

# **CASH BAIL ABOLITION ANALYSIS**

## **Public Act: 101-0652 (HB 3653) OUTLINE**

### **5. Article 10.** **Amendatory Provisions**

**1. Section 10-105.** The Statute on Statutes is amended by adding Section 1.43. **(Eff: 1-1-23)**

Sec. 1.43. Reference to bail, bail bond, or conditions of bail. (5 ILCS 70/1.43 new)

**2. Section 10-110.** The Freedom of Information Act is amended by changing Section 2.15. **(Eff: 1-1-23)**

Sec. 2.15. Arrest reports and criminal history records. (5 ILCS 140/2.15).

**3. Section 10-115.** The State Records Act is amended by changing Section 4a. **(Eff: 1-1-23)**

Sec. 4a. Arrest records and reports. (5 ILCS 160/4a)

**4. Section 10-120.** The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-302. **(Eff: 1-1-23)**

Sec. 2605-302. Arrest reports. (20 ILCS 2605/2605-302).

**Section 10-140.** The Local Records Act is amended by changing Section 3b. **(Eff: 1-1-23)**

Sec. 3b. Arrest records and reports. (50 ILCS 205/3b)

**5. Section 10-155.** The Police and Community Relations Improvement Act is amended by adding Section 1-35. **(Eff: 1-1-23)**

Sec. 1-35. Anonymous complaint policy. (50 ILCS 727/1-35 new).

**6.** The Counties Code is amended by changing Sections 4-5001, 4-12001, and 4-12001.1. **(Eff: 1-1-23)**

Sec. 4-5001. Sheriffs; counties of first and second class. (55 ILCS 5/4-5001)

Sec. 4-12001. Fees of sheriff in third class counties. (55 ILCS 5/4-12001)

Sec. 4-12001.1. Fees of sheriff in third class counties; local governments and school districts. (55 ILCS 5/4-12001.1).

**7.** The Campus Security Enhancement Act of 2008 is amended by changing Section 15. **(Eff: 1-1-23)**

Sec. 15. Arrest reports. (110 ILCS 12/15).

**8.** The Illinois Insurance Code is amended by changing Sections 143.19, 143.19.1, and 205. **(Eff: 1-1-23)**

Sec. 143.19. Cancellation of automobile insurance policy; grounds. (215 ILCS 5/143.19)

Sec. 143.19.1. Limits on exercise of right of nonrenewal. (215 ILCS 5/143.19.1)

Sec. 205. Priority of distribution of general assets. (215 ILCS 5/205).

**9.** The Illinois Gambling Act is amended by changing Section 5.1. **(Eff: 1-1-23)**

Sec. 5.1. Disclosure of records. (230 ILCS 10/5.1).

**10.** The Illinois Vehicle Code is amended by changing Sections 6-204, 6-206, 6-308, 6-500, 6-601, and 16-103. **(Eff: 1-1-23)**

Sec. 6-204. When court to forward license and reports. (625 ILCS 5/6-206)  
Sec. 6-308. Procedures for traffic violations. (625 ILCS 5/6-308)  
Sec. 6-500. Definitions of words and phrases. (625 ILCS 5/6-500)  
Sec. 6-601. Penalties. (625 ILCS 5/6-601)  
Sec. 16-103. Arrest outside county where violation committed. (625 ILCS 5/16-103).

**11.** The Snowmobile Registration and Safety Act is amended by changing Section 5-7. **(Eff: 1-1-23)**

Sec. 5-7. Operating a snowmobile while under the influence\*\*\*. (625 ILCS 40/5-7)

**12.** The Clerks of Courts Act is amended by changing Section 27.3b. **(Eff: 1-1-23)**

Sec. 27.3b. The clerk of court may accept payment\*\*\*. (705 ILCS 105/27.3b).

**13.** The Attorney Act is amended by changing Section 9. **(Eff: 1-1-23)**

Sec. 9. All attorneys and counselors at law\*\*\*. (705 ILCS 205/9)

**14.** The Juvenile Court Act of 1987 is amended by changing Sections 1-7, 1-8, and 5-150. **(Eff: 1-1-23)**

Sec. 1-7. Confidentiality of juvenile law enforcement and municipal ordinance violation records. (705 ILCS 405/1-7)  
Sec. 1-8. Confidentiality and accessibility of juvenile court records. (705 ILCS 405/1-8)  
Sec. 5-150. Admissibility of evidence and adjudications in other proceedings. (705 ILCS 405/5-150).

**15.** The Criminal Code of 2012 is amended by changing Sections 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15. **(Eff: 1-1-23)**

Sec. 26.5-5. Sentence. (720 ILCS 5/26.5-5)  
Sec. 31-1. Resisting or obstructing a peace officer, firefighter, or correctional institution employee. (720 ILCS 5/31-1)  
Sec. 31A-0.1. Definitions. (720 ILCS 5/31A-0.1)  
Sec. 32-10. Violation of conditions of pretrial release ~~bail bond~~. (720 ILCS 5/32-10)  
Sec. 32-15. Pretrial release ~~Bail bond~~ false statement. (720 ILCS 5/32-15)

**16.** The Code of Criminal Procedure of 1963 is amended by changing the heading of Article 110 by changing Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17, 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1, 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2, 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1, 115-4.1, and 122-6 and by adding Section 110-1.5. **(Eff: 1-1-23)**

Sec. 102-6. Pretrial release "~~Bail~~". (725 ILCS 5/102-6)  
Sec. 102-7. Conditions of pretrial release "~~Bail bond~~". (725 ILCS 5/102-7)  
Sec. 103-5. Speedy trial. (725 ILCS 5/103-5)  
Sec. 103-7. Posting notice of rights. (725 ILCS 5/103-7)  
Sec. 103-9. Bail bondsmen. (725 ILCS 5/103-9)  
Sec. 104-13. Fitness Examination. (725 ILCS 5/104-13)  
Sec. 104-17. Commitment for treatment; treatment plan. (725 ILCS 5/104-17)  
Sec. 106D-1. Defendant's appearance by closed circuit television and video conference. (725 ILCS 5/106D-1)  
Sec. 107-4. Arrest by peace officer from other jurisdiction. (725 ILCS 5/107-4)  
Sec. 107-9. Issuance of arrest warrant upon complaint. (725 ILCS 5/107-9)  
Sec. 109-1. Person arrested; release from law enforcement custody and court appearance; geographical constraints prevent in-person appearances. (725 ILCS 5/109-1)  
Sec. 109-2. Person arrested in another county. (725 ILCS 5/109-2)  
Sec. 109-3. Preliminary examination. (725 ILCS 5/109-3)

Sec. 109-3.1. Persons Charged with Felonies. (725 ILCS 5/109-3.1)  
Sec. 110-1. Definitions. (725 ILCS 5/110-1)  
Sec. 110-1.5. Abolition of monetary bail. (725 ILCS 5/110-1.5 new)  
Sec. 110-2. Release on own recognizance. (725 ILCS 5/110-2)  
Sec. 110-3. Options for warrant alternatives Issuance of of release. (725 ILCS 5/110-3)  
Sec. 110-4. Pretrial release Bailable Offenses. (725 ILCS 5/110-4)  
Sec. 110-5. Determining the amount of bail and conditions of release. (725 ILCS 5/110-5)  
Sec. 110-5.2. Pretrial release Bail; pregnant pre-trial detainee. (725 ILCS 5/110-5.2)  
Sec. 110-6. Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release ~~Modification of bail or conditions~~. (725 ILCS 5/110-6)  
Sec. 110-6.1. Denial of pretrial release ~~bail in non-probationable felony offenses~~. (725 ILCS 5/110-6.1)  
Sec. 110-6.2. Post-conviction Detention. (725 ILCS 5/110-6.2)  
Sec. 110-6.4. Statewide risk-assessment tool. (725 ILCS 5/110-6.4)  
Sec. 110-10. Conditions of pretrial release bail bond. (725 ILCS 5/110-10)  
Sec. 110-11. Pretrial release Bail on a new trial. (725 ILCS 5/110-11)  
Sec. 110-12. Notice of change of address. (725 ILCS 5/110-12)  
Sec. 111-2. Commencement of prosecutions. (725 ILCS 5/111-2)  
Sec. 112A-23. Enforcement of protective orders. (725 ILCS 5/112A-23)  
Sec. 114-1. Motion to dismiss charge. (725 ILCS 5/114-1)  
Sec. 115-4.1. Absence of defendant. (725 ILCS 5/115-4.1)  
Sec. 122-6. Disposition in trial court. (725 ILCS 5/122-6)

**17.** The Rights of Crime Victims and Witnesses Act is amended by changing Sections 4 and 4.5. **(Eff: 1-1-23)**

Sec. 4. Rights of crime victims. (725 ILCS 120/4)  
Sec. 4.5. Procedures to implement the rights of crime victims. (725 ILCS 120/4.5)

**18.** The Pretrial Services Act is amended by changing Sections 11, 20, 22, and 34. **(Eff: 1-1-23)**

Sec. 11. No person shall be interviewed by a pretrial services agency unless\*\*\*. (725 ILCS 185/11)  
Sec. 20. In preparing and presenting its written reports under Sections 17 and 19, pretrial services agencies shall\*\*\*. (725 ILCS 185/20)  
Sec. 22. If so ordered by the court, the pretrial services agency shall\*\*\*. (725 ILCS 185/22)  
Sec. 34. Probation and court services departments considered pretrial services agencies. (725 ILCS 185/34)

**19.** The Quasi-criminal and Misdemeanor Bail Act is amended by changing Sections 0.01, 1, 2, 3, and 5. **(Eff: 1-1-23)**

(725 ILCS 195/Act title) An Act to authorize designated officers to let persons charged with quasi-criminal offenses and misdemeanors to pretrial release ~~bail~~\*\*\*.

Sec. 0.01. Short title. (725 ILCS 195/0.01)  
Sec. 1. Whenever in any circuit there shall be in force a rule or order of the Supreme Court establishing a uniform form schedule prescribing the conditions of pretrial release\*\*\*. (725 ILCS 195/1)  
Sec. 2. The conditions of the pretrial release ~~bail bond or deposit of cash bail~~ shall be\*\*\*. (725 ILCS 195/2)  
Sec. 3. In lieu of complying with the conditions of pretrial release ~~making bond or depositing cash bail~~ as authorized by law,\*\*\*. (725 ILCS 195/3)  
Sec. 5. Any person authorized to accept pretrial release ~~bail~~ or pleas of guilty by this Act who violates any provision of this Act is guilty of a Class B misdemeanor. (725 ILCS 195/5)

**20.** The Unified Code of Corrections is amended by changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and 8-2-1. **(Eff: 1-1-23)**

Sec. 5-3-2. Presentence report. 730 ILCS 5/5-3-2)  
Sec. 5-5-3.2. Factors in aggravation and extended-term sentencing. (730 ILCS 5/5-5-3.2)

Sec. 5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing. (730 ILCS 5/5-6-4)

Sec. 5-6-4.1. Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing. (730 ILCS 5/5-6-4.1)

Sec. 5-8A-7. Domestic violence surveillance program. (730 ILCS 5/5-8A-7)

Sec. 8-2-1. Saving Clause. (730 ILCS 5/8-2-1).

**21.** The Probation and Probation Officers Act is amended by changing Section 18. **(Eff: 1-1-23)**

Sec. 18. Probation and court services departments considered pretrial services agencies. (730 ILCS 110/18).

**22.** The County Jail Act is amended by changing Section 5. **(Eff: 1-1-23)**

Sec. 5. Costs of maintaining prisoners. (730 ILCS 125/5).

**23.** The County Jail Good Behavior Allowance Act is amended by changing Section 3. **(Eff: 1-1-23)**

Sec. 3. The good behavior of any person who commences a sentence of confinement in a county jail\*\*\*. (730 ILCS 130/3).

**24.** The Code of Civil Procedure is amended by changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and 21-103. **(Eff: 1-1-23)**

Sec. 10-106. Grant of relief - Penalty. (735 ILCS 5/10-106)

Sec. 10-125. New commitment. (735 ILCS 5/10-125)

Sec. 10-127. Grant of habeas corpus. (735 ILCS 5/10-127)

Sec. 10-135. Habeas corpus to testify. (735 ILCS 5/10-135)

Sec. 10-136. Prisoner remanded or punished. (735 ILCS 5/10-136)

Sec. 21-103. Notice by publication. (735 ILCS 5/21-103).

**25.** The Civil No Contact Order Act is amended by changing Section 220. **(Eff: 1-1-23)**

Sec. 220. Enforcement of a civil no contact order. (740 ILCS 22/220).

**26.** The Illinois Domestic Violence Act of 1986 is amended by changing Sections 223 and 301. **(Eff: 1-1-23)**

Sec. 223. Enforcement of orders of protection. (750 ILCS 60/223)

Sec. 301. Arrest without warrant. (750 ILCS 60/301)

**27.** The Industrial and Linen Supplies Marking Law is amended by changing Section 11. **(Eff: 1-1-23)**

Sec. 11. Search warrant. (765 ILCS 1045/11).

**28.** The Illinois Torture Inquiry and Relief Commission Act is amended by changing Section 67. **(Eff: 1-1-23)**

Sec. 50. Post-commission judicial review. (775 ILCS 40/50).

**29.** The Unemployment Insurance Act is amended by changing Section 602. **(Eff: 1-1-23)**

Sec. 602. Discharge for misconduct - Felony. (820 ILCS 405/602).

