a minimum annuity and retires after September 1, 1967 but
16 has not received the initial increase under this subsection
17 before January 1, 1996 is entitled to receive the initial
18 increase under this subsection on (1) January 1, 1996, (2) the
19 first anniversary of the date of retirement, or (3) attainment
20 of age 55, whichever occurs last. The changes to this Section
21 made by Public Act 89-12 apply beginning January 1, 1996 and
22 without regard to whether the policeman or annuitant
23 terminated service before the effective date of that Act.

24 Any policeman born before January 1, 1950 who qualifies
25 for a minimum annuity and retires after September 1, 1967 but
26 has not received the initial increase under this subsection

1 before January 1, 2000 is entitled to receive the initial
2 increase under this subsection on (1) January 1, 2000, (2) the
3 first anniversary of the date of retirement, or (3) attainment
4 of age 55, whichever occurs last. The changes to this Section
5 made by this amendatory Act of the 92nd General Assembly apply
6 without regard to whether the policeman or annuitant
7 terminated service before the effective date of this
8 amendatory Act.

9 Any policeman born before January 1, 1955 who qualifies
10 for a minimum annuity and retires after September 1, 1967 but
11 has not received the initial increase under this subsection
12 before January 1, 2005 is entitled to receive the initial
13 increase under this subsection on (1) January 1, 2005, (2) the
14 first anniversary of the date of retirement, or (3) attainment
15 of age 55, whichever occurs last. The changes to this Section
16 made by this amendatory Act of the 94th General Assembly apply
17 without regard to whether the policeman or annuitant
18 terminated service before the effective date of this
19 amendatory Act.

20 Any policeman born before January 1, 1966 who qualifies
21 for a minimum annuity and retires after September 1, 1967 but
22 has not received the initial increase under this subsection
23 before January 1, 2017 is entitled to receive an initial
24 increase under this subsection on (1) January 1, 2017, (2) the
25 first anniversary of the date of retirement, or (3) attainment
26 of age 55, whichever occurs last, in an amount equal to 3% for

1 each complete year following the date of retirement or
2 attainment of age 55, whichever occurs later. The changes to
3 this subsection made by this amendatory Act of the 99th
4 General Assembly apply without regard to whether the policeman
5 or annuitant terminated service before the effective date of
6 this amendatory Act.

7 Any policeman born on or after January 1, 1966 who
8 qualifies for a minimum annuity and retires after September 1,
9 1967 but has not received the initial increase under this
10 subsection before January 1, 2023 is entitled to receive the
11 initial increase under this subsection on (1) January 1, 2023,
12 (2) the first anniversary of the date of retirement, or (3)
13 attainment of age 55, whichever occurs last. The changes to
14 this Section made by this amendatory Act of the 103rd General
15 Assembly apply without regard to whether the policeman or
16 annuitant terminated service before the effective date of this
17 amendatory Act of the 103rd General Assembly.

18 (b) Subsection (a) of this Section is not applicable to an
19 employee receiving a term annuity.

20 (c) To help defray the cost of such increases in annuity,
21 there shall be deducted, beginning September 1, 1967, from
22 each payment of salary to a policeman, 1/2 of 1% of each salary
23 payment concurrently with and in addition to the salary
24 deductions otherwise made for annuity purposes.

25 The city, in addition to the contributions otherwise made
26 by it for annuity purposes under other provisions of this

1 Article, shall make matching contributions concurrently with
2 such salary deductions.

3 Each such 1/2 of 1% deduction from salary and each such
4 contribution by the city of 1/2 of 1% of salary shall be
5 credited to the Automatic Increase Reserve, to be used to
6 defray the cost of the annuity increase provided by this
7 Section. Any balance in such reserve as of the beginning of
8 each calendar year shall be credited with interest at the rate
9 of 3% per annum.

10 Such deductions from salary and city contributions shall
11 continue while the policeman is in service.

12 The salary deductions provided in this Section are not
13 subject to refund, except to the policeman himself, in any
14 case in which: (i) the policeman withdraws prior to
15 qualification for minimum annuity ~~or Tier 2 monthly retirement~~
16 ~~annuity~~ and applies for refund, (ii) the policeman applies for
17 an annuity of a type that is not subject to annual increases
18 under this Section, or (iii) a term annuity becomes payable.
19 In such cases, the total of such salary deductions shall be
20 refunded to the policeman, without interest, and charged to
21 the Automatic Increase Reserve.

22 (d) Notwithstanding any other provision of this Article,
23 the Tier 2 monthly retirement annuity of a person who first
24 becomes a policeman under this Article on or after the
25 effective date of this amendatory Act of the 97th General
26 Assembly shall be increased on the January 1 occurring either

1 on or after (i) the attainment of age 60 or (ii) the first
2 anniversary of the annuity start date, whichever is later;
3 except that, beginning on the effective date of this
4 amendatory Act of the 104th General Assembly, eligibility for
5 and the amount of the automatic increase in the monthly
6 pension of such a person shall be calculated as otherwise
7 provided in this Section. Each annual increase shall be
8 calculated at 3% or one-half the annual unadjusted percentage
9 increase (but not less than zero) in the consumer price
10 index-u for the 12 months ending with the September preceding
11 each November 1, whichever is less, of the originally granted
12 retirement annuity. If the annual unadjusted percentage change
13 in the consumer price index-u for a 12-month period ending in
14 September is zero or, when compared with the preceding period,
15 decreases, then the annuity shall not be increased.

16 For the purposes of this subsection (d), "consumer price
17 index-u" means the index published by the Bureau of Labor
18 Statistics of the United States Department of Labor that
19 measures the average change in prices of goods and services
20 purchased by all urban consumers, United States city average,
21 all items, 1982-84 = 100. The new amount resulting from each
22 annual adjustment shall be determined by the Public Pension
23 Division of the Department of Insurance and made available to
24 the boards of the pension funds by November 1 of each year.

25 (Source: P.A. 103-582, eff. 12-8-23.)

1 (40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

2 Sec. 5-168. Financing.

3 (a) Except as expressly provided in this Section, the city
4 shall levy a tax annually upon all taxable property therein
5 for the purpose of providing revenue for the fund.

6 The tax shall be at a rate that will produce a sum which,
7 when added to the amounts deducted from the policemen's
8 salaries and the amounts deposited in accordance with
9 subsection (g), is sufficient for the purposes of the fund.

10 For the years 1968 and 1969, the city council shall levy a
11 tax annually at a rate on the dollar of the assessed valuation
12 of all taxable property that will produce, when extended, not
13 to exceed \$9,700,000. Beginning with the year 1970 and through
14 2014, the city council shall levy a tax annually at a rate on
15 the dollar of the assessed valuation of all taxable property
16 that will produce when extended an amount not to exceed the
17 total amount of contributions by the policemen to the Fund
18 made in the calendar year 2 years before the year for which the
19 applicable annual tax is levied, multiplied by 1.40 for the
20 tax levy year 1970; by 1.50 for the year 1971; by 1.65 for
21 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975
22 through 1981; by 2.00 for 1982 and for each tax levy year
23 through 2014. Beginning in tax levy year 2015, the city
24 council shall levy a tax annually at a rate on the dollar of
25 the assessed valuation of all taxable property that will
26 produce when extended an annual amount that is equal to no less

1 than the amount of the city's contribution in each of the
2 following payment years: for 2016, \$420,000,000; for 2017,
3 \$464,000,000; for 2018, \$500,000,000; for 2019, \$557,000,000;
4 for 2020, \$579,000,000.

5 Beginning in tax levy year 2020 and until levy year 2026,
6 the city council shall levy a tax annually at a rate on the
7 dollar of the assessed valuation of all taxable property that
8 will produce when extended an annual amount that is equal to no
9 less than (1) the normal cost to the Fund, plus (2) an annual
10 amount sufficient to bring the total assets of the Fund up to
11 90% of the total actuarial liabilities of the Fund by the end
12 of fiscal year 2055, as annually updated and determined by an
13 enrolled actuary employed by the Illinois Department of
14 Insurance or by an enrolled actuary retained by the Fund.
15 Beginning in tax levy year 2026, the city council shall levy a
16 tax annually at a rate on the dollar of the assessed valuation
17 of all taxable property that will produce when extended an
18 annual amount that is equal to no less than (1) the normal cost
19 to the Fund, plus (2) an annual amount sufficient to bring the
20 total assets of the Fund up to 90% of the total actuarial
21 liabilities of the Fund by the end of fiscal year 2055, as
22 annually updated and determined by an enrolled actuary
23 employed by the Department of Insurance or by an enrolled
24 actuary retained by the Fund, minus (3) the amount of the
25 anticipated State contribution from the Local Government
26 Retirement Fund for the payment year. In making these

1 determinations, the required minimum employer contribution
2 shall be calculated each year as a level percentage of payroll
3 over the years remaining up to and including fiscal year 2055
4 and shall be determined under the entry age normal actuarial
5 cost method.

6 Beginning in payment year 2056, the city's total required
7 contribution in that year and each year thereafter shall be an
8 annual amount that is equal to no less than (1) the normal cost
9 of the Fund, plus (2) the annual amount determined by an
10 enrolled actuary employed by the Illinois Department of
11 Insurance or by an enrolled actuary retained by the Fund to be
12 equal to the amount, if any, needed to bring the total
13 actuarial assets of the Fund up to 90% of the total actuarial
14 liabilities of the Fund as of the end of the year, utilizing
15 the entry age normal cost method as provided above.

16 For the purposes of this subsection (a), contributions by
17 the policeman to the Fund shall not include payments made by a
18 policeman to establish credit under Section 5-214.2 of this
19 Code.

20 (a-1) Beginning in State fiscal year 2026, the city
21 council shall annually certify to the Governor the amount of
22 (1) the normal cost to the Fund, plus (2) an annual amount
23 sufficient to bring the total assets of the Fund up to 90% of
24 the total actuarial liabilities of the Fund by the end of
25 fiscal year 2055, as annually updated and determined by an
26 enrolled actuary employed by the Department of Insurance or by

1 an enrolled actuary retained by the Fund.

2 (a-5) For purposes of determining the required employer
3 contribution to the Fund, the value of the Fund's assets shall
4 be equal to the actuarial value of the Fund's assets, which
5 shall be calculated as follows:

6 (1) On March 30, 2011, the actuarial value of the
7 Fund's assets shall be equal to the market value of the
8 assets as of that date.

9 (2) In determining the actuarial value of the Fund's
10 assets for fiscal years after March 30, 2011, any
11 actuarial gains or losses from investment return incurred
12 in a fiscal year shall be recognized in equal annual
13 amounts over the 5-year period following that fiscal year.

14 (a-7) If the city fails to transmit to the Fund
15 contributions required of it under this Article for more than
16 90 days after the payment of those contributions is due, the
17 Fund shall, after giving notice to the city, certify to the
18 State Comptroller the amounts of the delinquent payments, and
19 the Comptroller must, beginning in fiscal year 2016, deduct
20 and deposit into the Fund the certified amounts or a portion of
21 those amounts from the following proportions of grants of
22 State funds to the city:

23 (1) in fiscal year 2016, one-third of the total amount
24 of any grants of State funds to the city;

25 (2) in fiscal year 2017, two-thirds of the total
26 amount of any grants of State funds to the city; and

1 (3) in fiscal year 2018 and each fiscal year
2 thereafter, the total amount of any grants of State funds
3 to the city.

4 The State Comptroller may not deduct from any grants of
5 State funds to the city more than the amount of delinquent
6 payments certified to the State Comptroller by the Fund.

7 (b) The tax shall be levied and collected in like manner
8 with the general taxes of the city, and is in addition to all
9 other taxes which the city is now or may hereafter be
10 authorized to levy upon all taxable property therein, and is
11 exclusive of and in addition to the amount of tax the city is
12 now or may hereafter be authorized to levy for general
13 purposes under any law which may limit the amount of tax which
14 the city may levy for general purposes. The county clerk of the
15 county in which the city is located, in reducing tax levies
16 under Section 8-3-1 of the Illinois Municipal Code, shall not
17 consider the tax herein authorized as a part of the general tax
18 levy for city purposes, and shall not include the tax in any
19 limitation of the percent of the assessed valuation upon which
20 taxes are required to be extended for the city.

21 (c) On or before January 10 of each year, the board shall
22 notify the city council of the requirement that the tax herein
23 authorized be levied by the city council for that current
24 year. The board shall compute the amounts necessary for the
25 purposes of this fund to be credited to the reserves
26 established and maintained within the fund; shall make an

1 annual determination of the amount of the required city
2 contributions; and shall certify the results thereof to the
3 city council.