**POLICE REFORM ACT OF 2021 - PA 102-1104 - EFFECTIVE 1-1-23**  
**(114 Items)**

**Article 10. Amendatory Provisions**

**1. 5 ILCS 70/ Statute on Statutes. (Eff: 1-1-23)**

5 ILCS 70/1.43 new Reference to bail, bail bond, or conditions of bail.

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

**2. 5 ILCS 140/ Freedom of Information Act. (Eff: 1-1-23)**

5 ILCS 140/2.15 Arrest reports and criminal history records.

Sec. 2.15. Arrest reports and criminal history records.

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

**3. 5 ILCS 160/ State Records Act. (Eff: 1-1-23)**

5 ILCS 160/4a Arrest records and reports.

(5 ILCS 160/4a)

Sec. 4a. Arrest records and reports.

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

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

**4. 20 ILCS 2605/ Civil Administrative Code of Illinois. (Department of State Police Law)**

20 ILCS 2605/2605-302. Arrest reports. (Eff: 1-1-23)

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

Sec. 2605-302. Arrest reports.

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

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

**Added by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

**Section 10-145. The Law Enforcement Officer-Worn Body Camera Act.**

**1. [S.H.A. 50 ILCS 706/10–10] (50 ILCS 706/10–10)**

§ 10–10. Definitions. As used in this Act: **DELETED TEXT**

“Community caretaking function” means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. “Community caretaking function” includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.

g. **“Community caretaking function” excludes law enforcement-related encounters or activities.**

**DELETED TEXT**

“Law enforcement-related encounters or activities” include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or State. “Law enforcement-related encounter or activities” does not include when the officer is completing paperwork alone, **is participating in training in a classroom setting**, or is only in the presence of another law enforcement officer. **DELETED TEXT**

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

**2. [S.H.A. 50 ILCS 706/10–15] (50 ILCS 706/10–15)**

§ 10–15. Applicability.

**DELETED TEXT**

(b) **Except as provided in subsection (b–5), all** ~~all~~ law enforcement agencies must implement the use of body cameras for all law enforcement officers, according to the following schedule: **DELETED TEXT**

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

**3. [S.H.A. 50 ILCS 706/10–20] (50 ILCS 706/10–20)**

§ 10–20. Requirements.

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

**DELETED TEXT**

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

**DELETED TEXT**

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

**DELETED TEXT**

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

**DELETED TEXT**

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

**4. 50 ILCS 706/10-25] (50 ILCS 706/10-25)**

§ 10-25. Reporting.

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

**DELETED TEXT**

(5) (blank); and for each recording used in prosecutions of conservation, criminal, or traffic offenses or municipal ordinance violations:

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

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

**DELETED TEXT**

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

Section 35. The Law Enforcement Camera Grant Act is amended by changing Section 10 as follows:

**5. 50 ILCS 707/10] (50 ILCS 707/10)**

§ 10. Law Enforcement Camera Grant Fund; creation, rules.

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

**DELETED TEXT**

(Source: P.A. 102–16, eff. 6–17–21.)

**5. 50 ILCS 727/ Police and Community Relations Improvement Act. (Eff: 1-1-23)**

50 ILCS 727/1-35 new. Anonymous complaint policy.

50 ILCS 727/1-35 new)

**Sec. 1-35. Anonymous complaint policy.**

(a) Any person may file notice of an anonymous complaint to the Illinois Law Enforcement Training Standards Board of any conduct the person believes a law enforcement officer has committed as described in subsection (b) of Section 6.3 of the Illinois Police Training Act. Notwithstanding any other provision in state law or any collective bargaining agreement, the Board shall accept notice and investigate any allegations from individuals who remain anonymous.

(b) The Board shall complete a preliminary review of the allegations to determine whether further investigation is warranted. During the preliminary review, the Board will take all reasonable steps to discover any and all objective verifiable evidence relevant to the alleged violation through the identification, retention, review, and analysis of all available evidence, including, but not limited to: all time-sensitive evidence, audio and video evidence, physical evidence, arrest reports, photographic evidence, GPS records, computer data, lab reports, medical documents, and witness interviews. All reasonable steps will be taken to preserve relevant evidence identified during the preliminary investigation.

(c) If the Board determines that for an anonymous notice there is objective verifiable evidence to support the allegation or allegations, the Board shall complete a sworn affidavit override to comply with subsection (b) of Section 3.8 of the Uniform Peace Officers' Disciplinary Act. The sworn affidavit override shall be specified on a form to be determined by the Board, including what evidence has been reviewed and, in reliance upon that evidence, it shall be affirmed that it is necessary and appropriate for the investigation to continue. It shall forward that form and the alleged violation in accordance with subsection (f) of Section 6.3 of the Illinois Police Training Act.

**6. 55 ILCS 5/ Counties Code.**

55 ILCS 5/4-5001. Sheriffs; counties of first and second class. (Eff: 1-1-23)

55 ILCS 5/4-12001. Fees of sheriff in third class counties. (Eff: 1-1-23)

55 ILCS 5/4-12001.1. Fees of sheriff in third class counties; (Eff: 1-1-23)

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

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

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

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

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

**For taking special bail, \$5.**

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

**For taking special bail, \$2.**



**7. 110 ILCS 12/ Campus Security Enhancement Act of 2008. (Eff: 1-1-23)**

110 ILCS 12/15. Arrest reports.

(110 ILCS 12/15)

Sec. 15. Arrest reports.

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

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

**8. 215 ILCS 5/ Illinois Insurance Code. (Eff: 1-1-23)**

215 ILCS 5/143.19. Cancellation of automobile insurance policy; grounds.

215 ILCS 5/143.19.1. Limits on exercise of right of nonrenewal.

215 ILCS 5/205. Priority of distribution of general assets.

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

Sec. 143.19. Cancellation of automobile insurance policy; grounds.

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

5. has been convicted, or **violated conditions of pretrial release** ~~forfeited bail~~, during the 36 months immediately preceding the notice of cancellation, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in, or about, an automobile or while having custody of an automobile, leaving the scene of an accident without stopping to report, theft or unlawful taking of a motor vehicle, making false statements in an application for an operator's or chauffeur's license or has been convicted or **pretrial release has been revoked** ~~forfeited bail~~ for 3 or more violations within the 12 months immediately preceding the notice of cancellation, of any law, ordinance, or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or different offenses;

Sec. 143.19.1. Limits on exercise of right of nonrenewal. After a policy of automobile insurance, as defined in Section 143.13, has been effective or renewed for 5 or more years, the company shall not exercise its right of non-renewal unless: The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such a policy:

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

Sec. 205. Priority of distribution of general assets.

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

(d) Claims by policyholders, beneficiaries, and insureds, under insurance policies, annuity contracts, and funding agreements, liability claims against insureds covered under insurance policies and insurance contracts issued by the

company, claims of obligees (and, subject to the discretion of the receiver, completion contractors) under surety bonds and surety undertakings (not to include ~~bail bonds~~, mortgage or financial guaranty, or other forms of insurance offering protection against investment risk), claims by principals under surety bonds and surety undertakings for wrongful dissipation of collateral by the insurer or its agents, and claims incurred during any extension of coverage provided under subsection (5) of Section 193, and claims of the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and any similar organization in another state as prescribed in Section 545. For purposes of this Section, "funding agreement" means an agreement whereby an insurer authorized to write business under Class 1 of Section 4 of this Code may accept and accumulate funds and make one or more payments at future dates in amounts that are not based upon mortality or morbidity contingencies.

**9. 230 ILCS 10/ Illinois Gambling Act. (Eff: 1-1-23)**

230 ILCS 10/5.1 Disclosure of records.

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

Sec. 5.1. Disclosure of records.

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

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

**10. 625 ILCS 5/ Illinois Vehicle Code. (Eff: 1-1-23)**

625 ILCS 5/6-206. Discretionary authority to suspend or revoke license or permit; right to a hearing. (Eff: 1-1-23)

625 ILCS 5/6-308 Procedures for traffic violations. (Eff: 1-1-23)

625 ILCS 5/6-500 Definitions of words and phrases. (Eff: 1-1-23)

625 ILCS 5/6-601 Penalties. (Eff: 1-1-23)

625 ILCS 5/16-103 Arrest outside county where violation committed. (Eff: 1-1-23)

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

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

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

(3) Whenever an order is entered vacating the **conditions of pretrial release** ~~forfeiture of any bail, security or bond~~ given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the vacation.

(c) For the purposes of this Code, a **violation of the conditions of pretrial release** ~~forfeiture of bail or collateral deposited to secure a defendant's appearance in court~~ when **the conditions of pretrial release have** ~~forfeiture has~~ not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; right to a hearing.

Miscellaneous minor changes.

Sec. 6-308. Procedures for traffic violations.

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

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

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

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

Sec. 6-601. Penalties.

(d) For violations of this Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection (d) of Section 3-401 of this Code, if the violation may be satisfied without a court appearance, the violator may, pursuant to Supreme Court Rule, satisfy the case with a written plea of guilty and payment of fines, penalties, and costs **as equal to the bail amount** established by the Supreme Court for the offense.

Sec. 16-103. Arrest outside county where violation committed.

Whenever a defendant is arrested upon a warrant charging a violation of this Act in a county other than that in which such warrant was issued, the arresting officer, immediately upon the request of the defendant, shall take such defendant before a circuit judge or associate circuit judge in the county in which the arrest was made who shall admit the defendant to **pretrial release bail** for his appearance before the court named in the warrant. On **setting the conditions of pretrial release taking such bail** the circuit judge or associate circuit judge shall certify such fact on the warrant and deliver the warrant and **conditions of pretrial release undertaking of bail or other security**, or the drivers license of such defendant if deposited, under the law relating to such licenses, in lieu of such security, to the officer having charge of the defendant. Such officer shall then immediately discharge the defendant from arrest and without delay deliver such warrant and such **acknowledgment by the defendant of his or her receiving the conditions of pretrial release undertaking of bail, or other security** or drivers license to the court before which the defendant is required to appear.

## **11. Section 10-195. 625 ILCS 40/ Snowmobile Registration and Safety Act. (Eff: 1-1-23)**

625 ILCS 40/5-7. Operating a snowmobile while under the influence of alcohol.

(625 ILCS 40/5-7)

Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.

(c-2) For purposes of this Section, the following are equivalent to a conviction:

(1) a **violation of the terms of pretrial release when the court has not relieved the defendant of complying with the terms of pretrial release forfeiture of bail or collateral deposited to secure a defendant's appearance in court when**

~~forfeiture has not been vacated;~~ or \*\*\*

**12. Section 10-200. 705 ILCS 105/ Clerks of Courts Act. (Eff: 1-1-23)**

705 ILCS 105/27.3b Sec. 27.3b. Payment of Fines, Penalties, or Costs by Credit Card or Debit Card.

(705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

Sec. 27.3b. Payment of Fines, Penalties, or Costs by Credit Card or Debit Card.

Sec. 27.3b. The clerk of court may accept payment of fines, penalties, or costs by credit card or debit card approved by the clerk from an offender who has been convicted of or placed on court supervision for a traffic offense, petty offense, ordinance offense, or misdemeanor or who has been convicted of a felony offense. The clerk of the circuit court may accept credit card payments over the Internet for fines, penalties, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses to satisfy the requirement of written pleas of guilty as provided in Illinois Supreme Court Rule 529. The clerk of the court may also accept payment of statutory fees by a credit card or debit card. ~~The clerk of the court may also accept the credit card or debit card for the cash deposit of bail bond fees.~~

Where the offender pays fines, penalties, or costs by credit card or debit card or through a third party fund guarantor, facilitator, or service provider, or anyone paying statutory fees of the circuit court clerk ~~or the posting of cash bail~~, the clerk shall collect a service fee of up to \$5 or the amount charged to the clerk for use of its services by the credit card or debit card issuer, third party fund guarantor, facilitator, or service provider.

**13. Section 10-205. 705 ILCS 205/Attorney Act. (Eff: 1-1-23)**

705 ILCS 205/9. Sec. 9. Arrest of Attorneys, Judges, Sheriffs, ect.

(705 ILCS 205/9) (from Ch. 13, par. 9)

Sec. 9. All attorneys and counselors at law, judges, clerks and sheriffs, and all other officers of the several courts within this state, shall be liable to be arrested and held to **terms of pretrial release bail**, and shall be subject to the same legal process, and may in all respects be prosecuted and proceeded against in the same courts and in the same manner as other persons are, any law, usage or custom to the contrary notwithstanding: Provided, nevertheless, said judges, counselors or attorneys, clerks, sheriffs and other officers of said courts, shall be privileged from arrest while attending courts, and whilst going to and returning from court.

**14. Section 10-210. 705 ILCS 405/ Juvenile Court Act of 1987. (Eff: 1-1-23)**

705 ILCS 405/1-7. Confidentiality of juvenile law enforcement and municipal ordinance violation records.

705 ILCS 405/1-8. Confidentiality and accessibility of juvenile court records.

705 ILCS 405/5-150 Admissibility of evidence and adjudications in other proceedings.

(705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

Sec. 1-7. Confidentiality of juvenile law enforcement and municipal ordinance violation records.

(b) when institution of criminal proceedings has been permitted or required under Section 5-805 and the minor is the subject of a proceeding to determine the **conditions of pretrial release amount of bail**;

Sec. 1-8. Confidentiality and accessibility of juvenile court records.

(b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the **conditions of pretrial release amount of bail**;

(d) when a minor becomes 18 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the **conditions of pretrial release amount of bail**, a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.

Sec. 5-150. Admissibility of evidence and adjudications in other proceedings.