4 As soon as any revenue derived from the tax is collected it
5 shall be paid to the city treasurer of the city and shall be
6 held by him for the benefit of the fund in accordance with this
7 Article.

8 (d) If the funds available are insufficient during any
9 year to meet the requirements of this Article, the city may
10 issue tax anticipation warrants against the tax levy for the
11 current fiscal year.

12 (e) The various sums, including interest, to be
13 contributed by the city, shall be taken from the revenue
14 derived from such tax or otherwise as expressly provided in
15 this Section. Any moneys of the city derived from any source
16 other than the tax herein authorized shall not be used for any
17 purpose of the fund nor the cost of administration thereof,
18 unless applied to make the deposit expressly authorized in
19 this Section or the additional city contributions required
20 under subsection (h).

21 (f) If it is not possible or practicable for the city to
22 make its contributions at the time that salary deductions are
23 made, the city shall make such contributions as soon as
24 possible thereafter, with interest thereon to the time it is
25 made.

26 (g) In lieu of levying all or a portion of the tax required

1 under this Section in any year, the city may deposit with the
2 city treasurer no later than March 1 of that year for the
3 benefit of the fund, to be held in accordance with this
4 Article, an amount that, together with the taxes levied under
5 this Section for that year, is not less than the amount of the
6 city contributions for that year as certified by the board to
7 the city council. The deposit may be derived from any source
8 legally available for that purpose, including, but not limited
9 to, the proceeds of city borrowings and State contributions.
10 The making of a deposit shall satisfy fully the requirements
11 of this Section for that year to the extent of the amounts so
12 deposited. Amounts deposited under this subsection may be used
13 by the fund for any of the purposes for which the proceeds of
14 the tax levied under this Section may be used, including the
15 payment of any amount that is otherwise required by this
16 Article to be paid from the proceeds of that tax.

17 (h) In addition to the contributions required under the
18 other provisions of this Article, by November 1 of the
19 following specified years, the city shall deposit with the
20 city treasurer for the benefit of the fund, to be held and used
21 in accordance with this Article, the following specified
22 amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in
23 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003.

24 The additional city contributions required under this
25 subsection are intended to decrease the unfunded liability of
26 the fund and shall not decrease the amount of the city

1 contributions required under the other provisions of this
2 Article. The additional city contributions made under this
3 subsection may be used by the fund for any of its lawful
4 purposes.

5 (i) Any proceeds received by the city in relation to the
6 operation of a casino or casinos within the city shall be
7 expended by the city for payment to the Policemen's Annuity
8 and Benefit Fund of Chicago to satisfy the city contribution
9 obligation in any year.

10 (Source: P.A. 99-506, eff. 5-30-16.)

11 (40 ILCS 5/5-169) (from Ch. 108 1/2, par. 5-169)

12 Sec. 5-169. Contributions for age and service annuities or
13 Tier 2 monthly retirement annuities for present employees and
14 future entrants.

15 (a) Beginning on the effective date and before January 1,
16 1954, 3 1/2% per annum (except that beginning July 1, 1939 and
17 before January 1, 1954 for a future entrant, 4%) and beginning
18 January 1, 1954 and before August 1, 1957, 6%, and beginning
19 August 1, 1957, 7% of each payment of the salary of each
20 present employee and future entrant shall be deducted and
21 contributed to the fund for age and service annuity ~~or Tier 2~~
22 ~~monthly retirement annuity~~. The deductions shall be made from
23 each payment of salary and shall continue while the employee
24 is in service.

25 Any policeman whose employment has been transferred to the

1 police service of the city as a result of the Chicago Park and
2 City Exchange of Functions Act ~~"An Act in relation to or~~
3 ~~exchange of certain functions, property and personnel among~~
4 ~~cities, and park districts having co-extensive geographic~~
5 ~~areas and populations in excess of 500,000", approved July 5,~~
6 ~~1957, as now and hereafter amended,~~ shall also contribute a
7 sum equal to 2% of the total salary received by him in his
8 employment between August 1, 1957 to July 17, 1959, with the
9 park district from which he has been transferred together with
10 interest on the unpaid contributions of 4% per annum from July
11 17, 1959 to the date such payments are made. Such additional
12 sum may be paid at any time before the time such policeman
13 enters into age and service annuity.

14 Concurrently with each such deduction, beginning on the
15 effective date and prior to January 1, 1954, 8 1/2% (except for
16 a future entrant beginning on July 1, 1939, 9 5/7%) and
17 beginning January 1, 1954, 9 5/7% of each payment of salary
18 shall be contributed by the city, but in the case of a future
19 entrant who attains age 63 prior to January 1, 1988 while still
20 in service, no contributions shall be made for the period
21 between the date the employee attains age 63 and January 1,
22 1988.

23 (b) Each deduction from salary made prior to the date the
24 age and service annuity for the employee is fixed, and each
25 contribution by the city, shall be credited to the employee
26 and be improved by interest for a present employee during the

1 time he is in service until age and service annuity is fixed,
2 and, for a future entrant, during the time he is in service.
3 The sum accumulated shall be used to provide age and service
4 annuity for the employee.

5 Beginning September 1, 1967, the deductions from salary
6 provided in Section 5-167.1 shall also be made.

7 (Source: P.A. 99-905, eff. 11-29-16.)

8 (40 ILCS 5/5-239 new)

9 Sec. 5-239. Application of this amendatory Act of the
10 104th General Assembly. It is the intent of this amendatory
11 Act of the 104th General Assembly to provide to policemen who
12 first became policemen on or after January 1, 2011 the same
13 level of benefits and eligibility criteria for benefits as
14 those who first became policemen before January 1, 2011. The
15 changes made to this Article by this amendatory Act of the
16 104th General Assembly that provide benefit increases for
17 policemen apply without regard to whether the policeman was in
18 service on or after the effective date of this amendatory Act
19 of the 104th General Assembly, notwithstanding the provisions
20 of Section 1-103.1. The benefit increases are intended to
21 apply prospectively and do not entitle a policeman to
22 retroactive benefit payments or increases. The changes made to
23 this Article by this amendatory Act of the 104th General
24 Assembly shall not cause or otherwise result in any
25 retroactive adjustment of any employee contributions.

1 (40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)

2 Sec. 6-165. Financing; tax.

3 (a) Except as expressly provided in this Section, each
4 city shall levy a tax annually upon all taxable property
5 therein for the purpose of providing revenue for the fund. For
6 the years prior to the year 1960, the tax rate shall be as
7 provided for in the "Firemen's Annuity and Benefit Fund of the
8 Illinois Municipal Code". The tax, from and after January 1,
9 1968 to and including the year 1971, shall not exceed .0863% of
10 the value, as equalized or assessed by the Department of
11 Revenue, of all taxable property in the city. Beginning with
12 the year 1972 and through 2014, the city shall levy a tax
13 annually at a rate on the dollar of the value, as equalized or
14 assessed by the Department of Revenue of all taxable property
15 within such city that will produce, when extended, not to
16 exceed an amount equal to the total amount of contributions by
17 the employees to the fund made in the calendar year 2 years
18 prior to the year for which the annual applicable tax is
19 levied, multiplied by 2.23 through the calendar year 1981, and
20 by 2.26 for the year 1982 and for each tax levy year through
21 2014. Beginning in tax levy year 2015, the city council shall
22 levy a tax annually at a rate on the dollar of the assessed
23 valuation of all taxable property that will produce when
24 extended an annual amount that is equal to no less than the
25 amount of the city's contribution in each of the following

1 payment years: for 2016, \$199,000,000; for 2017, \$208,000,000;
2 for 2018, \$227,000,000; for 2019, \$235,000,000; for 2020,
3 \$245,000,000.

4 Beginning in tax levy year 2020 and until tax levy year
5 2026, the city council shall levy a tax annually at a rate on
6 the dollar of the assessed valuation of all taxable property
7 that will produce when extended an annual amount that is equal
8 to no less than (1) the normal cost to the Fund, plus (2) an
9 annual amount sufficient to bring the total assets of the Fund
10 up to 90% of the total actuarial liabilities of the Fund by the
11 end of fiscal year 2055, as annually updated and determined by
12 an enrolled actuary employed by the Illinois Department of
13 Insurance or by an enrolled actuary retained by the Fund or the
14 city. Beginning in tax levy year 2026, the city council shall
15 levy a tax annually at a rate on the dollar of the assessed
16 valuation of all taxable property that will produce when
17 extended an annual amount that is equal to no less than (1) the
18 normal cost to the Fund, plus (2) an annual amount sufficient
19 to bring the total assets of the Fund up to 90% of the total
20 actuarial liabilities of the Fund by the end of fiscal year
21 2055, as annually updated and determined by an enrolled
22 actuary employed by the Department of Insurance or by an
23 enrolled actuary retained by the Fund or the city, minus (3)
24 the amount of the anticipated State contribution from the
25 Local Government Retirement Fund for the payment year. In
26 making these determinations, the required minimum employer

1 contribution shall be calculated each year as a level
2 percentage of payroll over the years remaining up to and
3 including fiscal year 2055 and shall be determined under the
4 entry age normal actuarial cost method. Beginning in payment
5 year 2056, the city's required contribution in that year and
6 for each year thereafter shall be an annual amount that is
7 equal to no less than (1) the normal cost to the Fund, plus (2)
8 the annual amount determined by an enrolled actuary employed
9 by the Illinois Department of Insurance or by an enrolled
10 actuary retained by the Fund to be equal to the amount, if any,
11 needed to bring the total actuarial assets of the Fund up to
12 90% of the total actuarial liabilities of the Fund as of the
13 end of the year, utilizing the entry age normal actuarial cost
14 method as provided above.

15 To provide revenue for the ordinary death benefit
16 established by Section 6-150 of this Article, in addition to
17 the contributions by the firemen for this purpose, the city
18 council shall for the year 1962 and each year thereafter
19 annually levy a tax, which shall be in addition to and
20 exclusive of the taxes authorized to be levied under the
21 foregoing provisions of this Section, upon all taxable
22 property in the city, as equalized or assessed by the
23 Department of Revenue, at such rate per cent of the value of
24 such property as shall be sufficient to produce for each year
25 the sum of \$142,000.

26 The amounts produced by the taxes levied annually,

1 together with the deposit expressly authorized in this Section
2 and any State contributions, shall be sufficient, when added
3 to the amounts deducted from the salaries of firemen and
4 applied to the fund, to provide for the purposes of the fund.

5 (a-1) Beginning in State fiscal year 2026, the city
6 council shall annually certify to the Governor the amount of
7 (1) the normal cost to the Fund, plus (2) an annual amount
8 sufficient to bring the total assets of the Fund up to 90% of
9 the total actuarial liabilities of the Fund by the end of
10 fiscal year 2055, as annually updated and determined by an
11 enrolled actuary employed by the Department of Insurance or by
12 an enrolled actuary retained by the Fund.

13 (a-5) For purposes of determining the required employer
14 contribution to the Fund, the value of the Fund's assets shall
15 be equal to the actuarial value of the Fund's assets, which
16 shall be calculated as follows:

17 (1) On March 30, 2011, the actuarial value of the
18 Fund's assets shall be equal to the market value of the
19 assets as of that date.

20 (2) In determining the actuarial value of the Fund's
21 assets for fiscal years after March 30, 2011, any
22 actuarial gains or losses from investment return incurred
23 in a fiscal year shall be recognized in equal annual
24 amounts over the 5-year period following that fiscal year.

25 (a-7) If the city fails to transmit to the Fund
26 contributions required of it under this Article for more than

1 90 days after the payment of those contributions is due, the
2 Fund shall, after giving notice to the city, certify to the
3 State Comptroller the amounts of the delinquent payments, and
4 the Comptroller must, beginning in fiscal year 2016, deduct
5 and deposit into the Fund the certified amounts or a portion of
6 those amounts from the following proportions of grants of
7 State funds to the city:

8 (1) in fiscal year 2016, one-third of the total amount
9 of any grants of State funds to the city;

10 (2) in fiscal year 2017, two-thirds of the total
11 amount of any grants of State funds to the city; and

12 (3) in fiscal year 2018 and each fiscal year
13 thereafter, the total amount of any grants of State funds
14 to the city.

15 The State Comptroller may not deduct from any grants of
16 State funds to the city more than the amount of delinquent
17 payments certified to the State Comptroller by the Fund.

18 (b) The taxes shall be levied and collected in like manner
19 with the general taxes of the city, and shall be in addition to
20 all other taxes which the city may levy upon all taxable
21 property therein and shall be exclusive of and in addition to
22 the amount of tax the city may levy for general purposes under
23 Section 8-3-1 of the Illinois Municipal Code, approved May 29,
24 1961, as amended, or under any other law or laws which may
25 limit the amount of tax which the city may levy for general
26 purposes.

1 (c) The amounts of the taxes to be levied in each year
2 shall be certified to the city council by the board.

3 (d) As soon as any revenue derived from such taxes is
4 collected, it shall be paid to the city treasurer and held for
5 the benefit of the fund, and all such revenue shall be paid
6 into the fund in accordance with the provisions of this
7 Article.

8 (e) If the funds available are insufficient during any
9 year to meet the requirements of this Article, the city may
10 issue tax anticipation warrants, against the tax levies herein
11 authorized for the current fiscal year.

12 (f) The various sums, hereinafter stated, including
13 interest, to be contributed by the city, shall be taken from
14 the revenue derived from the taxes or otherwise as expressly
15 provided in this Section. Except for defraying the cost of
16 administration of the fund during the calendar year in which a
17 city first attains a population of 500,000 and comes under the
18 provisions of this Article and the first calendar year
19 thereafter, any money of the city derived from any source
20 other than these taxes or the sale of tax anticipation
21 warrants shall not be used to provide revenue for the fund, nor
22 to pay any part of the cost of administration thereof, unless
23 applied to make the deposit expressly authorized in this
24 Section or the additional city contributions required under
25 subsection (h).

26 (g) In lieu of levying all or a portion of the tax required

1 under this Section in any year, the city may deposit with the
2 city treasurer no later than March 1 of that year for the
3 benefit of the fund, to be held in accordance with this
4 Article, an amount that, together with the taxes levied under
5 this Section for that year, is not less than the amount of the
6 city contributions for that year as certified by the board to
7 the city council. The deposit may be derived from any source
8 legally available for that purpose, including, but not limited
9 to, the proceeds of city borrowings and State contributions.
10 The making of a deposit shall satisfy fully the requirements
11 of this Section for that year to the extent of the amounts so
12 deposited. Amounts deposited under this subsection may be used
13 by the fund for any of the purposes for which the proceeds of
14 the taxes levied under this Section may be used, including the
15 payment of any amount that is otherwise required by this
16 Article to be paid from the proceeds of those taxes.

17 (h) In addition to the contributions required under the
18 other provisions of this Article, by November 1 of the
19 following specified years, the city shall deposit with the
20 city treasurer for the benefit of the fund, to be held and used
21 in accordance with this Article, the following specified
22 amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in
23 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003.

24 The additional city contributions required under this
25 subsection are intended to decrease the unfunded liability of
26 the fund and shall not decrease the amount of the city

1 contributions required under the other provisions of this
2 Article. The additional city contributions made under this
3 subsection may be used by the fund for any of its lawful
4 purposes.

5 (i) Any proceeds received by the city in relation to the
6 operation of a casino or casinos within the city shall be
7 expended by the city for payment to the Firemen's Annuity and
8 Benefit Fund of Chicago to satisfy the city contribution
9 obligation in any year.

10 (Source: P.A. 99-506, eff. 5-30-16.)

11 (40 ILCS 5/6-210) (from Ch. 108 1/2, par. 6-210)

12 Sec. 6-210. Credit allowed for service in police
13 department. Service rendered by a fireman, as a regularly
14 appointed and sworn policeman of the city shall be included,
15 for the purposes of this Article, as if such service were
16 rendered as a fireman of the city. Salary received by a fireman
17 for any such service as a policeman shall be considered, for
18 the purposes of this Article, as salary received as a fireman.
19 Any annuity payable to a fireman under this Article shall be
20 reduced by any pension or annuity payable to him from any
21 policemen's annuity and benefit fund in operation in the city,
22 ~~and any member entering service after January 1, 2011 shall~~
23 ~~not be given service credit in this fund for any period of time~~
24 ~~in which the member is in receipt of retirement benefits from~~
25 ~~any annuity and benefit fund in operation in the city.~~

1 Any policeman who becomes a fireman, subsequent to July 1,
2 1935, may contribute to the fund an amount equal to the sum
3 which would have accumulated to his credit from deductions
4 from salary for annuity purposes if he had been contributing
5 to the fund such sums as he contributed for annuity purposes to
6 the policemen's annuity and benefit fund, and no credit for
7 periods of service rendered by him in the police department
8 shall be allowed, under this Article, except as to such
9 periods for which he made contributions to the policemen's
10 annuity and benefit fund, provided he has made the payments
11 required by this Article.

12 (Source: P.A. 96-1466, eff. 8-20-10.)

13 (40 ILCS 5/6-231 new)

14 Sec. 6-231. Application of this amendatory Act of the
15 104th General Assembly. It is the intent of this amendatory
16 Act of the 104th General Assembly to provide to firemen who
17 first became firemen on or after January 1, 2011 the same level
18 of benefits and eligibility criteria for benefits as those who
19 first became firemen before January 1, 2011. The changes made
20 to this Article by this amendatory Act of the 104th General
21 Assembly that provide benefit increases for firemen apply
22 without regard to whether the fireman was in service on or
23 after the effective date of this amendatory Act of the 104th
24 General Assembly, notwithstanding the provisions of Section
25 1-103.1. The benefit increases are intended to apply

1 prospectively and do not entitle a fireman to retroactive
2 benefit payments or increases. The changes made to this
3 Article by this amendatory Act of the 104th General Assembly
4 shall not cause or otherwise result in any retroactive
5 adjustment of any employee contributions.

6 (40 ILCS 5/7-142.1) (from Ch. 108 1/2, par. 7-142.1)

7 Sec. 7-142.1. Sheriff's law enforcement employees.

8 (a) In lieu of the retirement annuity provided by
9 subparagraph 1 of paragraph (a) of Section 7-142:

10 Any sheriff's law enforcement employee who has 20 or more
11 years of service in that capacity and who terminates service
12 prior to January 1, 1988 shall be entitled at his option to
13 receive a monthly retirement annuity for his service as a
14 sheriff's law enforcement employee computed by multiplying 2%
15 for each year of such service up to 10 years, 2 1/4% for each
16 year of such service above 10 years and up to 20 years, and 2
17 1/2% for each year of such service above 20 years, by his
18 annual final rate of earnings and dividing by 12.

19 Any sheriff's law enforcement employee who has 20 or more
20 years of service in that capacity and who terminates service
21 on or after January 1, 1988 and before July 1, 2004 shall be
22 entitled at his option to receive a monthly retirement annuity
23 for his service as a sheriff's law enforcement employee
24 computed by multiplying 2.5% for each year of such service up
25 to 20 years, 2% for each year of such service above 20 years

1 and up to 30 years, and 1% for each year of such service above
2 30 years, by his annual final rate of earnings and dividing by
3 12.

4 Any sheriff's law enforcement employee who has 20 or more
5 years of service in that capacity and who terminates service
6 on or after July 1, 2004 shall be entitled at his or her option
7 to receive a monthly retirement annuity for service as a
8 sheriff's law enforcement employee computed by multiplying
9 2.5% for each year of such service by his annual final rate of
10 earnings and dividing by 12.

11 If a sheriff's law enforcement employee has service in any
12 other capacity, his retirement annuity for service as a
13 sheriff's law enforcement employee may be computed under this
14 Section and the retirement annuity for his other service under
15 Section 7-142.

16 In no case shall the total monthly retirement annuity for
17 persons who retire before July 1, 2004 exceed 75% of the
18 monthly final rate of earnings. In no case shall the total
19 monthly retirement annuity for persons who retire on or after
20 July 1, 2004 exceed 80% of the monthly final rate of earnings.

21 (b) Whenever continued group insurance coverage is elected
22 in accordance with the provisions of Section 367h of the
23 Illinois Insurance Code, as now or hereafter amended, the
24 total monthly premium for such continued group insurance
25 coverage or such portion thereof as is not paid by the
26 municipality shall, upon request of the person electing such

1 continued group insurance coverage, be deducted from any
2 monthly pension benefit otherwise payable to such person
3 pursuant to this Section, to be remitted by the Fund to the
4 insurance company or other entity providing the group
5 insurance coverage.

6 (c) A sheriff's law enforcement employee who began service
7 in that capacity prior to the effective date of this
8 amendatory Act of the 97th General Assembly and who has
9 service in any other capacity may convert up to 10 years of
10 that service into service as a sheriff's law enforcement
11 employee by paying to the Fund an amount equal to (1) the
12 additional employee contribution required under Section
13 7-173.1, plus (2) the additional employer contribution
14 required under Section 7-172, plus (3) interest on items (1)
15 and (2) at the prescribed rate from the date of the service to
16 the date of payment. Application must be received by the Board
17 while the employee is an active participant in the Fund.
18 Payment must be received while the member is an active
19 participant, except that one payment will be permitted after
20 termination of participation.

21 (d) The changes to subsections (a) and (b) of this Section
22 made by this amendatory Act of the 94th General Assembly apply
23 only to persons in service on or after July 1, 2004. In the
24 case of such a person who begins to receive a retirement
25 annuity before the effective date of this amendatory Act of
26 the 94th General Assembly, the annuity shall be recalculated

1 prospectively to reflect those changes, with the resulting
2 increase beginning to accrue on the first annuity payment date
3 following the effective date of this amendatory Act.

4 (e) Any elected county officer who was entitled to receive
5 a stipend from the State on or after July 1, 2009 and on or
6 before June 30, 2010 may establish earnings credit for the
7 amount of stipend not received, if the elected county official
8 applies in writing to the fund within 6 months after the
9 effective date of this amendatory Act of the 96th General
10 Assembly and pays to the fund an amount equal to (i) employee
11 contributions on the amount of stipend not received, (ii)
12 employer contributions determined by the Board equal to the
13 employer's normal cost of the benefit on the amount of stipend
14 not received, plus (iii) interest on items (i) and (ii) at the
15 actuarially assumed rate.

16 (f) It is the intent of this amendatory Act of the 104th
17 General Assembly to provide to sheriff's law enforcement
18 employees who first became sheriff's law enforcement employees
19 on or after January 1, 2011 the same level of benefits and
20 eligibility criteria for benefits as those who first became
21 sheriff's law enforcement employees before January 1, 2011.
22 The changes made to this Article by this amendatory Act of the
23 104th General Assembly that provide benefit increases for
24 sheriff's law enforcement employees apply without regard to
25 whether the sheriff's law enforcement employee was in service
26 on or after the effective date of this amendatory Act of the

1 104th General Assembly, notwithstanding the provisions of
2 Section 1-103.1. The benefit increases are intended to apply
3 prospectively and do not entitle a sheriff's law enforcement
4 employee to retroactive benefit payments or increases. The
5 changes made to this Article by this amendatory Act of the
6 104th General Assembly shall not cause or otherwise result in
7 any retroactive adjustment of any employee contributions.