(1) Evidence and adjudications in proceedings under this Act shall be admissible:

(b) in criminal proceedings when the court is to determine the **conditions of pretrial release amount of bail**, fitness of the defendant or in sentencing under the Unified Code of Corrections; or

**15. Section 10-215. 720 ILCS 5/ Criminal Code of 2012.**

720 ILCS 5/26.5-5. Sentence. (Eff: 1-1-23)  
720 ILCS 5/31-1. Resisting or obstructing a peace officer etc.. (Eff: 1-1-23)  
720 ILCS 5/31A-0.1 Definitions. (Eff: 1-1-23)  
720 ILCS 5/32-10 Violation of conditions of pretrial release ~~bail bond~~. (Eff: 1-1-23)  
720 ILCS 5/32-15 Pretrial release ~~Bail bond~~ false statement. (Eff: 1-1-23)

(720 ILCS 5/26.5-5)  
Sec. 26.5-5. Sentence.

(b) In any of the following circumstances, a person who violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article shall be guilty of a Class 4 felony:

(3) At the time of the offense, the offender was under conditions of **pretrial release bail**, probation, conditional discharge, mandatory supervised release or was the subject of an order of protection, in this or any other state, prohibiting contact with the victim or any member of the victim's family or household;\*\*\*.

Sec. 31-1. Resisting or obstructing a peace officer, firefighter, or correctional institution employee.

(b) For purposes of this Section, "correctional institution employee" means \*\*\*, or awaiting a **bail setting** hearing or preliminary hearing **on setting the conditions of pretrial release**, or who \*\*\*.

**(d) A person shall not be subject to arrest under this Section unless there is an underlying offense for which the person was initially subject to arrest.**

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

"Penal institution" means \*\*\*, or awaiting a **bail setting** hearing **on the setting of conditions of pretrial release** or preliminary hearing; provided that where the place for incarceration or custody is housed within another public building this Article shall not apply to that part of the building unrelated to the incarceration or custody of persons.

(720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

Sec. 32-10. Violation of **conditions of pretrial release bail bond**.

~~(a) Whoever, having been **released pretrial under conditions admitted to bail** for appearance before any court of this State, incurs a **violation of conditions of pretrial release forfeiture of the bail** and knowingly fails to surrender himself or herself within 30 days following the date of the **violation forfeiture**, commits, if the **conditions of pretrial release bail** was given in connection with a charge of felony or pending appeal or certiorari after conviction of any offense, **a felony of the next lower Class or** a Class A misdemeanor if the underlying offense was a **Class 4** felony. **If the violation of pretrial conditions were made ; or, if the bail was given** in connection with a charge of committing a misdemeanor, or for appearance as a witness, commits **a misdemeanor of the next lower Class, but not less than** a Class C misdemeanor.~~

~~(a 5) Any person who knowingly violates a condition of **pretrial release bail bond** by possessing a firearm in violation of his or her conditions of **pretrial release bail** commits a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation.~~

**Deleted by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

(a) ~~(Blank). Whoever, having been released pretrial under conditions for appearance before any court of this State, incurs a violation of conditions of pretrial release and knowingly fails to surrender himself or herself within 30 days following the date of the violation, commits, if the conditions of pretrial release was given in connection with a charge of felony or pending appeal or certiorari after conviction of any offense, a Class A misdemeanor if the underlying offense was a felony. If the violation of pretrial conditions were made in connection with a charge of committing a misdemeanor, or for appearance as a witness, commits a Class C misdemeanor. P.A. 102-1104; Eff: 12-6-22.~~

(b) Whoever, having been released pretrial under conditions **admitted to bail** for appearance before any court of this State, while charged with a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, knowingly violates a condition of that release as set forth in Section 110-10, subsection (d) of the Code of Criminal Procedure of 1963, commits a Class A misdemeanor.

(c) Whoever, having been released pretrial under conditions **admitted to bail** for appearance before any court of this State for a felony, Class A misdemeanor or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, is charged with any other felony, Class A misdemeanor, or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963 while on this release, must appear before the court **before bail is statutorily set**.

**Amended by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

(c) Whoever, having been released pretrial under conditions for appearance before any court of this State for a felony, Class A misdemeanor or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, is charged with any other felony, Class A misdemeanor, or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963 while on this release, must appear before the court **and may not be released by law enforcement under 109-1 of the Code of Criminal Procedure of 1963 prior to the court appearance**. P.A. 102-1104; Eff: 12-6-22.

(d) Nothing in this Section shall interfere with or prevent the exercise by any court of its power to punishment for contempt. Any sentence imposed for violation of this Section **may shall** be served consecutive to the sentence imposed for the charge for which **pretrial release bail** had been granted and with respect to which the defendant has been convicted.

**Amended by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

(d) Nothing in this Section shall interfere with or prevent the exercise by any court of its power to **punish punishment** for contempt. Any sentence imposed for violation of this Section may be served consecutive to the sentence imposed for the charge for which pretrial release had been granted and with respect to which the defendant has been convicted. P.A. 102-1104; Eff: 12-6-22.

Sec. 32-15. **Pretrial release Bail bond** false statement. Any person who in any affidavit, document, schedule or other application to **ensure compliance of another with the terms of pretrial release become surety or bail for another on any bail bond or recognizance** in any civil or criminal proceeding then pending or about to be started against the other person, having taken a lawful oath or made affirmation, shall swear or affirm wilfully, corruptly and falsely as to the **factors the court relied on to approve the conditions of the other person's pretrial release ownership or liens or incumbrances upon or the value of any real or personal property alleged to be owned** by the person proposed to ensure those conditions **as surety or bail, the financial worth or standing of the person proposed as surety or bail, or as to the number or total penalties of all other bonds or recognizances signed by and standing against the proposed surety or bail**, or any person who, having taken a lawful oath or made affirmation, shall testify wilfully, corruptly and falsely as to any of said matters for the purpose of inducing the approval of any such **conditions of pretrial release bail bond** or recognizance; or for the purpose of justifying on any such **conditions of pretrial release bail bond** or recognizance, or who shall suborn any other person to so swear, affirm or testify as aforesaid, shall be deemed and adjudged guilty of perjury or subornation of perjury (as the case may be) and punished accordingly.

[S.H.A. 720 ILCS 5/32–15 rep.] (720 ILCS 5/32–15 rep.)

Section 65. The Criminal Code of 2012 *is amended by repealing Section 32–15.* P.A. 102-1104; Eff: 12-6-22.

**16. Section 10-255. 725 ILCS 5/ Code of Criminal Procedure of 1963. (Eff: 1-1-23)**

- 725 ILCS 5/102-6 **Pretrial release "Bail".**
- 725 ILCS 5/102-7 **Conditions of pretrial release "Bail bond".**
- 725 ILCS 5/103-2 Treatment while in custody.
- 725 ILCS 5/103-3 Right to communicate with attorney and family; transfers.
- 725 ILCS 5/103-5 Speedy trial.
- 725 ILCS 5/103-7 Posting notice of rights.
- 725 ILCS 5/103-9 Bail bondsmen.
- 725 ILCS 5/104-13 Fitness Examination.
- 725 ILCS 5/104-17 Commitment for treatment; treatment plan.
- 725 ILCS 5/106D-1 Defendant's appearance by closed circuit television and video conference.
- 725 ILCS 5/107-4 Arrest by peace officer from other jurisdiction.
- 725 ILCS 5/107-9 Issuance of arrest warrant upon complaint.
- 725 ILCS 5/108-8 Use of force in execution of search warrant.
- 725 ILCS 5/109-1 **Person arrested; release from law enforcement custody and court appearance; geographical constraints prevent in-person appearances.**
- 725 ILCS 5/109-2 Person arrested in another county.
- 725 ILCS 5/109-3 Preliminary examination.
- 725 ILCS 5/109-3.1 Persons Charged with Felonies.
- 725 ILCS 5/Art. 110 heading. **PRETRIAL RELEASE BAIL.**
- 725 ILCS 5/110-1 Definitions.
- 725 ILCS 5/110-1.5 new. **Abolition of monetary bail.**
- 725 ILCS 5/110-2 Release on own recognizance.
- 725 ILCS 5/110-3 **Options for warrant alternatives** ~~Issuance of warrant.~~
- 725 ILCS 5/110-4 **Pretrial release** ~~Bailable Offenses.~~
- 725 ILCS 5/110-5 Determining the amount of bail and conditions of release.
- 725 ILCS 5/110-5.1 rep. ~~Bail; certain persons charged with violent crimes against family or household members.~~
- 725 ILCS 5/110-5.2 **Pretrial release** ~~Bail; pregnant pre-trial detainee.~~
- 725 ILCS 5/110-6 **Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release** ~~Modification of bail or conditions.~~
- 725 ILCS 5/110-6.1 **Denial of pretrial release** ~~bail in non-probationable felony offenses.~~
- 725 ILCS 5/110-6.2 Post-conviction Detention.
- 725 ILCS 5/110-6.3 rep. ~~Denial of bail in stalking and aggravated stalking offenses. **REPEALED.**~~
- 725 ILCS 5/110-6.4 Statewide risk-assessment tool.
- 725 ILCS 5/110-6.5 rep. ~~Drug testing program. **REPEALED.**~~
- 725 ILCS 5/110-7 rep. ~~Deposit of Bail Security. **REPEALED.**~~
- 725 ILCS 5/110-8 rep. ~~Cash, stocks, bonds and real estate as security for bail. **REPEALED.**~~
- 725 ILCS 5/110-9 rep. ~~Taking of bail by peace officer. **REPEALED.**~~
- 725 ILCS 5/110-10 **Conditions of pretrial release** ~~bail bond.~~
- 725 ILCS 5/110-11 **Pretrial release** ~~Bail on a new trial.~~
- 725 ILCS 5/110-12 Notice of change of address.
- 725 ILCS 5/110-13 rep. ~~Persons Prohibited from Furnishing Bail Security. **REPEALED.**~~
- 725 ILCS 5/110-14 rep. ~~Credit for incarceration on bailable offense; credit against monetary bail for certain offenses~~
- 725 ILCS 5/110-15 rep. ~~Applicability of provisions for giving and taking bail. **REPEALED.**~~
- 725 ILCS 5/110-16 rep. ~~Bail Bond Forfeiture in Same Case or Absents Self During Trial Not Bailable. **REPEALED.**~~
- 725 ILCS 5/110-17 rep. ~~Bail Bond Forfeiture in Same Case or Absents Self During Trial Not Bailable. **REPEALED.**~~
- 725 ILCS 5/110-18 rep. ~~Reimbursement. **REPEALED.**~~
- 725 ILCS 5/111-2 Commencement of prosecutions.
- 725 ILCS 5/112A-23 Enforcement of protective orders.

725 ILCS 5/114-1 Motion to dismiss charge.  
725 ILCS 5/115-4.1 Absence of defendant.  
725 ILCS 5/122-6 Disposition in trial court.

(725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

Sec. 725 ILCS 5/102-6. Pretrial release "Bail".

**"Pretrial release" "Bail" has the meaning ascribed to bail in Section 9 of Article I of the Illinois Constitution that is non-monetary means the amount of money set by the court which is required to be obligated and secured as provided by law for the release of a person in custody in order that he will appear before the court in which his appearance may be required and that he will comply with such conditions as set forth in the bail bond.**

Sec. 725 ILCS 5/102-7. Conditions of pretrial release "Bail bond".

**"Conditions of pretrial release" "Bail bond" means the conditions established by the court an undertaking secured by bail entered into by a person in custody by which he binds himself to comply with such conditions as are set forth therein.**

(725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

Sec. 725 ILCS 5/103-5. Speedy trial.

(a) The provisions of this subsection (a) do not apply to a person on **pretrial release bail** or recognizance for an offense but who is in custody for a violation of his or her parole, aftercare release, or mandatory supervised release for another offense.

(b) Every person on **pretrial release bail** or recognizance shall be tried by the court having jurisdiction within 160 days from the date defendant demands trial unless \*\*\*.

For purposes of computing the 160 day period under this subsection (b), every person who was in custody for an alleged offense and demanded trial and is subsequently released on **pretrial release bail** or recognizance and demands trial, shall be given credit for time spent in custody following the making of the demand while in custody.

(d) Every person not tried in accordance with subsections (a), (b) and (c) of this Section shall be discharged from custody or released from the obligations of his **pretrial release bail** or recognizance.

Sec. 725 ILCS 5/103-7. Posting notice of rights.

Every sheriff, chief of police or other person who is in charge of any jail, police station or other building where persons under arrest are held in custody pending investigation, **pretrial release bail** or other criminal proceedings, shall post in every room, other than cells, of such buildings where persons are held in custody, in conspicuous places where it may be seen and read by persons in custody and others, a poster, printed in large type, containing a verbatim copy in the English language of the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2, 110-4, **and sub-parts (a) and (b) of Sections 110-7** and 113-3 of this Code.

(725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

Sec. 725 ILCS 5/103-9. Bail bondsmen. No bail bondsman from any state may seize or transport unwillingly any person found in this State who is allegedly in violation of a bail bond posted in some other state **or conditions of pretrial release.**

(725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

Sec. 104-13. Fitness Examination.

(d) Release on **pretrial release bail** or on recognizance shall not be revoked and an application therefor shall not be denied on the grounds that an examination has been ordered.

Sec. 725 ILCS 5/104-17. Commitment for treatment; treatment plan.

(a) If the defendant is eligible to be or has been released on **pretrial release bail** or on his own recognizance, the court shall select the least physically restrictive form of treatment therapeutically appropriate and consistent with the treatment plan.