8 ~~(f) Notwithstanding any other provision of this Article,~~
9 ~~the provisions of this subsection (f) apply to a person who~~
10 ~~first becomes a sheriff's law enforcement employee under this~~
11 ~~Article on or after January 1, 2011.~~

12 ~~A sheriff's law enforcement employee age 55 or more who~~
13 ~~has 10 or more years of service in that capacity shall be~~
14 ~~entitled at his option to receive a monthly retirement annuity~~
15 ~~for his or her service as a sheriff's law enforcement employee~~
16 ~~computed by multiplying 2.5% for each year of such service by~~
17 ~~his or her final rate of earnings.~~

18 ~~The retirement annuity of a sheriff's law enforcement~~
19 ~~employee who is retiring after attaining age 50 with 10 or more~~
20 ~~years of creditable service shall be reduced by one-half of 1%~~
21 ~~for each month that the sheriff's law enforcement employee's~~
22 ~~age is under age 55.~~

23 ~~The maximum retirement annuity under this subsection (f)~~
24 ~~shall be 75% of final rate of earnings.~~

25 ~~For the purposes of this subsection (f), "final rate of~~
26 ~~earnings" means the average monthly earnings obtained by~~

1 ~~dividing the total salary of the sheriff's law enforcement~~
2 ~~employee during the 96 consecutive months of service within~~
3 ~~the last 120 months of service in which the total earnings was~~
4 ~~the highest by the number of months of service in that period.~~

5 ~~Notwithstanding any other provision of this Article,~~
6 ~~beginning on January 1, 2011, for all purposes under this Code~~
7 ~~(including without limitation the calculation of benefits and~~
8 ~~employee contributions), the annual earnings of a sheriff's~~
9 ~~law enforcement employee to whom this Section applies shall~~
10 ~~not include overtime and shall not exceed \$106,800; however,~~
11 ~~that amount shall annually thereafter be increased by the~~
12 ~~lesser of (i) 3% of that amount, including all previous~~
13 ~~adjustments, or (ii) one-half the annual unadjusted percentage~~
14 ~~increase (but not less than zero) in the consumer price~~
15 ~~index-u for the 12 months ending with the September preceding~~
16 ~~each November 1, including all previous adjustments.~~

17 ~~(g) Notwithstanding any other provision of this Article,~~
18 ~~the monthly annuity of a person who first becomes a sheriff's~~
19 ~~law enforcement employee under this Article on or after~~
20 ~~January 1, 2011 shall be increased on the January 1 occurring~~
21 ~~either on or after the attainment of age 60 or the first~~
22 ~~anniversary of the annuity start date, whichever is later.~~
23 ~~Each annual increase shall be calculated at 3% or one-half the~~
24 ~~annual unadjusted percentage increase (but not less than zero)~~
25 ~~in the consumer price index-u for the 12 months ending with the~~
26 ~~September preceding each November 1, whichever is less, of the~~

1 ~~originally granted retirement annuity. If the annual~~
2 ~~unadjusted percentage change in the consumer price index-u for~~
3 ~~a 12-month period ending in September is zero or, when~~
4 ~~compared with the preceding period, decreases, then the~~
5 ~~annuity shall not be increased.~~

6 ~~(h) Notwithstanding any other provision of this Article,~~
7 ~~for a person who first becomes a sheriff's law enforcement~~
8 ~~employee under this Article on or after January 1, 2011, the~~
9 ~~annuity to which the surviving spouse, children, or parents~~
10 ~~are entitled under this subsection (h) shall be in the amount~~
11 ~~of 66 2/3% of the sheriff's law enforcement employee's earned~~
12 ~~annuity at the date of death.~~

13 ~~(i) Notwithstanding any other provision of this Article,~~
14 ~~the monthly annuity of a survivor of a person who first becomes~~
15 ~~a sheriff's law enforcement employee under this Article on or~~
16 ~~after January 1, 2011 shall be increased on the January 1 after~~
17 ~~attainment of age 60 by the recipient of the survivor's~~
18 ~~annuity and each January 1 thereafter by 3% or one half the~~
19 ~~annual unadjusted percentage increase in the consumer price~~
20 ~~index-u for the 12 months ending with the September preceding~~
21 ~~each November 1, whichever is less, of the originally granted~~
22 ~~pension. If the annual unadjusted percentage change in the~~
23 ~~consumer price index-u for a 12-month period ending in~~
24 ~~September is zero or, when compared with the preceding period,~~
25 ~~decreases, then the annuity shall not be increased.~~

26 ~~(j) For the purposes of this Section, "consumer price~~

1 ~~index u" means the index published by the Bureau of Labor~~
2 ~~Statistics of the United States Department of Labor that~~
3 ~~measures the average change in prices of goods and services~~
4 ~~purchased by all urban consumers, United States city average,~~
5 ~~all items, 1982-84 = 100. The new amount resulting from each~~
6 ~~annual adjustment shall be determined by the Public Pension~~
7 ~~Division of the Department of Insurance and made available to~~
8 ~~the boards of the pension funds.~~

9 (Source: P.A. 100-148, eff. 8-18-17.)

10 (40 ILCS 5/7-171) (from Ch. 108 1/2, par. 7-171)

11 Sec. 7-171. Finance; taxes.

12 (a) Each municipality other than a school district shall
13 appropriate an amount sufficient to provide for the current
14 municipality contributions required by Section 7-172 of this
15 Article, for the fiscal year for which the appropriation is
16 made and all amounts due for municipal contributions for
17 previous years. Those municipalities which have been assessed
18 an annual amount to amortize its unfunded obligation, as
19 provided in subparagraph 4 of paragraph (a) of Section 7-172
20 of this Article, shall include in the appropriation an amount
21 sufficient to pay the amount assessed. The appropriation shall
22 be based upon an estimate of assets available for municipality
23 contributions and liabilities therefor for the fiscal year for
24 which appropriations are to be made, including funds available
25 from levies for this purpose in prior years.

1 (b) For the purpose of providing monies for municipality
2 contributions, beginning for the year in which a municipality
3 is included in this fund:

4 (1) A municipality other than a school district may
5 levy a tax which shall not exceed the amount appropriated
6 for municipality contributions minus the amount of the
7 anticipated State contribution from the Local Government
8 Retirement Fund to the municipality for that year.

9 (2) A school district may levy a tax in an amount
10 reasonably calculated at the time of the levy to provide
11 for the municipality contributions required under Section
12 7-172 of this Article for the fiscal years for which
13 revenues from the levy will be received and all amounts
14 due for municipal contributions for previous years. Any
15 levy adopted before the effective date of this amendatory
16 Act of 1995 by a school district shall be considered valid
17 and authorized to the extent that the amount was
18 reasonably calculated at the time of the levy to provide
19 for the municipality contributions required under Section
20 7-172 for the fiscal years for which revenues from the
21 levy will be received and all amounts due for municipal
22 contributions for previous years. In no event shall a
23 budget adopted by a school district limit a levy of that
24 school district adopted under this Section.

25 (c) Any county which is served by a regional office of
26 education that serves 2 or more counties may include in its

1 appropriation an amount sufficient to provide its
2 proportionate share of the municipality contributions for that
3 regional office of education. The tax levy authorized by this
4 Section may include an amount necessary to provide monies for
5 this contribution.

6 (d) Any county that is a part of a multiple-county health
7 department or consolidated health department which is formed
8 under "An Act in relation to the establishment and maintenance
9 of county and multiple-county public health departments",
10 approved July 9, 1943, as amended, and which is a
11 participating instrumentality may include in the county's
12 appropriation an amount sufficient to provide its
13 proportionate share of municipality contributions of the
14 department. The tax levy authorized by this Section may
15 include the amount necessary to provide monies for this
16 contribution.

17 (d-5) A school district participating in a special
18 education joint agreement created under Section 10-22.31 of
19 the School Code that is a participating instrumentality may
20 include in the school district's tax levy under this Section
21 an amount sufficient to provide its proportionate share of the
22 municipality contributions for current and prior service by
23 employees of the participating instrumentality created under
24 the joint agreement.

25 (e) Such tax shall be levied and collected in like manner,
26 with the general taxes of the municipality and shall be in

1 addition to all other taxes which the municipality is now or
2 may hereafter be authorized to levy upon all taxable property
3 therein, and shall be exclusive of and in addition to the
4 amount of tax levied for general purposes under Section 8-3-1
5 of the "Illinois Municipal Code", approved May 29, 1961, as
6 amended, or under any other law or laws which may limit the
7 amount of tax which the municipality may levy for general
8 purposes. The tax may be levied by the governing body of the
9 municipality without being authorized as being additional to
10 all other taxes by a vote of the people of the municipality.

11 (f) The county clerk of the county in which any such
12 municipality is located, in reducing tax levies shall not
13 consider any such tax as a part of the general tax levy for
14 municipality purposes, and shall not include the same in the
15 limitation of any other tax rate which may be extended.

16 (g) The amount of the tax to be levied in any year shall,
17 within the limits herein prescribed, be determined by the
18 governing body of the respective municipality.

19 (h) The revenue derived from any such tax levy shall be
20 used only for the contributions required under Section 7-172
21 and, as collected, shall be paid to the treasurer of the
22 municipality levying the tax. Monies received by a county
23 treasurer for use in making contributions to a regional office
24 of education for its municipality contributions shall be held
25 by him for that purpose and paid to the regional office of
26 education in the same manner as other monies appropriated for

1 the expense of the regional office.

2 (Source: P.A. 96-1084, eff. 7-16-10; 97-933, eff. 8-10-12.)

3 (40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)

4 Sec. 7-172. Contributions by participating municipalities
5 and participating instrumentalities.

6 (a) Each participating municipality and each participating
7 instrumentality shall make payment to the fund as follows:

8 1. municipality contributions in an amount determined
9 by applying the municipality contribution rate to each
10 payment of earnings paid to each of its participating
11 employees;

12 2. an amount equal to the employee contributions
13 provided by paragraph (a) of Section 7-173, whether or not
14 the employee contributions are withheld as permitted by
15 that Section;

16 3. all accounts receivable, together with interest
17 charged thereon, as provided in Section 7-209, and any
18 amounts due under subsection (a-5) of Section 7-144;

19 4. if it has no participating employees with current
20 earnings, an amount payable which, over a closed period of
21 20 years for participating municipalities and 10 years for
22 participating instrumentalities, will amortize, at the
23 effective rate for that year, any unfunded obligation. The
24 unfunded obligation shall be computed as provided in
25 paragraph 2 of subsection (b);

1 5. if it has fewer than 7 participating employees or a
2 negative balance in its municipality reserve, the greater
3 of (A) an amount payable that, over a period of 20 years,
4 will amortize at the effective rate for that year any
5 unfunded obligation, computed as provided in paragraph 2
6 of subsection (b) or (B) the amount required by paragraph
7 1 of this subsection (a).

8 (b) A separate municipality contribution rate shall be
9 determined for each calendar year for all participating
10 municipalities together with all instrumentalities thereof.
11 The municipality contribution rate shall be determined for
12 participating instrumentalities as if they were participating
13 municipalities. The municipality contribution rate shall be
14 the sum of the following percentages:

15 1. The percentage of earnings of all the participating
16 employees of all participating municipalities and
17 participating instrumentalities which, if paid over the
18 entire period of their service, will be sufficient when
19 combined with all employee contributions available for the
20 payment of benefits, to provide all annuities for
21 participating employees, and the \$3,000 death benefit
22 payable under Sections 7-158 and 7-164, such percentage to
23 be known as the normal cost rate.

24 2. The percentage of earnings of the participating
25 employees of each participating municipality and
26 participating instrumentalities necessary to adjust for

1 the difference between the present value of all benefits,
2 excluding temporary and total and permanent disability and
3 death benefits, to be provided for its participating
4 employees and the sum of its accumulated municipality
5 contributions and the accumulated employee contributions
6 and the present value of expected future employee and
7 municipality contributions pursuant to subparagraph 1 of
8 this paragraph (b). This adjustment shall be spread over a
9 period determined by the Board, not to exceed 30 years for
10 participating municipalities or 10 years for participating
11 instrumentalities.

12 3. The percentage of earnings of the participating
13 employees of all municipalities and participating
14 instrumentalities necessary to provide the present value
15 of all temporary and total and permanent disability
16 benefits granted during the most recent year for which
17 information is available.

18 4. The percentage of earnings of the participating
19 employees of all participating municipalities and
20 participating instrumentalities necessary to provide the
21 present value of the net single sum death benefits
22 expected to become payable from the reserve established
23 under Section 7-206 during the year for which this rate is
24 fixed.

25 5. The percentage of earnings necessary to meet any
26 deficiency arising in the Terminated Municipality Reserve.

1 (c) A separate municipality contribution rate shall be
2 computed for each participating municipality or participating
3 instrumentality for its sheriff's law enforcement employees.

4 A separate municipality contribution rate shall be
5 computed for the sheriff's law enforcement employees of each
6 forest preserve district that elects to have such employees.
7 For the period from January 1, 1986 to December 31, 1986, such
8 rate shall be the forest preserve district's regular rate plus
9 2%.

10 Beginning in fiscal year 2026, the Board shall annually
11 certify to the Governor the amount of each participant
12 municipality's and participating instrumentality's
13 contribution for its sheriff's law enforcement employees.

14 In the event that the Board determines that there is an
15 actuarial deficiency in the account of any municipality with
16 respect to a person who has elected to participate in the Fund
17 under Section 3-109.1 of this Code, the Board may adjust the
18 municipality's contribution rate so as to make up that
19 deficiency over such reasonable period of time as the Board
20 may determine.