Sec. 725 ILCS 5/106D-1. Defendant's appearance by closed circuit television and video conference.

(a) Whenever the appearance in person in court, in either a civil or criminal proceeding, is required of anyone held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the chief judge of the circuit by rule may permit the personal appearance to be made by means of two-way audio-visual communication, including closed circuit television and computerized video conference, in the following proceedings:

(1) the initial appearance before a judge on a criminal complaint, at which **the conditions of pretrial release bail** will be set;

Sec. 725 ILCS 5/107-4. Arrest by peace officer from other jurisdiction.

(c) If the court determines that the arrest was lawful it shall commit the person arrested, to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to **pretrial release bail** for such purpose.

Sec. 725 ILCS 5/107-9. Issuance of arrest warrant upon complaint.

(d) The warrant of arrest shall:

(7) Specify the **conditions of pretrial release amount of bail**; and

**Amended by Trailer Bill #3. PUBLIC ACT 102–1104. Effective: December 6, 2022.**

(a) When a complaint is presented to a court charging that an offense has been committed, it shall examine upon oath or affirmation the complainant or any witnesses.

(b) The complaint shall be in writing and shall:

(1) State the name of the accused if known, and if not known the accused may be designated by any name or description by which he can be identified with reasonable certainty;

(2) State the offense with which the accused is charged;

(3) State the time and place of the offense as definitely as can be done by the complainant; and

(4) Be subscribed and sworn to by the complainant.

(b–5) If an arrest warrant **or summons** is sought and the request is made by electronic means that has a simultaneous video and audio transmission between the requester and a judge, the judge may issue an arrest warrant **or summons** based upon a sworn complaint or sworn testimony communicated in the transmission.

(c) A warrant **or summons may shall** be issued by the court for the arrest **or appearance** of the person complained against if it appears from the contents of the complaint and the examination of the complainant or other witnesses, if any, that the person against whom the complaint was made has committed an offense.

(d) The warrant of arrest **or summons** shall:

(1) Be in writing;

(2) Specify the name, sex and birth date of the person to be arrested **or summoned** or, if his name, sex or birth date is unknown, shall designate such person by any name or description by which **the person he** can be identified with reasonable certainty;

(3) Set forth the nature of the offense;

(4) State the date when issued and the municipality or county where issued;

(5) Be signed by the judge of the court with the title of **the judge's his** office; **and**

(6) Command that the person against whom the complaint was made **to** be arrested and brought before the court **issuing the warrant or the nearest or most accessible court in the same county, or appear before the court at a certain time and place; issuing the warrant or if he is absent or unable to act before the nearest or most accessible court in the same county;**

(7) Specify the *conditions of pretrial release, if any*; and

(8) Specify any geographical limitation placed on the execution of the warrant, **if any**, but such limitation shall not be expressed in mileage.

**(e) The summons may be served in the same manner as the summons in a civil action, except that a police**

**officer may serve a summons for a violation of an ordinance occurring within the municipality of the police officer.**

**(f) If the person summoned fails to appear by the date required or cannot be located to serve the summons, a warrant may be issued by the court for the arrest of the person complained against.**

**(g) A warrant of arrest issued under this Section shall incorporate the information included in the summons, and shall comply with the following:**

**(1) The arrest warrant shall specify any geographic limitation placed on the execution of the warrant, but such limitation shall not be expressed in mileage.**

~~(2)(e)~~ The **arrest** warrant shall be directed to all peace officers in the State. It shall be executed by the peace officer, or by a private person specially named therein, at any location within the geographic limitation for execution placed on the warrant. If no geographic limitation is placed on the warrant, then it may be executed anywhere in the State.

~~(h)(f)~~ The arrest warrant **or summons** may be issued electronically or electromagnetically by use of electronic mail or a facsimile transmission machine and any **such** arrest warrant **or summons** shall have the same validity as a written **arrest** warrant **or summons**.

**Sec. 725 ILCS 5/109-1. Person arrested; release from law enforcement custody and court appearance; geographical constraints prevent in-person appearances.**

(a) A person arrested with or without a warrant **for an offense for which pretrial release may be denied under paragraphs (1) through (6) of Section 110-6.1** shall be taken without unnecessary delay before the nearest and most accessible judge in that county, except when such county is a participant in a regional jail authority, in which event such person may be taken to the nearest and most accessible judge, irrespective of the county where such judge presides, and a charge shall be filed. Whenever a person arrested either with or without a warrant is required to be taken before a judge, a charge may be filed against such person by way of a two-way closed circuit television system, except that a hearing to deny **pretrial release bail** to the defendant may not be conducted by way of closed circuit television.

**(a-1) Law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of traffic and Class B and C criminal misdemeanor offenses, or of petty and business offenses, who pose no obvious threat to the community or any person, or who have no obvious medical or mental health issues that pose a risk to their own safety. Those released on citation shall be scheduled into court within 21 days.**

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

(a-5) A person charged with an offense shall be allowed counsel at the hearing at which **pretrial release bail** is determined under Article 110 of this Code.

(b) **Upon initial appearance of a person before the court, the ~~The~~ judge shall:**

(1) **inform ~~Inform~~** the defendant of the charge against him and shall provide him with a copy of the charge;

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

(3) **schedule ~~Schedule~~** a preliminary hearing in appropriate cases;

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

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

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

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

**Amended by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

§ 109-1. Person arrested; release from law enforcement custody and court appearance; **geographic** ~~geographical~~ constraints prevent in-person appearances.

(a) A person arrested with or without a warrant for an offense for which pretrial release may be denied under paragraphs (1) through (6) of Section 110-6.1 shall be taken without unnecessary delay before the nearest and most accessible judge in that county, except when such county is a participant in a regional jail authority, in which event such person may be taken to the nearest and most accessible judge, irrespective of the county where such judge presides, **within 48 hours**, and a charge shall be filed. Whenever a person arrested either with or without a warrant is required to be taken before a judge, a charge may be filed against such person by way of a two-way **audio-visual communication system** ~~closed circuit television system~~, except that a hearing to deny pretrial release to the defendant may not be conducted by **two-way audio-visual communication system unless the accused waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.** ~~way of closed circuit television.~~

(a-1) Law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of **any offense that is not a felony or Class A misdemeanor unless (i) a law enforcement officer reasonably believes the accused poses a threat to the community or any person, (ii) a custodial arrest is necessary because the criminal activity persists after the issuance of a citation** ~~traffic and Class B and C criminal misdemeanor offenses, or of petty and business offenses, who pose no obvious threat to the community or any person,~~ or **(iii) the accused has an** ~~who have no~~ obvious medical or mental health **issue** ~~issues~~ that **poses** ~~pose~~ a risk to **the accused's** ~~their~~ own safety. **Nothing in this Section requires arrest in the case of Class A misdemeanor and felony offenses, or otherwise limits existing law enforcement discretion to decline to effect a custodial arrest** ~~Those released on citation shall be scheduled into court within 21 days.~~

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

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

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

(f) At the hearing at which conditions of pretrial release are determined, the person charged shall be present in person

rather than by **two-way audio-video communication system unless the accused waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.** *video phone or any other form of electronic communication, unless the physical health and safety of the person would be endangered by appearing in court or the accused waives the right to be present in person.*

(g) Defense counsel shall be given adequate opportunity to confer with the defendant prior to any hearing in which conditions of release or the detention of the defendant is to be considered, with a physical accommodation made to facilitate attorney/client consultation. **If defense counsel needs to confer or consult with the defendant during any hearing conducted via a two-way audio-visual communication system, such consultation shall not be recorded and shall be undertaken consistent with constitutional protections.**

Sec. 725 ILCS 5/109-2. Person arrested in another county. (a) Any person arrested in a county other than the one in which a warrant for his arrest was issued shall be taken without unnecessary delay before the nearest and most accessible judge in the county where the arrest was made or, if no additional delay is created, before the nearest and most accessible judge in the county from which the warrant was issued. **Upon arrival in the county in which the warrant was issued, the status of the arrested person's release status shall be determined by the release revocation process described in Section 110-6. He shall be admitted to bail in the amount specified in the warrant or, for offenses other than felonies, in an amount as set by the judge, and such bail shall be conditioned on his appearing in the court issuing the warrant on a certain date.** The judge may hold a hearing to determine if the defendant is the same person as named in the warrant.

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

**Amended by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

§ 109-2. Person arrested in another county.

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

**(c) If a person is taken before a judge in any county and a warrant for arrest issued by another Illinois county exists for that person, the court in the arresting county shall hold for that person a detention hearing under Section 110-6.1, or other hearing under Section 110-5 or Section 110-6. If a defendant is charged with a felony offense, but has a warrant in another county, the defendant shall be taken to the county that issued the warrant within 72 hours of the completion of condition or detention hearing, so that release or detention status can be resolved. This provision shall not apply to warrants issued outside of Illinois.**

**(d) After the court in the arresting county has determined whether the person shall be released or detained on the arresting offense, the court shall then order the sheriff to immediately contact the sheriff in any county where any warrant is outstanding and notify them of the arrest of the individual.**

**(e) If a person has a warrant in another county for an offense, then, no later than 5 calendar days after the end of any detention issued on the charge in the arresting county, the county where the warrant is outstanding shall do one of the following:**

- (1) transport the person to the county where the warrant was issued for a hearing under Section 110–6 or 110–6.1 in the matter for which the warrant was issued; or
- (2) quash the warrant and order the person released on the case for which the warrant was issued only when the county that issued the warrant fails to transport the defendant in the timeline as proscribed.
- (f) If the issuing county fails to take any action under subsection (e) within 5 calendar days, the defendant shall be released from custody on the warrant, and the circuit judge or associate circuit judge in the county of arrest shall set conditions of release under Section 110–5 and shall admit the defendant to pretrial release for his or her appearance before the court named in the warrant. Upon releasing the defendant, the circuit judge or associate circuit judge shall certify such a fact on the warrant and deliver the warrant and the acknowledgment by the defendant of his or her receiving the conditions of pretrial release to the officer having charge of the defendant from arrest and without delay deliver such warrant and such acknowledgment by the defendant of his or her receiving the conditions to the court before which the defendant is required to appear.
- (g) If a person has a warrant in another county, in lieu of transporting the person to the issuing county as outlined in subsection (e), the issuing county may hold the hearing by way of a two-way audio-visual communication system if the accused waives the right to be physically present in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.
- (h) If more than 2 Illinois county warrants exist, the judge in the county of arrest shall order that the process described in subsections (d) through (f) occur in each county in whatever order the judge finds most appropriate. Each judge in each subsequent county shall then follow the rules in this Section.
- (i) This Section applies only to warrants issued by Illinois state, county, or municipal courts.
- (j) When an issuing agency is contacted by an out-of-state agency of a person arrested for any offense, or when an arresting agency is contacted by or contacts an out-of-state issuing agency, the Uniform Criminal Extradition Act shall govern.

Sec. 725 ILCS 5/109-3. Preliminary examination.

(d) If the defendant is held to answer the judge may require any material witness for the State or defendant to enter into a written undertaking to appear at the trial, and may provide for the forfeiture of a sum certain in the event the witness does not appear at the trial. Any witness who refuses to execute a recognizance may be committed by the judge to the custody of the sheriff until trial or further order of the court having jurisdiction of the cause. Any witness who executes a recognizance and fails to comply with its terms shall, in addition to any forfeiture provided in the recognizance, be subject to the penalty provided in Section 32-10 of the Criminal Code of 2012 for violation of **the conditions of pretrial release bail bond**.

**Amended by Trailer Bill #3. PUBLIC ACT 102–1104. Effective: December 6, 2022.**

§ 109–3. Preliminary examination.

(d) If the defendant is held to answer the judge may require any material witness for the State or defendant to enter into a written undertaking to appear at the trial, ~~and may provide for the forfeiture of a sum certain in the event the witness does not appear at the trial.~~ Any witness who refuses to execute a recognizance may be committed by the judge to the custody of the sheriff until trial or further order of the court having jurisdiction of the cause. Any witness who executes a recognizance and fails to comply with its terms **commits a Class C misdemeanor** ~~shall, in addition to any forfeiture provided in the recognizance, be subject to the penalty provided in Section 32–10 of the Criminal Code of 2012 for violation of the conditions of pretrial release.~~

Sec. 725 ILCS 5/109-3.1. Persons Charged with Felonies.

(b) Every person on **pretrial release bail** or recognizance for the alleged commission of a felony shall receive either a preliminary examination as provided in Section 109-3 or an indictment by Grand Jury as provided in Section 111-2, within 60 days from the date he or she was arrested.

ARTICLE 110. **PRETRIAL RELEASE BAIL** (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

Sec. 725 ILCS 5/110-1. Definitions. (a) **(Blank). "Security" is that which is required to be pledged to insure the payment of bail.**

(b) **"Surety" is one who executes a bail bond and binds himself to pay the bail if the person in custody fails to comply with all conditions of the bail bond.**

(c) The phrase "for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction" means an offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction.

(d) **(Blank.) "Real and present threat to the physical safety of any person or persons", as used in this Article, includes a threat to the community, person, persons or class of persons.**

**(e) Willful flight means planning or attempting to intentionally evade prosecution by concealing oneself. Simple past non-appearance in court alone is not evidence of future intent to evade prosecution.**

**Amended by Trailer Bill #3. PUBLIC ACT 102–1104. Effective: December 6, 2022.**

§ 110–1. Definitions. As used in this Article:

(a) ~~(Blank).~~

(b) "Sureties" encompasses the ~~monetary and~~ nonmonetary requirements set by the court as conditions for release either before or after conviction.