21 (d) The Board may establish a separate municipality
22 contribution rate for all employees who are program
23 participants employed under the federal Comprehensive
24 Employment Training Act by all of the participating
25 municipalities and instrumentalities. The Board may also
26 provide that, in lieu of a separate municipality rate for

1 these employees, a portion of the municipality contributions
2 for such program participants shall be refunded or an extra
3 charge assessed so that the amount of municipality
4 contributions retained or received by the fund for all CETA
5 program participants shall be an amount equal to that which
6 would be provided by the separate municipality contribution
7 rate for all such program participants. Refunds shall be made
8 to prime sponsors of programs upon submission of a claim
9 therefor and extra charges shall be assessed to participating
10 municipalities and instrumentalities. In establishing the
11 municipality contribution rate as provided in paragraph (b) of
12 this Section, the use of a separate municipality contribution
13 rate for program participants or the refund of a portion of the
14 municipality contributions, as the case may be, may be
15 considered.

16 (e) Computations of municipality contribution rates for
17 the following calendar year shall be made prior to the
18 beginning of each year, from the information available at the
19 time the computations are made, and on the assumption that the
20 employees in each participating municipality or participating
21 instrumentality at such time will continue in service until
22 the end of such calendar year at their respective rates of
23 earnings at such time.

24 (f) Any municipality which is the recipient of State
25 allocations representing that municipality's contributions for
26 retirement annuity purposes on behalf of its employees as

1 provided in Section 12-21.16 of the Illinois Public Aid Code
2 shall pay the allocations so received to the Board for such
3 purpose. Estimates of State allocations to be received during
4 any taxable year shall be considered in the determination of
5 the municipality's tax rate for that year under Section 7-171.
6 If a special tax is levied under Section 7-171, none of the
7 proceeds may be used to reimburse the municipality for the
8 amount of State allocations received and paid to the Board.
9 Any multiple-county or consolidated health department which
10 receives contributions from a county under Section 11.2 of "An
11 Act in relation to establishment and maintenance of county and
12 multiple-county health departments", approved July 9, 1943, as
13 amended, or distributions under Section 3 of the Department of
14 Public Health Act, shall use these only for municipality
15 contributions by the health department.

16 (g) Municipality contributions for the several purposes
17 specified shall, for township treasurers and employees in the
18 offices of the township treasurers who meet the qualifying
19 conditions for coverage hereunder, be allocated among the
20 several school districts and parts of school districts
21 serviced by such treasurers and employees in the proportion
22 which the amount of school funds of each district or part of a
23 district handled by the treasurer bears to the total amount of
24 all school funds handled by the treasurer.

25 From the funds subject to allocation among districts and
26 parts of districts pursuant to the School Code, the trustees

1 shall withhold the proportionate share of the liability for
2 municipality contributions imposed upon such districts by this
3 Section, in respect to such township treasurers and employees
4 and remit the same to the Board.

5 The municipality contribution rate for an educational
6 service center shall initially be the same rate for each year
7 as the regional office of education or school district which
8 serves as its administrative agent. When actuarial data become
9 available, a separate rate shall be established as provided in
10 subparagraph (i) of this Section.

11 The municipality contribution rate for a public agency,
12 other than a vocational education cooperative, formed under
13 the Intergovernmental Cooperation Act shall initially be the
14 average rate for the municipalities which are parties to the
15 intergovernmental agreement. When actuarial data become
16 available, a separate rate shall be established as provided in
17 subparagraph (i) of this Section.

18 (h) Each participating municipality and participating
19 instrumentality shall make the contributions in the amounts
20 provided in this Section in the manner prescribed from time to
21 time by the Board and all such contributions shall be
22 obligations of the respective participating municipalities and
23 participating instrumentalities to this fund. The failure to
24 deduct any employee contributions shall not relieve the
25 participating municipality or participating instrumentality of
26 its obligation to this fund. Delinquent payments of

1 contributions due under this Section may, with interest, be
2 recovered by civil action against the participating
3 municipalities or participating instrumentalities.
4 Municipality contributions, other than the amount necessary
5 for employee contributions, for periods of service by
6 employees from whose earnings no deductions were made for
7 employee contributions to the fund, may be charged to the
8 municipality reserve for the municipality or participating
9 instrumentality.

10 (i) Contributions by participating instrumentalities shall
11 be determined as provided herein except that the percentage
12 derived under subparagraph 2 of paragraph (b) of this Section,
13 and the amount payable under subparagraph 4 of paragraph (a)
14 of this Section, shall be based on an amortization period of 10
15 years.

16 (j) Notwithstanding the other provisions of this Section,
17 the additional unfunded liability accruing as a result of
18 Public Act 94-712 shall be amortized over a period of 30 years
19 beginning on January 1 of the second calendar year following
20 the calendar year in which Public Act 94-712 takes effect,
21 except that the employer may provide for a longer amortization
22 period by adopting a resolution or ordinance specifying a
23 35-year or 40-year period and submitting a certified copy of
24 the ordinance or resolution to the fund no later than June 1 of
25 the calendar year following the calendar year in which Public
26 Act 94-712 takes effect.

1 (k) If the amount of a participating employee's reported
2 earnings for any of the 12-month periods used to determine the
3 final rate of earnings exceeds the employee's 12-month
4 reported earnings with the same employer for the previous year
5 by the greater of 6% or 1.5 times the annual increase in the
6 Consumer Price Index-U, as established by the United States
7 Department of Labor for the preceding September, the
8 participating municipality or participating instrumentality
9 that paid those earnings shall pay to the Fund, in addition to
10 any other contributions required under this Article, the
11 present value of the increase in the pension resulting from
12 the portion of the increase in reported earnings that is in
13 excess of the greater of 6% or 1.5 times the annual increase in
14 the Consumer Price Index-U, as determined by the Fund. This
15 present value shall be computed on the basis of the actuarial
16 assumptions and tables used in the most recent actuarial
17 valuation of the Fund that is available at the time of the
18 computation.

19 Whenever it determines that a payment is or may be
20 required under this subsection (k), the fund shall calculate
21 the amount of the payment and bill the participating
22 municipality or participating instrumentality for that amount.
23 The bill shall specify the calculations used to determine the
24 amount due. If the participating municipality or participating
25 instrumentality disputes the amount of the bill, it may,
26 within 30 days after receipt of the bill, apply to the fund in

1 writing for a recalculation. The application must specify in
2 detail the grounds of the dispute. Upon receiving a timely
3 application for recalculation, the fund shall review the
4 application and, if appropriate, recalculate the amount due.
5 The participating municipality and participating
6 instrumentality contributions required under this subsection
7 (k) may be paid in the form of a lump sum within 90 days after
8 receipt of the bill. If the participating municipality and
9 participating instrumentality contributions are not paid
10 within 90 days after receipt of the bill, then interest will be
11 charged at a rate equal to the fund's annual actuarially
12 assumed rate of return on investment compounded annually from
13 the 91st day after receipt of the bill. Payments must be
14 concluded within 3 years after receipt of the bill by the
15 participating municipality or participating instrumentality.

16 When assessing payment for any amount due under this
17 subsection (k), the fund shall exclude earnings increases
18 resulting from overload or overtime earnings.

19 When assessing payment for any amount due under this
20 subsection (k), the fund shall exclude earnings increases
21 resulting from payments for unused vacation time, but only for
22 payments for unused vacation time made in the final 3 months of
23 the final rate of earnings period.

24 When assessing payment for any amount due under this
25 subsection (k), the fund shall also exclude earnings increases
26 attributable to standard employment promotions resulting in

1 increased responsibility and workload.

2 When assessing payment for any amount due under this
3 subsection (k), the fund shall exclude reportable earnings
4 increases resulting from periods where the member was paid
5 through workers' compensation.

6 This subsection (k) does not apply to earnings increases
7 due to amounts paid as required by federal or State law or
8 court mandate or to earnings increases due to the
9 participating employee returning to the regular number of
10 hours worked after having a temporary reduction in the number
11 of hours worked.

12 This subsection (k) does not apply to earnings increases
13 paid to individuals under contracts or collective bargaining
14 agreements entered into, amended, or renewed before January 1,
15 2012 (the effective date of Public Act 97-609), earnings
16 increases paid to members who are 10 years or more from
17 retirement eligibility, or earnings increases resulting from
18 an increase in the number of hours required to be worked.

19 When assessing payment for any amount due under this
20 subsection (k), the fund shall also exclude earnings
21 attributable to personnel policies adopted before January 1,
22 2012 (the effective date of Public Act 97-609) as long as those
23 policies are not applicable to employees who begin service on
24 or after January 1, 2012 (the effective date of Public Act
25 97-609).

26 The change made to this Section by Public Act 100-139 is a

1 clarification of existing law and is intended to be
2 retroactive to January 1, 2012 (the effective date of Public
3 Act 97-609).

4 (Source: P.A. 102-849, eff. 5-13-22; 103-464, eff. 8-4-23.)

5 (40 ILCS 5/14-152.1)

6 Sec. 14-152.1. Application and expiration of new benefit
7 increases.

8 (a) As used in this Section, "new benefit increase" means
9 an increase in the amount of any benefit provided under this
10 Article, or an expansion of the conditions of eligibility for
11 any benefit under this Article, that results from an amendment
12 to this Code that takes effect after June 1, 2005 (the
13 effective date of Public Act 94-4). "New benefit increase",
14 however, does not include any benefit increase resulting from
15 the changes made to Article 1 or this Article by Public Act
16 96-37, Public Act 100-23, Public Act 100-587, Public Act
17 100-611, Public Act 101-10, Public Act 101-610, Public Act
18 102-210, Public Act 102-856, Public Act 102-956, or this
19 amendatory Act of the 104th General Assembly ~~this amendatory~~
20 ~~Act of the 102nd General Assembly.~~

21 (b) Notwithstanding any other provision of this Code or
22 any subsequent amendment to this Code, every new benefit
23 increase is subject to this Section and shall be deemed to be
24 granted only in conformance with and contingent upon
25 compliance with the provisions of this Section.

1 (c) The Public Act enacting a new benefit increase must
2 identify and provide for payment to the System of additional
3 funding at least sufficient to fund the resulting annual
4 increase in cost to the System as it accrues.

5 Every new benefit increase is contingent upon the General
6 Assembly providing the additional funding required under this
7 subsection. The Commission on Government Forecasting and
8 Accountability shall analyze whether adequate additional
9 funding has been provided for the new benefit increase and
10 shall report its analysis to the Public Pension Division of
11 the Department of Insurance. A new benefit increase created by
12 a Public Act that does not include the additional funding
13 required under this subsection is null and void. If the Public
14 Pension Division determines that the additional funding
15 provided for a new benefit increase under this subsection is
16 or has become inadequate, it may so certify to the Governor and
17 the State Comptroller and, in the absence of corrective action
18 by the General Assembly, the new benefit increase shall expire
19 at the end of the fiscal year in which the certification is
20 made.

21 (d) Every new benefit increase shall expire 5 years after
22 its effective date or on such earlier date as may be specified
23 in the language enacting the new benefit increase or provided
24 under subsection (c). This does not prevent the General
25 Assembly from extending or re-creating a new benefit increase
26 by law.

1 (e) Except as otherwise provided in the language creating
2 the new benefit increase, a new benefit increase that expires
3 under this Section continues to apply to persons who applied
4 and qualified for the affected benefit while the new benefit
5 increase was in effect and to the affected beneficiaries and
6 alternate payees of such persons, but does not apply to any
7 other person, including, without limitation, a person who
8 continues in service after the expiration date and did not
9 apply and qualify for the affected benefit while the new
10 benefit increase was in effect.

11 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
12 101-610, eff. 1-1-20; 102-210, eff. 7-30-21; 102-856, eff.
13 1-1-23; 102-956, eff. 5-27-22.)

14 (40 ILCS 5/15-108.1)

15 Sec. 15-108.1. Tier 1 member. "Tier 1 member": A
16 participant or an annuitant of a retirement annuity under this
17 Article, other than a participant in the self-managed plan
18 under Section 15-158.2, who first became a participant or
19 member before January 1, 2011 under any reciprocal retirement
20 system or pension fund established under this Code, other than
21 a retirement system or pension fund established under Articles
22 2, 3, 4, 5, 6, or 18 of this Code. "Tier 1 member" includes a
23 participant or an annuitant who is a police officer or
24 firefighter regardless of when the participant or annuitant
25 first became a participant or member of a reciprocal

1 retirement system or pension fund established under this Code,
2 other than a retirement system or pension fund established
3 under Articles 2, 3, 4, 5, 6, or 18 of this Code. "Tier 1
4 member" includes a person who first became a participant under
5 this System before January 1, 2011 and who accepts a refund and
6 is subsequently reemployed by an employer on or after January
7 1, 2011.