(c) The phrase "for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction" means an offense for which a sentence of imprisonment **in the Department of Corrections**, without probation, periodic imprisonment, or conditional discharge, is required by law upon conviction.

(d) (Blank).

**(e) "Protective order" means any order of protection issued under Section 112A–14 of this Code or the Illinois Domestic Violence Act of 1986, a stalking no contact order issued under Section 80 of the Stalking No Contact Order Act, or a civil no contact order issued under Section 213 of the Civil No Contact Order Act.**

**(f)(e) "Willful flight" means intentional conduct with a purpose to thwart the judicial process to avoid prosecution. Isolated instances of nonappearance in court alone are not evidence of the risk of willful flight. Reoccurrence and patterns of intentional conduct to evade prosecution, along with any affirmative steps to communicate or remedy any such missed court date, may be considered as factors in assessing future intent to evade prosecution ~~planning or attempting to intentionally evade prosecution by concealing oneself. Simple past non-appearance in court alone is not evidence of future intent to evade prosecution.~~**

**Sec. 725 ILCS 5/110-1.5. Abolition of monetary bail.**

**On and after January 1, 2023, the requirement of posting monetary bail is abolished, except as provided in the Uniform Criminal Extradition Act, the Driver License Compact, or the Nonresident Violator Compact which are compacts that have been entered into between this State and its sister states.**

Sec. 725 ILCS 5/110-2. Release on own recognizance.

(a) It is presumed that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does not commit any criminal offense, and complies with all terms of pretrial release, including, but not limited to, orders of protection under both Section 112A-4 of this Code and Section 214 of the Illinois Domestic Violence Act of 1986, all civil no contact orders, and all stalking no contact orders.

(b) Additional conditions of release, including those highlighted above, shall be set only when it is determined that they are necessary to assure the defendant's appearance in court, assure the defendant does not commit any criminal offense, and complies with all conditions of pretrial release.

(c) Detention only shall be imposed when it is determined that the defendant poses a specific, real and present threat to a person, or has a high likelihood of willful flight. If the court deems that the defendant is to be released on personal recognizance, the court may require that a written admonishment be signed by ~~When from all the circumstances the court is of the opinion that the defendant will appear as required either before or after conviction and the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of bond, which shall include the defendant's current address with a written admonishment to~~ the defendant requiring that he or she must comply with the provisions of Section 110-12 of this Code regarding any change in his or her address. ~~The~~ the defendant may be released on his or her own recognizance upon signature. The defendant's address shall at all times remain a matter of public record with the clerk of the court. A failure to appear as required by such recognizance shall constitute an offense subject to the penalty provided in Section 32-10 of the Criminal Code of 2012 for violation of the conditions of pretrial release bail bond, and any obligated sum fixed in the recognizance shall be forfeited and collected in accordance with subsection (g) of Section 110-7 of this Code.

(d) If, after the procedures set out in Section 110-6.1, the court decides to detain the defendant, the Court must make a written finding as to why less restrictive conditions would not assure safety to the community and assure the defendant's appearance in court. At each subsequent appearance of the defendant before the Court, the judge must find that continued detention or the current set of conditions imposed are necessary to avoid the specific, real and present threat to any person or of willful flight from prosecution to continue detention of the defendant. The court is not required to be presented with new information or a change in circumstance to consider reconsidering pretrial detention on current conditions.

(e) This Section shall be liberally construed to effectuate the purpose of relying upon contempt of court proceedings or criminal sanctions instead of financial loss to assure the appearance of the defendant, and that the defendant will not pose a danger to any person or the community and that the defendant will not pose comply with all conditions of bond. Monetary bail should be set only when it is determined that no other conditions of release will reasonably assure the defendant's appearance in court, that the defendant does not present a danger to any person or the community and that the defendant will comply with all conditions of pretrial release bond.

~~The State may appeal any order permitting release by personal recognizance.~~

Amended by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.

§ 110-2. Pretrial release. Release on own recognizance.

(a) All persons charged with an offense shall be eligible for pretrial release before conviction. It is presumed that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does not commit any criminal offense, and complies with all terms of pretrial release, including, but not limited to, orders of protection under both Section 112A-4 of this Code and Section 214 of the Illinois Domestic Violence Act of 1986, all civil no contact orders, and all stalking no contact orders. Pretrial release may be denied only if a person is charged with an offense listed in Section 110-6.1 and after the court has held

a hearing under Section 110–6.1, and in a manner consistent with subsections (b), (c), and (d) of this Section.

(b) At all pretrial hearings, the prosecution shall have the burden to prove by clear and convincing evidence that any condition of release is necessary. ~~Additional conditions of release, including those highlighted above, shall be set only when it is determined that they are necessary to assure the defendant's appearance in court, assure the defendant does not commit any criminal offense, and complies with all conditions of pretrial release.~~

(c) When it is alleged that pretrial release should be denied to a person upon the grounds that the person presents a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, the burden of proof of such allegations shall be upon the State ~~Detention only shall be imposed when it is determined that the defendant poses a specific, real and present threat to a person, or has a high likelihood of willful flight. If the court deems that the defendant is to be released on personal recognizance, the court may require that a written admonishment be signed by the defendant requiring that he or she must comply with the provisions of Section 110–12 of this Code regarding any change in his or her address. The defendant may be released on his or her own recognizance upon signature. The defendant's address shall at all times remain a matter of public record with the clerk of the court. A failure to appear as required by such recognizance shall constitute an offense subject to the penalty provided in Section 32–10 of the Criminal Code of 2012 for violation of the conditions of pretrial release.~~

(d) When it is alleged that pretrial release should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110–6.3, the burden of proof of those allegations shall be upon the State ~~If, after the procedures set out in Section 110–6.1, the court decides to detain the defendant, the Court must make a written finding as to why less restrictive conditions would not assure safety to the community and assure the defendant's appearance in court. At each subsequent appearance of the defendant before the Court, the judge must find that continued detention or the current set of conditions imposed are necessary to avoid the specific, real and present threat to any person or of willful flight from prosecution to continue detention of the defendant. The court is not required to be presented with new information or a change in circumstance to consider reconsidering pretrial detention on current conditions.~~

(e) This Section shall be liberally construed to effectuate the purpose of relying **on pretrial release by nonmonetary means to reasonably ensure an eligible person's appearance in court, the protection of the safety of any other person or the community, that the person will not attempt or obstruct the criminal justice process, and the person's compliance with all conditions of release, while authorizing the court, upon motion of a prosecutor, to order pretrial detention of the person under Section 110–6.1 when it finds clear and convincing evidence that no condition or combination of conditions can reasonably ensure the effectuation of these goals** ~~upon contempt of court proceedings or criminal sanctions instead of financial loss to assure the appearance of the defendant, and that the defendant will not pose a danger to any person or the community and that the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of pretrial release.~~

#### Sec. 725 ILCS 5/110-3. Options for warrant alternatives **Issuance of warrant.**

(a) Upon failure to comply with any condition of **pretrial release** ~~a bail bond~~ or recognizance the court having jurisdiction at the time of such failure may, on its own motion or upon motion from the State, issue an order to show cause as to why he or she shall not be subject to revocation of pretrial release, or for sanctions, as provided in Section 110-6. Nothing in this Section prohibits the court from issuing a warrant under subsection (c) upon failure to comply with any condition of pretrial release or recognizance.

(b) The order issued by the court shall state the facts alleged to constitute the hearing to show cause or otherwise why the person is subject to revocation of pretrial release. A certified copy of the order shall be served upon the person at least 48 hours in advance of the scheduled hearing.

(c) If the person does not appear at the hearing to show cause or absconds, the court may, in addition to any other



action provided by law, issue a warrant for the arrest of the person at liberty on **pretrial release bail or his own recognizance**. The contents of such a warrant shall be the same as required for an arrest warrant issued upon complaint **and may modify any previously imposed conditions placed upon the person, rather than revoking pretrial release or issuing a warrant for the person in accordance with the requirements in subsections (d) and (e) of Section 110-5**. When a defendant is at liberty on **pretrial release bail** or his own recognizance on a felony charge and fails to appear in court as directed, the court **may shall** issue a warrant for the arrest of such person **after his or her failure to appear at the show for cause hearing as provided in this Section**. Such warrant shall be noted with a directive to peace officers to arrest the person and hold such person without **pretrial release bail** and to deliver such person before the court for further proceedings.

**(d) If the order as described in Subsection B is issued, a failure to appear shall not be recorded until the Defendant fails to appear at the hearing to show cause. For the purpose of any risk assessment or future evaluation of risk of willful flight or risk of failure to appear, a non-appearance in court cured by an appearance at the hearing to show cause shall not be considered as evidence of future likelihood appearance in court. A defendant who is arrested or surrenders within 30 days of the issuance of such warrant shall not be bailable in the case in question unless he shows by the preponderance of the evidence that his failure to appear was not intentional.**

(725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

**Amended by Trailer Bill #3. PUBLIC ACT 102–1104. Effective: December 6, 2022.**

§ 110–3. Options for warrant alternatives.

(a) Upon failure to comply with any condition of pretrial release *or recognizance*, the court having jurisdiction at the time of such failure may, on its own motion or upon motion from the State, issue **a summons or an order to show cause as to why he or she shall not be subject to revocation of pretrial release, or for sanctions, as provided in Section 110–6. Nothing in this Section prohibits the court from issuing a** **warrant for the arrest of the person at liberty on pretrial release. This Section shall be construed to effectuate the goal of relying upon summonses rather than warrants to ensure the appearance of the defendant in court whenever possible. The contents of such a summons or warrant shall be the same as required for those issued upon complaint under Section 107–9, under subsection (c) upon failure to comply with any condition of pretrial release or recognizance.**

**(b) A defendant who appears in court on the date assigned or within 48 hours of service, whichever is later, in response to a summons issued for failure to appear in court, shall not be recorded in the official docket as having failed to appear on the initial missed court date. If a person fails to appear in court on the date listed on the summons, the court may issue a warrant for the person's arrest.**

**(c) For the purpose of any risk assessment or future evaluation of risk of willful flight or risk of failure to appear, a nonappearance in court cured by an appearance in response to a summons shall not be considered as evidence of future likelihood of appearance in court.**

*(b) The order issued by the court shall state the facts alleged to constitute the hearing to show cause or otherwise why the person is subject to revocation of pretrial release. A certified copy of the order shall be served upon the person at least 48 hours in advance of the scheduled hearing.*

*(c) If the person does not appear at the hearing to show cause or absconds, the court may, in addition to any other action provided by law, issue a warrant for the arrest of the person at liberty on pretrial release. The contents of such a warrant shall be the same as required for an arrest warrant issued upon complaint and may modify any previously imposed conditions placed upon the person, rather than revoking pretrial release or issuing a warrant for the person in accordance with the requirements in subsections (d) and (e) of Section 110–5. When a defendant is at liberty on pretrial release or his own recognizance on a felony charge and fails to appear in court as directed, the court may issue a warrant for the arrest of such person after his or her failure to appear at the show for cause hearing as*

*provided in this Section. Such warrant shall be noted with a directive to peace officers to arrest the person and hold such person without pretrial release and to deliver such person before the court for further proceedings.*

*(d) If the order as described in subsection (b) is issued, a failure to appear shall not be recorded until the defendant fails to appear at the hearing to show cause. For the purpose of any risk assessment or future evaluation of risk of willful flight or risk of failure to appear, a non-appearance in court cured by an appearance at the hearing to show cause shall not be considered as evidence of future likelihood of appearance in court.*

**Sec. 110-4. Pretrial release ~~Bailable Offenses.~~**

(a) **All persons charged with an offense shall be eligible for pretrial release before conviction. Pretrial release may only be denied when a person is charged with an offense listed in Section 110-6.1 or when the defendant has a high likelihood of willful flight, and after the court has held a hearing under Section 110-6.1. ~~DELETED PRIOR TEXT.~~**

(b) A person seeking **pretrial** release ~~on bail~~ who is charged with a capital offense or an offense for which a sentence of life imprisonment may be imposed shall not be **eligible for release pretrial bailable** until a hearing is held wherein such person has the burden of demonstrating that the proof of his guilt is not evident and the presumption is not great.

(c) Where it is alleged that **pretrial release bail** should be denied to a person upon the grounds that the person presents a real and present threat to the physical safety of any person or persons, the burden of proof of such allegations shall be upon the State.

(d) When it is alleged that **pretrial release bail** should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110-6.3 of this Code, the burden of proof of those allegations shall be upon the State.

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

**Sec. 110-5. Determining the amount of bail and conditions of release.**

(a) In determining **which ~~the amount of monetary bail or~~** conditions of **pretrial** release, if any, which will reasonably assure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of **pretrial release bail**, the court shall, on the basis of available information, take into account such matters as:

(1) the nature and circumstances of the offense charged;

(2) **the weight of the evidence against the eligible defendant, except that the court may consider the admissibility of any evidence sought to be excluded;**

(3) **the history and characteristics of the eligible defendant, including:**

(A) **the eligible defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, history criminal history, and record concerning appearance at court proceedings; and**

(B) **whether, at the time of the current offense or arrest, the eligible defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state;**

(4) **the nature and seriousness of the specific, real and present threat to any person that would be posed by the eligible defendant's release, if applicable; as required under paragraph (7.5) of Section 4 of the Rights of Crime Victims and Witnesses Act; and**

(5) **the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the eligible defendant's release, if applicable.**

(b) **The court shall impose any conditions that are mandatory under Section 110-10. The court may impose any conditions that are permissible under Section 110-10. ~~Deleted Prior Text~~**

(b) ~~(f)~~ When a person is charged with a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal

Code of 1961 or the Criminal Code of 2012 or when a person is charged with domestic battery, aggravated domestic battery, kidnapping, aggravated kidnaping, unlawful restraint, aggravated unlawful restraint, stalking, aggravated stalking, cyberstalking, harassment by telephone, harassment through electronic communications, or an attempt to commit first degree murder committed against an intimate partner regardless whether an order of protection has been issued against the person,

(9) whether a separation of the person from the **victim of abuse ~~alleged-victim~~** or a termination of the relationship between the person and the **victim of abuse ~~alleged-victim~~** has recently occurred or is pending;

(10) whether the person has exhibited obsessive or controlling behaviors toward the **victim of abuse ~~alleged-victim~~**, including, but not limited to, stalking, surveillance, or isolation of the **victim of abuse ~~alleged-victim~~** or victim's family member or members;

(11) whether the person has expressed suicidal or homicidal ideations;

**(11.5) any other factors deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive or assaultive behavior, or lack of that behavior**

**~~(12)-Deleted Prior Text~~**

**(c) In cases of stalking or aggravated stalking under Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the court may consider the following additional factors:**

**(1) Any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of that behavior. The evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations or other proceedings;**

**(2) Any evidence of the defendant's psychological, psychiatric or other similar social history that tends to indicate a violent, abusive, or assaultive nature, or lack of any such history.**

**(3) The nature of the threat which is the basis of the charge against the defendant;**

**(4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them;**

**(5) The age and physical condition of any person allegedly assaulted by the defendant;**

**(6) Whether the defendant is known to possess or have access to any weapon or weapons;**

**(7) Any other factors deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive or assaultive behavior, or lack of that behavior.**

**(d) The Court may use a regularly validated risk assessment tool to aid its determination of appropriate conditions of release as provided for in Section 110-6.4. Risk assessment tools may not be used as the sole basis to deny pretrial release. If a risk assessment tool is used, the defendant's counsel shall be provided with the information and scoring system of the risk assessment tool used to arrive at the determination. The defendant retains the right to challenge the validity of a risk assessment tool used by the court and to present evidence relevant to the defendant's challenge.**

**(e) If a person remains in pretrial detention after his or her pretrial conditions hearing after having been ordered released with pretrial conditions, the court shall hold a hearing to determine the reason for continued detention. If the reason for continued detention is due to the unavailability or the defendant's ineligibility for one or more pretrial conditions previously ordered by the court or directed by a pretrial services agency, the court shall reopen the conditions of release hearing to determine what available pretrial conditions exist that will reasonably assure the appearance of a defendant as required or the safety of any other person and the likelihood of compliance by the defendant with all the conditions of pretrial release. The inability of Defendant to pay for a condition of release or any other ineligibility for a condition of pretrial release shall not be used as a justification for the pretrial detention of that Defendant.**

**(f) Prior to the defendant's first appearance, the Court shall appoint the public defender or a licensed attorney at law of this State to represent the Defendant for purposes of that hearing, unless the defendant has obtained licensed counsel for themselves.**

(g) Electronic monitoring, GPS monitoring, or home confinement can only be imposed condition of pretrial release if a no less restrictive condition of release or combination of less restrictive condition of release would reasonably ensure the appearance of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm.

(h) If the court imposes electronic monitoring, GPS monitoring, or home confinement the court shall set forth in the record the basis for its finding. A defendant shall be given custodial credit for each day he or she was subjected to that program, at the same rate described in subsection (b) of Section 5-4.5-100 of the unified code of correction.

(i) If electronic monitoring, GPS monitoring, or home confinement is imposed, the court shall determine every 60 days if no less restrictive condition of release or combination of less restrictive conditions of release would reasonably ensure the appearance, or continued appearance, of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm. If the court finds that there are less restrictive conditions of release, the court shall order that the condition be removed.

(j) Crime Victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under Article 112A of this Code.

**Amended by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

§ 110-5. Determining the amount of bail and conditions of release.

(a) In determining which conditions of pretrial release, if any, will reasonably **ensure** ~~assure~~ the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of pretrial release, the court shall, on the basis of available information, take into account such matters as:

(1) the nature and circumstances of the offense charged;

(2) the weight of the evidence against the *eligible* defendant, except that the court may consider the admissibility of any evidence sought to be excluded;

(3) the history and characteristics of the *eligible* defendant, including:

(A) the *eligible* defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, history criminal history, and record concerning appearance at court proceedings; and

(B) whether, at the time of the current offense or arrest, the *eligible* defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state;

(4) the nature and seriousness of the **real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, ~~specific, real and present threat to any person~~** that would be posed by the *eligible* defendant's release, if applicable, as required under paragraph (7.5) of Section 4 of the Rights of Crime Victims and Witnesses Act; ~~and~~

(5) the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the *eligible* defendant's release, if applicable;

**(6) when a person is charged with a violation of a protective order, domestic battery, aggravated domestic battery, kidnapping, aggravated kidnapping, unlawful restraint, aggravated unlawful restraint, cyberstalking, harassment by telephone, harassment through electronic communications, or an attempt to commit first degree murder committed against a spouse or a current or former partner in a cohabitation or dating relationship, regardless of whether an order of protection has been issued against the person, the court may consider the following additional factors:**

**(A) whether the alleged incident involved harassment or abuse, as defined in the Illinois Domestic Violence Act of 1986;**

**(B) whether the person has a history of domestic violence, as defined in the Illinois Domestic Violence Act of 1986, or a history of other criminal acts;**

**(C) the mental health of the person;**

**(D) whether the person has a history of violating the orders of any court or governmental entity;**

**(E) whether the person has been, or is, potentially a threat to any other person;**

**(F) whether the person has access to deadly weapons or a history of using deadly weapons;**

**(G) whether the person has a history of abusing alcohol or any controlled substance;**

**(H) the severity of the alleged incident that is the basis of the alleged offense, including, but not limited to, the duration of the current incident, and whether the alleged incident involved the use of a weapon, physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;**

**(I) whether a separation of the person from the victim of abuse or a termination of the relationship between the person and the victim of abuse has recently occurred or is pending;**

**(J) whether the person has exhibited obsessive or controlling behaviors toward the victim of abuse, including, but not limited to, stalking, surveillance, or isolation of the victim of abuse or the victim's family member or members;**

**(K) whether the person has expressed suicidal or homicidal ideations; and**

**(L) any other factors deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive, or assaultive behavior, or lack of that behavior.**

**(7) in cases of stalking or aggravated stalking under Section 12–7.3 or 12–7.4 of the Criminal Code of 2012, the court may consider the factors listed in paragraph (6) and the following additional factors:**

**(A) any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of that behavior; the evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations, or other proceedings;**

**(B) any evidence of the defendant's psychological, psychiatric, or other similar social history that tends to indicate a violent, abusive, or assaultive nature, or lack of any such history;**

**(C) the nature of the threat that is the basis of the charge against the defendant;**

**(D) any statements made by, or attributed to, the defendant, together with the circumstances surrounding them;**

**(E) the age and physical condition of any person allegedly assaulted by the defendant;**

**(F) whether the defendant is known to possess or have access to any weapon or weapons; and**

**(G) any other factors deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive, or assaultive behavior, or lack of that behavior.**

**(b) The court may use a regularly validated risk assessment tool to aid its determination of appropriate conditions of release as provided under Section 110–6.4. If a risk assessment tool is used, the defendant's counsel shall be provided with the information and scoring system of the risk assessment tool used to arrive at the determination. The defendant retains the right to challenge the validity of a risk assessment tool used by the court and to present evidence relevant to the defendant's challenge.**

**(c)(b) The court shall impose any conditions that are mandatory under subsection (a) of Section 110–10. The court may impose any conditions that are permissible under subsection (b) of Section 110–10. The conditions of release imposed shall be the least restrictive conditions or combination of conditions necessary to reasonably ensure the appearance of the defendant as required or the safety of any other person or persons or the community.**

**(d) When a person is charged with a violation of a protective order, the court may order the defendant placed under electronic surveillance as a condition of pretrial release, as provided in Section 5–8A–7 of the Unified Code of Corrections, based on the information collected under paragraph (6) of subsection (a) of this Section, the results of any assessment conducted, or other circumstances of the violation *The Court may use a regularly validated risk assessment tool to aid its determination of appropriate conditions of release as provided for in Section 110–6.4. Risk assessment tools may not be used as the sole basis to deny pretrial release. If a risk assessment tool is used, the defendant's counsel shall be provided with the information and scoring system of the risk assessment tool used to arrive at the determination. The defendant retains the right to challenge the validity of a risk assessment tool used by the court and to present evidence relevant to the defendant's challenge.***

(e) If a person remains in pretrial detention **48 hours** after ~~his or her pretrial conditions hearing after~~ having been ordered released with pretrial conditions, the court shall hold a hearing to determine the reason for continued detention. If the reason for continued detention is due to the unavailability or the defendant's ineligibility for one or more pretrial conditions previously ordered by the court or directed by a pretrial services agency, the court shall reopen the conditions of release hearing to determine what available pretrial conditions exist that will reasonably **ensure** ~~assure~~ the appearance of a defendant as required, ~~or~~ the safety of any other person, and the likelihood of compliance by the defendant with all the conditions of pretrial release. The inability of the defendant to pay for a condition of release or any other ineligibility for a condition of pretrial release shall not be used as a justification for the pretrial detention of that defendant.

(f) Prior to the defendant's first appearance, **and with sufficient time for meaningful attorney-client contact to gather information in order to advocate effectively for the defendant's pretrial release**, the ~~court~~ *Court* shall appoint the public defender or a licensed attorney at law of this State to represent the defendant for purposes of that hearing, unless the defendant has obtained licensed counsel ~~for themselves~~. **Defense counsel shall have access to the same documentary information relied upon by the prosecution and presented to the court.**

**(f-5) At each subsequent appearance of the defendant before the court, the judge must find that the current conditions imposed are necessary to reasonably ensure the appearance of the defendant as required, the safety of any other person, and the compliance of the defendant with all the conditions of pretrial release. The court is not required to be presented with new information or a change in circumstance to remove pretrial conditions.**

(g) Electronic monitoring, GPS monitoring, or home confinement can only be imposed as a condition of pretrial release if a no less restrictive condition of release or combination of less restrictive condition of release would reasonably ensure the appearance of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm.

(h) If the court imposes electronic monitoring, GPS monitoring, or home confinement, the court shall set forth in the record the basis for its finding. A defendant shall be given custodial credit for each day he or she was subjected to **home confinement** ~~that program~~, at the same rate described in subsection (b) of Section 5-4.5-100 of the Unified Code of Corrections. **The court may give custodial credit to a defendant for each day the defendant was subjected to GPS monitoring without home confinement or electronic monitoring without home confinement.**

(i) If electronic monitoring, GPS monitoring, or home confinement is imposed, the court shall determine every 60 days if no less restrictive condition of release or combination of less restrictive conditions of release would reasonably ensure the appearance, or continued appearance, of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm. If the court finds that there are less restrictive conditions of release, the court shall order that the condition be removed. This subsection takes effect January 1, 2022.

(j) Crime Victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain **a protective order** ~~an order of protection under Article 112A of this Code~~.

**(k) The State and defendants may appeal court orders imposing conditions of pretrial release.**

(725 ILCS 5/110-5.2)

Sec. 110-5.2. **Pretrial release** ~~Bail~~; pregnant pre-trial detainee.

**Amended by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

§ 110-5.2. Pretrial release; pregnant pre-trial detainee.

(a) It is the policy of this State that a pre-trial detainee shall not be required to deliver a child while in custody absent a

finding by the court that continued pre-trial custody is necessary to **alleviate a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, or prevent the defendant's willful flight** *protect the public or the victim of the offense on which the charge is based.*

(b) If the court reasonably believes that a pre-trial detainee will give birth while in custody, the court shall order an alternative to custody unless, after a hearing, the court determines:

(1) **the pregnant pretrial detainee is charged with an offense for which pretrial release may be denied under Section 110-6.1; and** *that the release of the pregnant pre-trial detainee would pose a real and present threat to the physical safety of the alleged victim of the offense and continuing custody is necessary to prevent the fulfillment of the threat upon which the charge is based; or*

(2) **after a hearing under Section 110-6.1 that considers the circumstances of the pregnancy, the court determines that continued detention is the only way to prevent a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, or prevent the defendant's willful flight** *that the release of the pregnant pre-trial detainee would pose a real and present threat to the physical safety of any person or persons or the general public.*

(c) **Electronic Monitoring may be ordered by the court only if no less restrictive condition of release or combination of less restrictive conditions of release would reasonably ensure the appearance, or continued appearance, of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm. All pregnant people or those who have given birth within 6 weeks shall be granted ample movement to attend doctor's appointments and for emergencies related to the health of the pregnancy, infant, or postpartum person.** *The court may order a pregnant or post-partum detainee to be subject to electronic monitoring as a condition of pre-trial release or order other condition or combination of conditions the court reasonably determines are in the best interest of the detainee and the public.*

(d) This Section shall be applicable to a pregnant pre-trial detainee in custody on or after the effective date of this amendatory Act of the 100th General Assembly.