8 (Source: P.A. 98-92, eff. 7-16-13.)

9 (40 ILCS 5/15-108.2)

10 Sec. 15-108.2. Tier 2 member. "Tier 2 member": A person
11 who first becomes a participant under this Article on or after
12 January 1, 2011 and before the implementation date, as defined
13 under subsection (a) of Section 1-161, determined by the
14 Board, other than a person in the self-managed plan
15 established under Section 15-158.2 or a person who makes the
16 election under subsection (c) of Section 1-161, unless the
17 person is otherwise a Tier 1 member. The changes made to this
18 Section by this amendatory Act of the 98th General Assembly
19 are a correction of existing law and are intended to be
20 retroactive to the effective date of Public Act 96-889,
21 notwithstanding the provisions of Section 1-103.1 of this
22 Code. "Tier 2 member" does not include a participant or an
23 annuitant who is a police officer or firefighter regardless of
24 when the participant or annuitant first became a participant
25 or member of a reciprocal retirement system or pension fund

1 established under this Code.

2 (Source: P.A. 100-23, eff. 7-6-17; 100-563, eff. 12-8-17.)

3 (40 ILCS 5/15-135) (from Ch. 108 1/2, par. 15-135)

4 Sec. 15-135. Retirement annuities; conditions.

5 (a) This subsection (a) applies only to a Tier 1 member. A
6 participant who retires in one of the following specified
7 years with the specified amount of service is entitled to a
8 retirement annuity at any age under the retirement program
9 applicable to the participant:

10 35 years if retirement is in 1997 or before;

11 34 years if retirement is in 1998;

12 33 years if retirement is in 1999;

13 32 years if retirement is in 2000;

14 31 years if retirement is in 2001;

15 30 years if retirement is in 2002 or later.

16 A participant with 8 or more years of service after
17 September 1, 1941, is entitled to a retirement annuity on or
18 after attainment of age 55.

19 A participant with at least 5 but less than 8 years of
20 service after September 1, 1941, is entitled to a retirement
21 annuity on or after attainment of age 62.

22 A participant who has at least 25 years of service in this
23 system as a police officer or firefighter is entitled to a
24 retirement annuity on or after the attainment of age 50, if
25 Rule 4 of Section 15-136 is applicable to the participant.

1 (a-5) A Tier 2 member is entitled to a retirement annuity
2 upon written application if he or she has attained age 67 and
3 has at least 10 years of service credit and is otherwise
4 eligible under the requirements of this Article. A Tier 2
5 member who has attained age 62 and has at least 10 years of
6 service credit and is otherwise eligible under the
7 requirements of this Article may elect to receive the lower
8 retirement annuity provided in subsection (b-5) of Section
9 15-136 of this Article.

10 (a-10) (Blank). ~~A Tier 2 member who has at least 20 years~~
11 ~~of service in this system as a police officer or firefighter is~~
12 ~~entitled to a retirement annuity upon written application on~~
13 ~~or after the attainment of age 60 if Rule 4 of Section 15-136~~
14 ~~is applicable to the participant. The changes made to this~~
15 ~~subsection by this amendatory Act of the 101st General~~
16 ~~Assembly apply retroactively to January 1, 2011.~~

17 (b) The annuity payment period shall begin on the date
18 specified by the participant or the recipient of a disability
19 retirement annuity submitting a written application. For a
20 participant, the date on which the annuity payment period
21 begins shall not be prior to termination of employment or more
22 than one year before the application is received by the board;
23 however, if the participant is not an employee of an employer
24 participating in this System or in a participating system as
25 defined in Article 20 of this Code on April 1 of the calendar
26 year next following the calendar year in which the participant

1 attains the age specified under Section 401(a)(9) of the
2 Internal Revenue Code of 1986, as amended, the annuity payment
3 period shall begin on that date regardless of whether an
4 application has been filed. For a recipient of a disability
5 retirement annuity, the date on which the annuity payment
6 period begins shall not be prior to the discontinuation of the
7 disability retirement annuity under Section 15-153.2.

8 (c) An annuity is not payable if the amount provided under
9 Section 15-136 is less than \$10 per month.

10 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21.)

11 (40 ILCS 5/15-136) (from Ch. 108 1/2, par. 15-136)

12 Sec. 15-136. Retirement annuities; amount annuities
13 ~~Amount~~. The provisions of this Section 15-136 apply only to
14 those participants who are participating in the traditional
15 benefit package or the portable benefit package and do not
16 apply to participants who are participating in the
17 self-managed plan.

18 (a) The amount of a participant's retirement annuity,
19 expressed in the form of a single-life annuity, shall be
20 determined by whichever of the following rules is applicable
21 and provides the largest annuity:

22 Rule 1: The retirement annuity shall be 1.67% of final
23 rate of earnings for each of the first 10 years of service,
24 1.90% for each of the next 10 years of service, 2.10% for each
25 year of service in excess of 20 but not exceeding 30, and 2.30%

1 for each year in excess of 30; or for persons who retire on or
2 after January 1, 1998, 2.2% of the final rate of earnings for
3 each year of service.

4 Rule 2: The retirement annuity shall be the sum of the
5 following, determined from amounts credited to the participant
6 in accordance with the actuarial tables and the effective rate
7 of interest in effect at the time the retirement annuity
8 begins:

9 (i) the normal annuity which can be provided on an
10 actuarially equivalent basis, by the accumulated normal
11 contributions as of the date the annuity begins;

12 (ii) an annuity from employer contributions of an
13 amount equal to that which can be provided on an
14 actuarially equivalent basis from the accumulated normal
15 contributions made by the participant under Section
16 15-113.6 and Section 15-113.7 plus 1.4 times all other
17 accumulated normal contributions made by the participant;
18 and

19 (iii) the annuity that can be provided on an
20 actuarially equivalent basis from the entire contribution
21 made by the participant under Section 15-113.3.

22 With respect to a police officer or firefighter who
23 retires on or after August 14, 1998, the accumulated normal
24 contributions taken into account under clauses (i) and (ii) of
25 this Rule 2 shall include the additional normal contributions
26 made by the police officer or firefighter under Section

1 15-157(a).

2 The amount of a retirement annuity calculated under this
3 Rule 2 shall be computed solely on the basis of the
4 participant's accumulated normal contributions, as specified
5 in this Rule and defined in Section 15-116. Neither an
6 employee or employer contribution for early retirement under
7 Section 15-136.2 nor any other employer contribution shall be
8 used in the calculation of the amount of a retirement annuity
9 under this Rule 2.

10 This amendatory Act of the 91st General Assembly is a
11 clarification of existing law and applies to every participant
12 and annuitant without regard to whether status as an employee
13 terminates before the effective date of this amendatory Act.

14 This Rule 2 does not apply to a person who first becomes an
15 employee under this Article on or after July 1, 2005.

16 Rule 3: The retirement annuity of a participant who is
17 employed at least one-half time during the period on which his
18 or her final rate of earnings is based, shall be equal to the
19 participant's years of service not to exceed 30, multiplied by
20 (1) \$96 if the participant's final rate of earnings is less
21 than \$3,500, (2) \$108 if the final rate of earnings is at least
22 \$3,500 but less than \$4,500, (3) \$120 if the final rate of
23 earnings is at least \$4,500 but less than \$5,500, (4) \$132 if
24 the final rate of earnings is at least \$5,500 but less than
25 \$6,500, (5) \$144 if the final rate of earnings is at least
26 \$6,500 but less than \$7,500, (6) \$156 if the final rate of

1 earnings is at least \$7,500 but less than \$8,500, (7) \$168 if
2 the final rate of earnings is at least \$8,500 but less than
3 \$9,500, and (8) \$180 if the final rate of earnings is \$9,500 or
4 more, except that the annuity for those persons having made an
5 election under Section 15-154(a-1) shall be calculated and
6 payable under the portable retirement benefit program pursuant
7 to the provisions of Section 15-136.4.

8 Rule 4: A participant who is at least age 50 and has 25 or
9 more years of service as a police officer or firefighter, and a
10 participant who is age 55 or over and has at least 20 but less
11 than 25 years of service as a police officer or firefighter,
12 shall be entitled to a retirement annuity of 2 1/4% of the
13 final rate of earnings for each of the first 10 years of
14 service as a police officer or firefighter, 2 1/2% for each of
15 the next 10 years of service as a police officer or
16 firefighter, and 2 3/4% for each year of service as a police
17 officer or firefighter in excess of 20. The retirement annuity
18 for all other service shall be computed under Rule 1. ~~A Tier 2~~
19 ~~member is eligible for a retirement annuity calculated under~~
20 ~~Rule 4 only if that Tier 2 member meets the service~~
21 ~~requirements for that benefit calculation as prescribed under~~
22 ~~this Rule 4 in addition to the applicable age requirement~~
23 ~~under subsection (a-10) of Section 15-135.~~

24 For purposes of this Rule 4, a participant's service as a
25 firefighter shall also include the following:

26 (i) service that is performed while the person is an

1 employee under subsection (h) of Section 15-107; and

2 (ii) in the case of an individual who was a
3 participating employee employed in the fire department of
4 the University of Illinois's Champaign-Urbana campus
5 immediately prior to the elimination of that fire
6 department and who immediately after the elimination of
7 that fire department transferred to another job with the
8 University of Illinois, service performed as an employee
9 of the University of Illinois in a position other than
10 police officer or firefighter, from the date of that
11 transfer until the employee's next termination of service
12 with the University of Illinois.

13 (b) For a Tier 1 member, the retirement annuity provided
14 under Rules 1 and 3 above shall be reduced by 1/2 of 1% for
15 each month the participant is under age 60 at the time of
16 retirement. However, this reduction shall not apply in the
17 following cases:

18 (1) For a disabled participant whose disability
19 benefits have been discontinued because he or she has
20 exhausted eligibility for disability benefits under clause
21 (6) of Section 15-152;

22 (2) For a participant who has at least the number of
23 years of service required to retire at any age under
24 subsection (a) of Section 15-135; or

25 (3) For that portion of a retirement annuity which has
26 been provided on account of service of the participant

1 during periods when he or she performed the duties of a
2 police officer or firefighter, if these duties were
3 performed for at least 5 years immediately preceding the
4 date the retirement annuity is to begin.

5 (b-5) The retirement annuity of a Tier 2 member who is
6 retiring under Rule 1 or 3 after attaining age 62 with at least
7 10 years of service credit shall be reduced by 1/2 of 1% for
8 each full month that the member's age is under age 67.

9 (c) The maximum retirement annuity provided under Rules 1,
10 2, 4, and 5 shall be the lesser of (1) the annual limit of
11 benefits as specified in Section 415 of the Internal Revenue
12 Code of 1986, as such Section may be amended from time to time
13 and as such benefit limits shall be adjusted by the
14 Commissioner of Internal Revenue, and (2) 80% of final rate of
15 earnings.

16 (d) A Tier 1 member whose status as an employee terminates
17 after August 14, 1969 shall receive automatic increases in his
18 or her retirement annuity as follows:

19 Effective January 1 immediately following the date the
20 retirement annuity begins, the annuitant shall receive an
21 increase in his or her monthly retirement annuity of 0.125% of
22 the monthly retirement annuity provided under Rule 1, Rule 2,
23 Rule 3, or Rule 4 contained in this Section, multiplied by the
24 number of full months which elapsed from the date the
25 retirement annuity payments began to January 1, 1972, plus
26 0.1667% of such annuity, multiplied by the number of full

1 months which elapsed from January 1, 1972, or the date the
2 retirement annuity payments began, whichever is later, to
3 January 1, 1978, plus 0.25% of such annuity multiplied by the
4 number of full months which elapsed from January 1, 1978, or
5 the date the retirement annuity payments began, whichever is
6 later, to the effective date of the increase.

7 The annuitant shall receive an increase in his or her
8 monthly retirement annuity on each January 1 thereafter during
9 the annuitant's life of 3% of the monthly annuity provided
10 under Rule 1, Rule 2, Rule 3, or Rule 4 contained in this
11 Section. The change made under this subsection by P.A. 81-970
12 is effective January 1, 1980 and applies to each annuitant
13 whose status as an employee terminates before or after that
14 date.

15 Beginning January 1, 1990, all automatic annual increases
16 payable under this Section shall be calculated as a percentage
17 of the total annuity payable at the time of the increase,
18 including all increases previously granted under this Article.