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

**Sec. 110-6. Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release** ~~Modification of bail or conditions.~~

(a) **When a defendant is granted pretrial release under this section, that pretrial release may be revoked only under the following conditions:**

- (1) **if the defendant is charged with a detainable felony as defined in 110-6.1, a defendant may be detained after the State files a verified petition for such a hearing, and gives the defendant notice as prescribed in 110-6.1; or**
- (2) **in accordance with subsection (b) of this section.**

(b) **Revocation due to a new criminal charge: If an individual, while on pretrial release for a Felony or Class A misdemeanor under this Section, is charged with a new felony or Class A misdemeanor under the Criminal Code of 2012, the court may, on its own motion or motion of the state, begin proceedings to revoke the individual's' pretrial release.**

(1) **When the defendant is charged with a felony or class A misdemeanor offense and while free on pretrial release bail is charged with a subsequent felony or class A misdemeanor offense that is alleged to have occurred during the defendant's pretrial release, the state may file a verified petition for revocation of pretrial release.**

(2) **When a defendant on pretrial release is charged with a violation of an order of protection issued under Section 112A-14 of this Code, or Section 214 of the Illinois Domestic Violence Act of 1986 or previously was convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, and the subject of the order of protection is the same person as the victim in the underlying matter,**

the state shall file a verified petition for revocation of pretrial release.

(3) Upon the filing of this petition, the court shall order the transfer of the defendant and the application to the court before which the previous felony matter is pending. The defendant shall be held without bond pending transfer to and a hearing before such court. The defendant shall be transferred to the court before which the previous matter is pending without unnecessary delay. In no event shall the time between the filing of the state's petition for revocation and the defendant's appearance before the court before which the previous matter is pending exceed 72 hours.

(4) The court before which the previous felony matter is pending may revoke the defendant's pretrial release only if it finds, after considering all relevant circumstances including, but not limited to, the nature and seriousness of the violation or criminal act alleged, by the court finds clear and convincing evidence that no condition or combination of conditions of release would reasonably assure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or class A misdemeanor.

(5) In lieu of revocation, the court may release the defendant pre-trial, with or without modification of conditions of pretrial release.

(6) If the case that caused the revocation is dismissed, the defendant is found not guilty in the case causing the revocation, or the defendant completes a lawfully imposed sentence on the case causing the revocation, the court shall, without unnecessary delay, hold a hearing on conditions of release pursuant to section 110-5 and release the defendant with or without modification of conditions of pretrial release.

(7) Both the state and the defense may appeal an order revoking pretrial release or denying a petition for revocation of release.

(c) Violations other than re-arrest for a felony or class A misdemeanor. If a defendant:

- (1) fails to appear in court as required by their conditions of release;
- (2) is charged with a class B or C misdemeanor, petty offense, traffic offense, or ordinance violation that is alleged to have occurred during the defendant's pretrial release; or
- (3) violates any other condition of release set by the court, the court shall follow the procedures set forth in Section 110-3 to ensure the defendant's appearance in court to address the violation.

(d) When a defendant appears in court for a notice to show cause hearing, or after being arrested on a warrant issued because of a failure to appear at a notice to show cause hearing, or after being arrested for an offense other than a felony or class A misdemeanor, the state may file a verified petition requesting a hearing for sanctions.

(e) During the hearing for sanctions, the defendant shall be represented by counsel and have an opportunity to be heard regarding the violation and evidence in mitigation. The court shall only impose sanctions if it finds by clear and convincing evidence that:

1. The defendant committed an act that violated a term of their pretrial release;
2. The defendant had actual knowledge that their action would violate a court order;
3. The violation of the court order was willful; and
4. The violation was not caused by a lack of access to financial monetary resources.

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

1. A verbal or written admonishment from the court;
2. Imprisonment in the county jail for a period not exceeding 30 days;
3. A fine of not more than \$200; or
4. A modification of the defendant's pretrial conditions.



**(g) Modification of Pretrial Conditions**

(a) The court may, at any time, after motion by either party or on its own motion, remove previously set conditions of pretrial release, subject to the provisions in section (e). The court may only add or increase conditions of pretrial release at a hearing under this Section, in a warrant issued under Section 110-3, or upon motion from the state.

(b) Modification of conditions of release regarding contact with victims or witnesses. The court shall not remove a previously set condition of bond regulating contact with a victim or witness in the case, unless the subject of the condition has been given notice of the hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act. If the subject of the condition of release is not present, the court shall follow the procedures of paragraph (10) of subsection (c-1) of the Rights of Crime Victims and Witnesses Act.

(h) Notice to Victims: Crime Victims shall be given notice by the State's Attorney's office of all hearings in this section as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at these hearing to obtain an order of protection under Article 112A of this Code.

**Amended by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

§ 110-6. Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release.

**(a) When a defendant has previously been granted pretrial release under this Section for a felony or Class A misdemeanor, that pretrial release may be revoked only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release after a hearing on the court's own motion or upon the filing of a verified petition by the State.**

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

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

**A hearing at which pretrial release may be revoked must be conducted in person (and not by way of two-way audio-visual communication) unless the accused waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.**

**The court before which the previous felony matter or Class A misdemeanor is pending may revoke the defendant's pretrial release after a hearing. During the hearing for revocation, the defendant shall be represented by counsel and have an opportunity to be heard regarding the violation and evidence in mitigation. The court shall consider all relevant circumstances, including, but not limited to, the nature and seriousness of the violation or criminal act alleged. The State shall bear the burden of proving, by clear and convincing**

**evidence, that no condition or combination of conditions of release would reasonably ensure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or Class A misdemeanor.**

**DELETED TEXT.**

If the case that caused the revocation is dismissed, the defendant is found not guilty in the case causing the revocation, or the defendant completes a lawfully imposed sentence on the case causing the revocation, the court shall, without unnecessary delay, hold a hearing on conditions of **pretrial** release pursuant to **Section** 110-5 and release the defendant with or without modification of conditions of pretrial release.

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

**(b) If a defendant previously has been granted pretrial release under this Section for a Class B or Class C misdemeanor offense, a petty or business offense, or an ordinance violation and if the defendant is subsequently charged with a felony that is alleged to have occurred during the defendant's pretrial release or a Class A misdemeanor offense that is alleged to have occurred during the defendant's pretrial release, such pretrial release may not be revoked, but the court may impose sanctions under subsection (c).**

**(c) The court shall follow the procedures set forth in Section 110-3 to ensure the defendant's appearance in court if the defendant:**

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

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

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

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

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

**DELETED TEXT.**

(d) When a defendant appears in court **pursuant to a summons or warrant issued in accordance with Section 110-3 for a notice to show cause hearing, or after being arrested on a warrant issued because of a failure to appear at a notice to show cause hearing,** or after being arrested for an offense **that is alleged to have occurred during the defendant's pretrial release other than a felony or class A misdemeanor,** the **State** may file a verified petition requesting a hearing for sanctions.

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

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

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

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

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

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

- (1) a** verbal or written admonishment from the court;
- (2) imprisonment** in the county jail for a period not exceeding 30 days;
- (3) (Blank)** ~~3. A fine of not more than \$200; or~~
- (4) a** modification of the defendant's pretrial conditions.

(g) The court may, at any time, after motion by either party or on its own motion, remove previously set conditions of pretrial release, subject to the provisions in **this subsection**. The court may only add or increase conditions of pretrial release at a hearing under this Section, ~~in a warrant issued under Section 110-3, or upon motion from the state.~~

~~(b) Modification of conditions of release regarding contact with victims or witnesses.~~ The court shall not remove a previously set condition of **pretrial release bond** regulating contact with a victim or witness in the case, unless the subject of the condition has been given notice of the hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act. If the subject of the condition of release is not present, the court shall follow the procedures of paragraph (10) of subsection **(c-1)** of the Rights of Crime Victims and Witnesses Act.

(h) Crime **victims** shall be given notice by the State's Attorney's office of all hearings **under** this **Section** as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at these **hearings** to obtain **a protective order** ~~an order of protection under Article 112A of this Code.~~

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

**(j) At each subsequent appearance of the defendant before the court, the judge must find that continued detention under this Section is necessary to reasonably ensure the appearance of the defendant for later hearings or to prevent the defendant from being charged with a subsequent felony or Class A misdemeanor.**

Sec. 110-6.1. Denial of **pretrial release** ~~bail in non-probationable felony offenses.~~

(a) Upon verified petition by the State, the court shall hold a hearing **and may deny** ~~to determine whether bail should be denied to~~ a defendant **pretrial release only if:**

**(1) the defendant who** is charged with a **forcible** felony offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction, **and when** it is alleged that the defendant's **pretrial release poses a specific, real and present threat to any person or the community.** ~~admission to bail poses a real and present threat to the physical safety of any person or persons ; .~~

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

**(3) the victim of abuse was a family or household member as defined by paragraph (6) of Section 103 of the Illinois Domestic Violence Act of 1986, and the person charged, at the time of the alleged offense, was subject to the terms of an order of protection issued under Section 112A-14 of this Code, or Section 214 of the Illinois Domestic Violence Act of 1986 or previously was convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 or a violent crime if the victim was a family or household member as defined by paragraph (6) of the Illinois Domestic Violence Act of 1986 at the time of the offense or a violation of a substantially similar municipal ordinance or law of this or any other state or the United States if the victim was a family or household member as defined by paragraph (6) of Section 103 of the Illinois Domestic Violence Act of 1986 at the time of the offense, and it is alleged that the defendant's pre-trial release poses a real and present threat to the physical safety of any person or persons;**

**(4) the defendant is charged with domestic battery or aggravated domestic battery under Section 12-3.2 or 12-3.3 of the Criminal Code of 2012 and it is alleged that the defendant's pretrial release poses a real and present threat to the physical safety of any person or persons;**

**(5) the defendant is charged with any offense under Article 11 of the Criminal Code of 2012, except for Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal Code of 2012, or similar provisions of the Criminal Code of 1961 and it is alleged that the defendant's pretrial release poses a real and present threat to the physical safety of any person or persons;**

**(6) the defendant is charged with any of these violations under the Criminal Code of 2012 and it is alleged that the defendant's pretrial releases poses a real and present threat to the physical safety of any specifically identifiable person or persons.**

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

**(B) Section 24-2.5 (aggravated discharge of a machine gun or a firearm equipped with a device designed or use for silencing the report of a firearm);**

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

**(D) Section 24-1.7 (armed habitual criminal);**

**(E) Section 24-2.2 2 (manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells or flechette shells);**

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

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

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

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

**(J) Section 24-3A (gunrunning); or**

**(K) Section on 24-3B (firearms trafficking );**

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

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

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

**(O) Non-probationable violations: (i) (unlawful use or possession of weapons by felons or persons in the Custody of the Department of Corrections facilities (Section 24-1.1), (ii) aggravated unlawful use of a weapon (Section 24-1.6, or (iii) aggravated possession of a stolen firearm (Section 24-3.9);**

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

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

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

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

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

**(U) Section 10-3.1 (aggravated unlawful restraint);**

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

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

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

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

**(B) Subdivision (d)(1)(B) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence while operating a school bus with passengers);**

- (C) Subdivision (d)(1)(C) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence causing great bodily harm);
- (D) Subdivision (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence after a previous reckless homicide conviction);
- (E) Subdivision (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence leading to death); or
- (F) Subdivision (d)(1)(J) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence that resulted in bodily harm to a child under the age of 16);

**(7) the person has a high likelihood of willful flight to avoid prosecution and is charged with:**

**(A) Any felony described in Sections (a)(1) through (a)(5) of this Section; or**

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

**(b) If the charged offense is a felony, the Court shall hold a hearing pursuant to 109-3 of this Code to determine whether there is probable cause the defendant has committed an offense, unless a grand jury has returned a true bill of indictment against the defendant. If there is a finding of no probable cause, the defendant shall be released. No such finding is necessary if the defendant is charged with a misdemeanor.**

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

(A) Any felony described in subdivisions (a)(1) through (a)(7) of this Section; or

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

**(c) Timing of petition.**

**(2) Upon filing, the court shall immediately hold a hearing on the petition unless a continuance is requested.**

**If a continuance is requested, the hearing shall be held within 48 hours of the defendant's first appearance if the defendant is charged with a Class X, Class 1, Class 2, or Class 3 felony, and within 24 hours if the defendant is charged with a Class 4 or misdemeanor offense. The Court may deny and or grant the request for continuance. If the court decides to grant the continuance, the Court retains the discretion to detain or release the defendant in the time between the filing of the petition and the hearing.**

**(d) Contents of petition.**

**(1) The petition shall be verified by the State and shall state the grounds upon which it contends the defendant should be denied pretrial release, including the identity of the specific person or persons the State believes the defendant poses a danger to.**

**(2) Only one petition may be filed under this Section.**

**(e) Eligibility: All defendants shall be presumed eligible for pretrial release, and the State shall bear the burden of proving by clear and convincing evidence that: Deleted Prior Text**

**~~(b) The court may deny bail to the defendant where, after the hearing, it is determined that:~~**

(1) the proof is evident or the presumption great that the defendant has committed an offense **listed in paragraphs**

**(1) through (6) of subsection (a) for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, must be imposed by law as a consequence of conviction,** and

(2) the defendant poses a real and present threat to the **physical** safety of a **specific, identifiable any** person or persons, by conduct which may include, but is not limited to, a forcible felony, the obstruction of justice, intimidation, injury, **or abuse as defined by paragraph (1) of Section 103 of the Illinois Domestic Violence Act of 1986 physical harm, an offense under the Illinois Controlled Substances Act which is a Class X felony, or an offense under the Methamphetamine Control and Community Protection Act which is a Class X felony,** and

(3) **the court finds that** no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this

Article can mitigate the real and present threat to the safety of any can reasonably assure the physical safety of any other person or persons or the defendant's willful flight.