19 The change made in this subsection by P.A. 85-1008 is
20 effective January 26, 1988, and is applicable without regard
21 to whether status as an employee terminated before that date.

22 (d-5) A retirement annuity of a Tier 2 member shall
23 receive annual increases on the January 1 occurring either on
24 or after the attainment of age 67 or the first anniversary of
25 the annuity start date, whichever is later. Each annual
26 increase shall be calculated at 3% or one half the annual

1 unadjusted percentage increase (but not less than zero) in the
2 consumer price index-u for the 12 months ending with the
3 September preceding each November 1, whichever is less, of the
4 originally granted retirement annuity. If the annual
5 unadjusted percentage change in the consumer price index-u for
6 the 12 months ending with the September preceding each
7 November 1 is zero or there is a decrease, then the annuity
8 shall not be increased.

9 (e) If, on January 1, 1987, or the date the retirement
10 annuity payment period begins, whichever is later, the sum of
11 the retirement annuity provided under Rule 1 or Rule 2 of this
12 Section and the automatic annual increases provided under the
13 preceding subsection or Section 15-136.1, amounts to less than
14 the retirement annuity which would be provided by Rule 3, the
15 retirement annuity shall be increased as of January 1, 1987,
16 or the date the retirement annuity payment period begins,
17 whichever is later, to the amount which would be provided by
18 Rule 3 of this Section. Such increased amount shall be
19 considered as the retirement annuity in determining benefits
20 provided under other Sections of this Article. This paragraph
21 applies without regard to whether status as an employee
22 terminated before the effective date of this amendatory Act of
23 1987, provided that the annuitant was employed at least
24 one-half time during the period on which the final rate of
25 earnings was based.

26 (f) A participant is entitled to such additional annuity

1 as may be provided on an actuarially equivalent basis, by any
2 accumulated additional contributions to his or her credit.
3 However, the additional contributions made by the participant
4 toward the automatic increases in annuity provided under this
5 Section shall not be taken into account in determining the
6 amount of such additional annuity.

7 (g) If, (1) by law, a function of a governmental unit, as
8 defined by Section 20-107 of this Code, is transferred in
9 whole or in part to an employer, and (2) a participant
10 transfers employment from such governmental unit to such
11 employer within 6 months after the transfer of the function,
12 and (3) the sum of (A) the annuity payable to the participant
13 under Rule 1, 2, or 3 of this Section (B) all proportional
14 annuities payable to the participant by all other retirement
15 systems covered by Article 20, and (C) the initial primary
16 insurance amount to which the participant is entitled under
17 the Social Security Act, is less than the retirement annuity
18 which would have been payable if all of the participant's
19 pension credits validated under Section 20-109 had been
20 validated under this system, a supplemental annuity equal to
21 the difference in such amounts shall be payable to the
22 participant.

23 (h) On January 1, 1981, an annuitant who was receiving a
24 retirement annuity on or before January 1, 1971 shall have his
25 or her retirement annuity then being paid increased \$1 per
26 month for each year of creditable service. On January 1, 1982,

1 an annuitant whose retirement annuity began on or before
2 January 1, 1977, shall have his or her retirement annuity then
3 being paid increased \$1 per month for each year of creditable
4 service.

5 (i) On January 1, 1987, any annuitant whose retirement
6 annuity began on or before January 1, 1977, shall have the
7 monthly retirement annuity increased by an amount equal to 8¢
8 per year of creditable service times the number of years that
9 have elapsed since the annuity began.

10 (j) The changes made to this Section by this amendatory
11 Act of the 101st General Assembly apply retroactively to
12 January 1, 2011.

13 (Source: P.A. 101-610, eff. 1-1-20.)

14 (40 ILCS 5/15-198)

15 Sec. 15-198. Application and expiration of new benefit
16 increases.

17 (a) As used in this Section, "new benefit increase" means
18 an increase in the amount of any benefit provided under this
19 Article, or an expansion of the conditions of eligibility for
20 any benefit under this Article, that results from an amendment
21 to this Code that takes effect after June 1, 2005 (the
22 effective date of Public Act 94-4). "New benefit increase",
23 however, does not include any benefit increase resulting from
24 the changes made to Article 1 or this Article by Public Act
25 100-23, Public Act 100-587, Public Act 100-769, Public Act

1 101-10, Public Act 101-610, Public Act 102-16, Public Act
2 103-80, ~~or~~ Public Act 103-548, or this amendatory Act of the
3 104th General Assembly.

4 (b) Notwithstanding any other provision of this Code or
5 any subsequent amendment to this Code, every new benefit
6 increase is subject to this Section and shall be deemed to be
7 granted only in conformance with and contingent upon
8 compliance with the provisions of this Section.

9 (c) The Public Act enacting a new benefit increase must
10 identify and provide for payment to the System of additional
11 funding at least sufficient to fund the resulting annual
12 increase in cost to the System as it accrues.

13 Every new benefit increase is contingent upon the General
14 Assembly providing the additional funding required under this
15 subsection. The Commission on Government Forecasting and
16 Accountability shall analyze whether adequate additional
17 funding has been provided for the new benefit increase and
18 shall report its analysis to the Public Pension Division of
19 the Department of Insurance. A new benefit increase created by
20 a Public Act that does not include the additional funding
21 required under this subsection is null and void. If the Public
22 Pension Division determines that the additional funding
23 provided for a new benefit increase under this subsection is
24 or has become inadequate, it may so certify to the Governor and
25 the State Comptroller and, in the absence of corrective action
26 by the General Assembly, the new benefit increase shall expire

1 at the end of the fiscal year in which the certification is
2 made.

3 (d) Every new benefit increase shall expire 5 years after
4 its effective date or on such earlier date as may be specified
5 in the language enacting the new benefit increase or provided
6 under subsection (c). This does not prevent the General
7 Assembly from extending or re-creating a new benefit increase
8 by law.

9 (e) Except as otherwise provided in the language creating
10 the new benefit increase, a new benefit increase that expires
11 under this Section continues to apply to persons who applied
12 and qualified for the affected benefit while the new benefit
13 increase was in effect and to the affected beneficiaries and
14 alternate payees of such persons, but does not apply to any
15 other person, including, without limitation, a person who
16 continues in service after the expiration date and did not
17 apply and qualify for the affected benefit while the new
18 benefit increase was in effect.

19 (Source: P.A. 102-16, eff. 6-17-21; 103-80, eff. 6-9-23;
20 103-548, eff. 8-11-23; 103-605, eff. 7-1-24.)

21 (40 ILCS 5/15-203 new)

22 Sec. 15-203. Application of this amendatory Act of the
23 104th General Assembly. It is the intent of this amendatory
24 Act of the 104th General Assembly to provide to police
25 officers and firefighters who first became participants on or

1 after January 1, 2011 the same level of benefits and
2 eligibility criteria for benefits as those who first became
3 participants before January 1, 2011. The changes made to this
4 Article by this amendatory Act of the 104th General Assembly
5 that provide benefit increases for police officers and
6 firefighters apply without regard to whether the participant
7 was in service on or after the effective date of this
8 amendatory Act of the 104th 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 participant to retroactive benefit payments or increases. The
12 changes made to this Article by this amendatory Act of the
13 104th General Assembly shall not cause or otherwise result in
14 any retroactive adjustment of any employee contributions.

15 (40 ILCS 5/5-238 rep.)

16 (40 ILCS 5/6-229 rep.)

17 Section 3-15. The Illinois Pension Code is amended by
18 repealing Sections 5-238 and 6-229.

19 Article 4.

20 Section 4-5. The Illinois Municipal Code is amended by
21 adding Section 10-4-2.9 as follows:

22 (65 ILCS 5/10-4-2.9 new)

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 30 ILCS 105/5.1031 new

5 30 ILCS 105/5.790 rep.

6 725 ILCS 5/113-3 from Ch. 38, par. 113-3

7 725 ILCS 5/119-1

8 725 ILCS 105/10 from Ch. 38, par. 208-10

9 5 ILCS 845/Act rep.

10 730 ILCS 205/Act rep.

11 730 ILCS 210/Act rep.

12 5 ILCS 70/1.43 rep.

13 5 ILCS 100/5-45.35 rep.

14 5 ILCS 140/2.15

15 5 ILCS 160/4a

16 5 ILCS 315/14 from Ch. 48, par. 1614

17 50 ILCS 71/1 was 5 ILCS 820/1

18 50 ILCS 71/5 was 5 ILCS 820/5

19 50 ILCS 71/10 was 5 ILCS 820/10

20 50 ILCS 71/15 was 5 ILCS 820/15

21 50 ILCS 71/20 was 5 ILCS 820/20

22 50 ILCS 71/25 was 5 ILCS 820/25

23 50 ILCS 71/30 was 5 ILCS 820/30

24 50 ILCS 71/35 was 5 ILCS 820/35

25 50 ILCS 71/21 rep.

1 15 ILCS 205/10 rep.
2 20 ILCS 2605/2605-302 was 20 ILCS 2605/55a in part
3 20 ILCS 2610/14 from Ch. 121, par. 307.14
4 20 ILCS 2610/17c rep.
5 20 ILCS 3930/7.7 rep.
6 20 ILCS 3930/7.8 rep.
7 30 ILCS 105/5.990 rep.
8 50 ILCS 105/4.1 rep.
9 50 ILCS 205/3b
10 50 ILCS 205/25 rep.
11 50 ILCS 705/6.2
12 50 ILCS 705/10.17
13 50 ILCS 705/10.6 rep.
14 50 ILCS 706/10-10
15 50 ILCS 706/10-15
16 50 ILCS 706/10-20
17 50 ILCS 706/10-25
18 50 ILCS 707/10
19 50 ILCS 709/5-10
20 50 ILCS 709/5-12
21 50 ILCS 709/5-20
22 50 ILCS 709/5-11 rep.
23 50 ILCS 725/3.2 from Ch. 85, par. 2555
24 50 ILCS 725/3.4 from Ch. 85, par. 2557
25 50 ILCS 725/3.8 from Ch. 85, par. 2561
26 50 ILCS 725/6.1 new

1 50 ILCS 727/1-35 rep.
2 55 ILCS 5/4-5001 from Ch. 34, par. 4-5001
3 55 ILCS 5/4-12001 from Ch. 34, par. 4-12001
4 55 ILCS 5/4-12001.1 from Ch. 34, par. 4-12001.1
5 55 ILCS 5/3-4014 rep.
6 55 ILCS 5/3-6041 rep.
7 65 ILCS 5/11-5.1-2 rep.
8 65 ILCS 5/1-2-12.2 new
9 110 ILCS 12/15
10 215 ILCS 5/143.19 from Ch. 73, par. 755.19
11 215 ILCS 5/143.19.1 from Ch. 73, par. 755.19.1
12 215 ILCS 5/205 from Ch. 73, par. 817
13 230 ILCS 10/5.1 from Ch. 120, par. 2405.1
14 410 ILCS 70/7.5
15 625 ILCS 5/6-204 from Ch. 95 1/2, par. 6-204
16 625 ILCS 5/6-308
17 625 ILCS 5/6-500 from Ch. 95 1/2, par. 6-500
18 625 ILCS 5/6-601 from Ch. 95 1/2, par. 6-601
19 625 ILCS 5/16-103 from Ch. 95 1/2, par. 16-103
20 625 ILCS 5/6-209.1
21 625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3
22 625 ILCS 5/11-208.6
23 625 ILCS 5/11-208.8
24 625 ILCS 5/11-208.9
25 625 ILCS 5/11-1201.1
26 625 ILCS 5/4-214.2 new

1	625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
2	625 ILCS 5/6-306.5-1 new	
3	625 ILCS 5/6-306.9 new	
4	625 ILCS 40/5-7	
5	705 ILCS 105/27.3b	from Ch. 25, par. 27.3b
6	705 ILCS 205/9	from Ch. 13, par. 9
7	705 ILCS 405/1-7	
8	705 ILCS 405/1-8	
9	705 ILCS 405/5-150	
10	720 ILCS 5/26.5-5	
11	720 ILCS 5/31-1	from Ch. 38, par. 31-1
12	720 ILCS 5/31A-0.1	
13	720 ILCS 5/32-10	from Ch. 38, par. 32-10
14	720 ILCS 5/7-5	from Ch. 38, par. 7-5
15	720 ILCS 5/7-5.5	
16	720 ILCS 5/7-9	from Ch. 38, par. 7-9
17	720 ILCS 5/9-1	from Ch. 38, par. 9-1
18	720 ILCS 5/33-3	from Ch. 38, par. 33-3
19	720 ILCS 5/32-15.1 new	
20	720 ILCS 5/7-15 rep.	
21	720 ILCS 5/7-16 rep.	
22	720 ILCS 5/33-9 rep.	
23	725 ILCS 5/102-6	from Ch. 38, par. 102-6
24	725 ILCS 5/102-7	from Ch. 38, par. 102-7
25	725 ILCS 5/103-5	from Ch. 38, par. 103-5
26	725 ILCS 5/103-7	from Ch. 38, par. 103-7

1	725 ILCS 5/103-9	from Ch. 38, par. 103-9
2	725 ILCS 5/104-13	from Ch. 38, par. 104-13
3	725 ILCS 5/104-17	from Ch. 38, par. 104-17
4	725 ILCS 5/106D-1	
5	725 ILCS 5/107-4	from Ch. 38, par. 107-4
6	725 ILCS 5/107-9	from Ch. 38, par. 107-9
7	725 ILCS 5/107-11	from Ch. 38, par. 107-11
8	725 ILCS 5/109-1	from Ch. 38, par. 109-1
9	725 ILCS 5/109-2	from Ch. 38, par. 109-2
10	725 ILCS 5/109-3	from Ch. 38, par. 109-3
11	725 ILCS 5/109-3.1	from Ch. 38, par. 109-3.1
12	725 ILCS 5/Art. 110	
13	heading	
14	725 ILCS 5/110-1	from Ch. 38, par. 110-1
15	725 ILCS 5/110-2	from Ch. 38, par. 110-2
16	725 ILCS 5/110-3.1 new	
17	725 ILCS 5/110-5	from Ch. 38, par. 110-5
18	725 ILCS 5/110-5.2	
19	725 ILCS 5/110-6	
20	725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1
21	725 ILCS 5/110-6.2	from Ch. 38, par. 110-6.2
22	725 ILCS 5/110-6.4	
23	725 ILCS 5/110-10	from Ch. 38, par. 110-10
24	725 ILCS 5/110-11	from Ch. 38, par. 110-11
25	725 ILCS 5/110-12	from Ch. 38, par. 110-12
26	725 ILCS 5/111-2	from Ch. 38, par. 111-2

1	725 ILCS 5/112A-23	from Ch. 38, par. 112A-23
2	725 ILCS 5/113-3.1	from Ch. 38, par. 113-3.1
3	725 ILCS 5/114-1	from Ch. 38, par. 114-1
4	725 ILCS 5/115-4.1	from Ch. 38, par. 115-4.1
5	725 ILCS 5/122-6	from Ch. 38, par. 122-6
6	725 ILCS 5/102-10.5 rep.	
7	725 ILCS 5/102-14.5 rep.	
8	725 ILCS 5/110-6.6 rep.	
9	725 ILCS 5/110-7.5 rep.	
10	725 ILCS 5/110-1.5 rep.	
11	725 ILCS 5/103-2	from Ch. 38, par. 103-2
12	725 ILCS 5/108-8	from Ch. 38, par. 108-8
13	725 ILCS 5/103-3.1 new	
14	725 ILCS 5/110-4.1 new	
15	725 ILCS 5/110-6.3-1 new	
16	725 ILCS 5/110-6.5-1 new	
17	725 ILCS 5/110-7.1 new	
18	725 ILCS 5/110-8.1 new	
19	725 ILCS 5/110-9.1 new	
20	725 ILCS 5/110-13.1 new	
21	725 ILCS 5/110-14.1 new	
22	725 ILCS 5/110-15.1 new	
23	725 ILCS 5/110-16.1 new	
24	725 ILCS 5/110-17.1 new	
25	725 ILCS 5/110-18.1 new	

1	725 ILCS 5/Art. 110B	
2	heading new	
3	725 ILCS 5/110B-5 new	
4	725 ILCS 5/110B-10 new	
5	725 ILCS 5/110B-15 new	
6	725 ILCS 5/110B-20 new	
7	725 ILCS 5/110B-25 new	
8	725 ILCS 5/110B-30 new	
9	725 ILCS 5/110B-35 new	
10	725 ILCS 5/110B-40 new	
11	725 ILCS 5/110B-45 new	
12	725 ILCS 5/110B-50 new	
13	725 ILCS 5/110B-55 new	
14	725 ILCS 5/110B-60 new	
15	725 ILCS 5/110B-65 new	
16	725 ILCS 5/110B-70 new	
17	725 ILCS 5/110B-75 new	
18	725 ILCS 5/110B-80 new	
19	725 ILCS 165/4	from Ch. 38, par. 161-4
20	725 ILCS 120/3	from Ch. 38, par. 1403
21	725 ILCS 120/4	from Ch. 38, par. 1404
22	725 ILCS 120/4.5	
23	725 ILCS 185/7	from Ch. 38, par. 307
24	725 ILCS 185/11	from Ch. 38, par. 311
25	725 ILCS 185/19	from Ch. 38, par. 319
26	725 ILCS 185/20	from Ch. 38, par. 320

1	725 ILCS 185/22	from Ch. 38, par. 322
2	725 ILCS 185/34	
3	725 ILCS 195/Act title	
4	725 ILCS 195/0.01	from Ch. 16, par. 80
5	725 ILCS 195/1	from Ch. 16, par. 81
6	725 ILCS 195/2	from Ch. 16, par. 82
7	725 ILCS 195/3	from Ch. 16, par. 83
8	725 ILCS 195/5	from Ch. 16, par. 85
9	730 ILCS 5/5-3-2	from Ch. 38, par. 1005-3-2
10	730 ILCS 5/5-5-3.2	
11	730 ILCS 5/5-6-4	from Ch. 38, par. 1005-6-4
12	730 ILCS 5/5-6-4.1	from Ch. 38, par. 1005-6-4.1
13	730 ILCS 5/5-8A-7	
14	730 ILCS 5/8-2-1	from Ch. 38, par. 1008-2-1
15	730 ILCS 5/3-6-3	
16	730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1
17	730 ILCS 5/5-4.5-95	
18	730 ILCS 5/5-4.5-100	
19	730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
20	730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4
21	730 ILCS 5/5-8-6	from Ch. 38, par. 1005-8-6
22	730 ILCS 5/5-8A-2	from Ch. 38, par. 1005-8A-2
23	730 ILCS 5/5-8A-4	from Ch. 38, par. 1005-8A-4
24	730 ILCS 5/5-8A-4.1	
25	730 ILCS 5/5-6-3.8 rep.	
26	730 ILCS 5/5-8A-4.15 rep.	

1	730 ILCS 110/18	
2	730 ILCS 125/5	from Ch. 75, par. 105
3	730 ILCS 130/3	from Ch. 75, par. 32
4	730 ILCS 167/20	
5	730 ILCS 168/20	
6	735 ILCS 5/10-106	from Ch. 110, par. 10-106
7	735 ILCS 5/10-125	from Ch. 110, par. 10-125
8	735 ILCS 5/10-127	from Ch. 110, par. 10-127
9	735 ILCS 5/10-135	from Ch. 110, par. 10-135
10	735 ILCS 5/10-136	from Ch. 110, par. 10-136
11	735 ILCS 5/21-103	
12	740 ILCS 22/220	
13	750 ILCS 60/223	from Ch. 40, par. 2312-23
14	750 ILCS 60/301	from Ch. 40, par. 2313-1
15	765 ILCS 1045/11	from Ch. 140, par. 111
16	775 ILCS 40/50	
17	820 ILCS 405/602	from Ch. 48, par. 432
18	730 ILCS 5/3-6-7.1 rep.	
19	730 ILCS 5/3-6-7.2 rep.	
20	730 ILCS 5/3-6-7.3 rep.	
21	730 ILCS 5/3-6-7.4 rep.	
22	730 ILCS 125/17.6 rep.	
23	730 ILCS 125/17.7 rep.	
24	730 ILCS 125/17.8 rep.	
25	730 ILCS 125/17.9 rep.	
26	5 ILCS 120/2	from Ch. 102, par. 42

1	5 ILCS 140/7	
2	5 ILCS 140/7.5	
3	5 ILCS 350/1	from Ch. 127, par. 1301
4	20 ILCS 415/4c	from Ch. 127, par. 63b104c
5	20 ILCS 2605/2605-50	was 20 ILCS 2605/55a-6
6	20 ILCS 2610/3	from Ch. 121, par. 307.3
7	20 ILCS 2610/6	from Ch. 121, par. 307.6
8	20 ILCS 2610/8	from Ch. 121, par. 307.8
9	20 ILCS 2610/9	from Ch. 121, par. 307.9
10	20 ILCS 2610/6.5 rep.	
11	20 ILCS 2610/11.5 rep.	
12	20 ILCS 2610/11.6 rep.	
13	20 ILCS 2610/12.6 rep.	
14	20 ILCS 2610/12.7 rep.	
15	20 ILCS 2610/40.1 rep.	
16	20 ILCS 2610/46 rep.	
17	50 ILCS 705/2	from Ch. 85, par. 502
18	50 ILCS 705/3	from Ch. 85, par. 503
19	50 ILCS 705/6	from Ch. 85, par. 506
20	50 ILCS 705/6.1	
21	50 ILCS 705/7	
22	50 ILCS 705/7.5	
23	50 ILCS 705/8	from Ch. 85, par. 508
24	50 ILCS 705/8.1	from Ch. 85, par. 508.1
25	50 ILCS 705/8.2	
26	50 ILCS 705/9	from Ch. 85, par. 509

1	50 ILCS 705/10	from Ch. 85, par. 510
2	50 ILCS 705/10.1	from Ch. 85, par. 510.1
3	50 ILCS 705/10.2	
4	50 ILCS 705/10.3	
5	50 ILCS 705/10.5-1 new	
6	50 ILCS 705/10.11	
7	50 ILCS 705/10.18	
8	50 ILCS 705/10.19	
9	50 ILCS 705/10.20	
10	50 ILCS 705/3.1 rep.	
11	50 ILCS 705/6.3 rep.	
12	50 ILCS 705/6.6 rep.	
13	50 ILCS 705/6.7 rep.	
14	50 ILCS 705/8.3 rep.	
15	50 ILCS 705/8.4 rep.	
16	50 ILCS 705/9.2 rep.	
17	50 ILCS 705/13 rep.	
18	55 ILCS 5/3-6001.5	
19	30 ILCS 105/5.1030 new	
20	30 ILCS 105/6z-144 new	
21	40 ILCS 5/1-160	
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 5/3-125	from Ch. 108 1/2, par. 3-125
26	40 ILCS 5/3-148.5 new	

1	40 ILCS 5/4-109	from Ch. 108 1/2, par. 4-109
2	40 ILCS 5/4-109.1	from Ch. 108 1/2, par. 4-109.1
3	40 ILCS 5/4-114	from Ch. 108 1/2, par. 4-114
4	40 ILCS 5/4-118	from Ch. 108 1/2, par. 4-118
5	40 ILCS 5/4-138.15 new	
6	40 ILCS 5/5-155	from Ch. 108 1/2, par. 5-155
7	40 ILCS 5/5-167.1	from Ch. 108 1/2, par. 5-167.1
8	40 ILCS 5/5-168	from Ch. 108 1/2, par. 5-168
9	40 ILCS 5/5-169	from Ch. 108 1/2, par. 5-169
10	40 ILCS 5/5-239 new	
11	40 ILCS 5/6-165	from Ch. 108 1/2, par. 6-165
12	40 ILCS 5/6-210	from Ch. 108 1/2, par. 6-210
13	40 ILCS 5/6-231 new	
14	40 ILCS 5/7-142.1	from Ch. 108 1/2, par. 7-142.1
15	40 ILCS 5/7-171	from Ch. 108 1/2, par. 7-171
16	40 ILCS 5/7-172	from Ch. 108 1/2, par. 7-172
17	40 ILCS 5/14-152.1	
18	40 ILCS 5/15-108.1	
19	40 ILCS 5/15-108.2	
20	40 ILCS 5/15-135	from Ch. 108 1/2, par. 15-135
21	40 ILCS 5/15-136	from Ch. 108 1/2, par. 15-136
22	40 ILCS 5/15-198	
23	40 ILCS 5/15-203 new	
24	40 ILCS 5/5-238 rep.	
25	40 ILCS 5/6-229 rep.	
26	65 ILCS 5/10-4-2.9 new	