(f) ~~(e)~~ Conduct of the hearings.

(1) Prior to the hearing the State shall tender to the defendant copies of defendant's criminal history available, any written or recorded statements, and the substance of any oral statements made by any person, if relied upon by the State in its petition, and any police reports in the State's Attorney's possession at the time of the hearing that are required to be disclosed to the defense under Illinois Supreme Court rules. The hearing on the defendant's culpability and dangerousness shall be conducted in accordance with the following provisions:

(2) The State or defendant may present evidence at the hearing ~~(A) Information used by the court in its findings or stated in or offered at such hearing may be~~ by way of proffer based upon reliable information offered by the State or by defendant.

(3) The defendant ~~Defendant~~ has the right to be represented by counsel, and if he or she is indigent, to have counsel appointed for him or her. The defendant ~~Defendant~~ shall have the opportunity to testify, to present witnesses on ~~in~~ his or her own behalf, and to cross-examine any witnesses that ~~if any~~ are called by the State.

(4) If the defense seeks to call the complaining witness as a witness in its favor, it shall petition the court for permission. The defendant has the right to present witnesses in his favor. When the ends of justice so require, the court may exercise ~~exercises~~ its discretion and compel the appearance of a complaining witness. The court shall state on the record reasons for granting a defense request to compel the presence of a complaining witness. In making a determination under this section, the court shall state on the record the reason for granting a defense request to compel the presence of a complaining witness, and only grant the request if the court finds by clear and convincing evidence that the defendant will be materially prejudiced if the complaining witness does not appear.

~~The State shall tender to the defendant, prior to the hearing, copies of defendant's criminal history, if any, if available, and any written or recorded statements and the substance of any oral statements made by any person, if relied upon by the State in its petition.~~

(6) The ~~(B) A motion by the~~ defendant may not move to suppress evidence or to suppress a confession, however, evidence ~~shall not be entertained.~~ Evidence that proof of the charged crime may have been obtained as the result of an unlawful search or ~~and~~ seizure, or both, or through improper interrogation, is not relevant in assessing the weight of the evidence against the defendant ~~to this state of the prosecution.~~

(7) Decisions regarding release, conditions of release and detention prior trial should be individualized, and no single factor or standard should be used exclusively to make a condition or detention decision.

~~(2) The facts relied upon by the court to support a finding that the defendant poses a real and present threat to the physical safety of any person or persons shall be supported by clear and convincing evidence presented by the State.~~

(g) ~~(d)~~ Factors to be considered in making a determination of dangerousness. The court may, in determining whether the defendant poses a specific, imminent ~~real and present~~ threat of serious ~~to the~~ physical harm to an identifiable ~~safety of~~ any person or persons, consider but shall not be limited to evidence or testimony concerning:

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

(5) The age and physical condition of any person assaulted by the defendant;

(6) The age and physical condition of any victim or complaining witness;

(h) ~~(e)~~ Detention order. The court shall, in any order for detention:

(1) briefly summarize the evidence of the defendant's guilt or innocence, culpability and the court's ~~its~~ reasons for

concluding that the defendant should be **denied pretrial release ~~held without bail~~**;

**(i) Detention.** ~~–~~ If the court enters an order for the detention of the defendant pursuant to subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be **denied pretrial release ~~held longer without bail~~**. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant.

**(j) ~~(g)~~ Rights of the defendant.** Any person shall be entitled to appeal any order entered under this Section denying **pretrial release ~~bail~~** to the defendant.

**(k) Appeal. ~~(h)~~** The State may appeal any order entered under this Section denying any motion for denial of **pretrial release ~~bail~~**.

**(l) Presumption of innocence. ~~(i)~~** Nothing in this Section shall be construed as modifying or limiting in any way the defendant's presumption of innocence in further criminal proceedings.

**(m) Victim notice.**

**(1) Crime Victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under Article 112A of this Code.**

**Amended by Trailer Bill #3. PUBLIC ACT 102–1104. Effective: December 6, 2022.**

§ 110–6.1. Denial of pretrial release.

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

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

**(1.5) the defendant's pretrial release poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, and the defendant is charged with a forcible felony, which as used in this Section, means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated robbery, robbery, burglary where there is use of force against another person, residential burglary, home invasion, vehicular invasion, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement or any other felony which involves the threat of or infliction of great bodily harm or permanent disability or disfigurement;**

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

**(3) the defendant is charged with a violation of an order of protection issued under Section 112A–14 of this Code or Section 214 of the Illinois Domestic Violence Act of 1986, a stalking no contact order under Section 80 of the Stalking No Contact Order Act, or of a civil no contact order under Section 213 of the Civil No Contact Order Act, and it is alleged that the defendant's pretrial release poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case; ~~DELETED TEXT.~~**

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

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

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

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

(B) Section 24–2.5 (aggravated discharge of a machine gun or a firearm equipped with a device designed or use for silencing the report of a firearm);

(C) Section 24–1.5 (reckless discharge of a firearm);

(D) Section 24–1.7 (armed habitual criminal);

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

(F) Section 24–3 (unlawful sale or delivery of firearms);

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

(H) Section 24–34 (unlawful sale of firearms by liquor license);

(I) Section 24–3.5 (unlawful purchase of a firearm);

(J) Section 24–3A (gunrunning);

(K) Section 24–3B (firearms trafficking);

(L) Section 10–9(b) (involuntary servitude);

(M) Section 10–9(c) (involuntary sexual servitude of a minor);

(N) Section 10–9(d) (trafficking in persons);

(O) Non-probationable violations: (i) unlawful use or possession of weapons by felons or persons in the Custody of the Department of Corrections facilities (Section 24–1.1), (ii) aggravated unlawful use of a weapon (Section 24–1.6), or (iii) aggravated possession of a stolen firearm (Section 24–3.9);

**(P) Section 9–3 (reckless homicide and involuntary manslaughter);**

**(Q) Section 19–3 (residential burglary);**

**(R) Section 10–5 (child abduction);**

**(S) Felony violations of Section 12C–5 (child endangerment);**

**(T) Section 12–7.1 (hate crime);**

**(U) Section 10–3.1 (aggravated unlawful restraint);**

**(V) Section 12–9 (threatening a public official);**

**(W) Subdivision (f)(1) of Section 12–3.05 (aggravated battery with a deadly weapon other than by discharge of a firearm);**

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

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

**(B) Subdivision (d)(1)(B) of Section 11–501 of the Illinois Vehicle Code (aggravated driving under the influence while operating a school bus with passengers);**

**(C) Subdivision (d)(1)(C) of Section 11–501 of the Illinois Vehicle Code (aggravated driving under the influence causing great bodily harm);**

**(D) Subdivision (d)(1)(D) of Section 11–501 of the Illinois Vehicle Code (aggravated driving under the influence**



**after a previous reckless homicide conviction);**

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

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

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

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

(A) Any felony described in **subdivisions** (a)(1) through (a)(7) of this Section; or

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

(b) If the charged offense is a felony, **as part of the detention hearing, the court shall** ~~the Court shall hold a hearing pursuant to 109–3 of this Code to~~ determine whether there is probable cause the defendant has committed an offense, unless **a hearing pursuant to Section 109–3 of this Code has already been held or** a grand jury has returned a true bill of indictment against the defendant. If there is a finding of no probable cause, the defendant shall be released. No such finding is necessary if the defendant is charged with a misdemeanor.

(c) Timing of petition.

(1) A petition may be filed without prior notice to the defendant at the first appearance before a judge, or within the 21 calendar days, except as provided in Section 110–6, after arrest and release of the defendant upon reasonable notice to defendant; provided that while such petition is pending before the court, the defendant if previously released shall not be detained.

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

(d) Contents of petition.

(1) The petition shall be verified by the State and shall state the grounds upon which it contends the defendant should be denied pretrial release, including the **real and present threat to the safety of any person or persons or the community, based on the specific articulable facts or flight risk, as appropriate** ~~identity of the specific person or persons the State believes the defendant poses a danger to.~~

**(2) If the State seeks to file a second or subsequent petition under this Section, the State shall be required to present a verified application setting forth in detail any new facts not known or obtainable at the time of the filing of the previous petition** ~~Only one petition may be filed under this Section.~~

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

(1) the proof is evident or the presumption great that the defendant has committed an offense listed in ~~paragraphs (1) through (6) of~~ subsection (a), and

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

(3) no condition or combination of conditions set forth in subsection (b) of Section 110–10 of this Article can mitigate **(i) the real and present threat to the safety of any person or persons or the community, based on the**

**specific articulable facts of the case, for offenses listed in paragraphs (1) through (7) of subsection (a), or (ii) the defendant's willful flight for offenses listed in paragraph (8) of subsection (a), and (4) for offenses under subsection (b) of Section 407 of the Illinois Controlled Substances Act that are subject to paragraph (1) of subsection (a), no condition or combination of conditions set forth in subsection (b) of Section 110–10 of this Article can mitigate the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, and the defendant poses a serious risk to not appear in court as required.**

(f) Conduct of the hearings.

(1) Prior to the hearing, the State shall tender to the defendant copies of **the** defendant's criminal history available, any written or recorded statements, and the substance of any oral statements made by any person, if relied upon by the State in its petition, and any police reports in the **prosecutor's State's Attorney's** possession at the time of the hearing **that are required to be disclosed to the defense under Illinois Supreme Court rules.**

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

(3) The defendant has the right to be represented by counsel, and if he or she is indigent, to have counsel appointed for him or her. The defendant shall have the opportunity to testify, to present witnesses on his or her own behalf, and to cross-examine any witnesses that are called by the State. **Defense counsel shall be given adequate opportunity to confer with the defendant before any hearing at which conditions of release or the detention of the defendant are to be considered, with an accommodation for a physical condition made to facilitate attorney/client consultation. If defense counsel needs to confer or consult with the defendant during any hearing conducted via a two-way audio-visual communication system, such consultation shall not be recorded and shall be undertaken consistent with constitutional protections.**

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

(4) If the defense seeks to **compel ~~call~~** the complaining witness **to testify** as a witness in its favor, it shall petition the court for permission. When the ends of justice so require, the court may exercise its discretion and compel the appearance of a complaining witness. The court shall state on the record reasons for granting a defense request to compel the presence of a complaining witness **only on the issue of the defendant's pretrial detention.** In making a determination under this **Section ~~section~~**, the court shall state on the record the reason for granting a defense request to compel the presence of a complaining witness, and only grant the request if the court finds by clear and convincing evidence that the defendant will be materially prejudiced if the complaining witness does not appear. Cross-examination of a complaining witness at the pretrial detention hearing for the purpose of impeaching the witness' credibility is insufficient reason to compel the presence of the witness. In deciding whether to compel the appearance of a complaining witness, the court shall be considerate of the emotional and physical well-being of the witness. The pre-trial detention hearing is not to be used for purposes of discovery, and the post arraignment rules of discovery do not apply. **The State shall tender to the defendant, prior to the hearing, copies, if any, of the defendant's criminal history, if available, and any written or recorded statements and the substance of any oral statements made by any person, if in the State's Attorney's possession at the time of the hearing.**

(5) The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. At the trial concerning the offense for which the hearing was conducted neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's **case-in-chief ~~case in chief~~**, but shall be admissible for impeachment, or as provided in Section 115–10.1 of this Code, or in a perjury proceeding.

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

(7) Decisions regarding release, conditions of release, and detention prior **to** trial **must ~~should~~** be individualized, and no single factor or standard **may ~~should~~** be used exclusively to **order ~~make a condition or~~** detention **decision.** **Risk**

**assessment tools may not be used as the sole basis to deny pretrial release.**

(g) Factors to be considered in making a determination of dangerousness. The court may, in determining whether the defendant poses a **real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, ~~specific, imminent threat of serious physical harm to an identifiable person or persons,~~** consider, but shall not be limited to, evidence or testimony concerning:

- (1) The nature and circumstances of any offense charged, including whether the offense is a crime of violence, involving a weapon, or a sex offense.
- (2) The history and characteristics of the defendant including:
  - (A) Any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of such behavior. Such evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations, or other proceedings.
  - (B) Any evidence of the defendant's psychological, psychiatric or other similar social history which tends to indicate a violent, abusive, or assaultive nature, or lack of any such history.
- (3) The identity of any person or persons to whose safety the defendant is believed to pose a threat, and the nature of the threat.
- (4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them.
- (5) The age and physical condition of the defendant.
- (6) The age and physical condition of any victim or complaining witness.
- (7) Whether the defendant is known to possess or have access to any weapon or weapons.
- (8) Whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, aftercare release, mandatory supervised release or other release from custody pending trial, sentencing, appeal or completion of sentence for an offense under federal or state law.
- (9) Any other factors, including those listed in Section 110–5 of this Article deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive, or assaultive behavior, or lack of such behavior.

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

- (1) **make a written finding summarizing ~~briefly summarize the evidence of~~ the defendant's guilt or innocence, and the court's reasons for concluding that the defendant should be denied pretrial release, including why less restrictive conditions would not avoid a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, or prevent the defendant's willful flight from prosecution;**
- (2) direct that the defendant be committed to the custody of the sheriff for confinement in the county jail pending trial;
- (3) direct that the defendant be given a reasonable opportunity for private consultation with counsel, and for communication with others of his or her choice by visitation, mail and telephone; and
- (4) direct that the sheriff deliver the defendant as required for appearances in connection with court proceedings.

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

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

(j) Rights of the defendant. **The defendant** ~~Any person~~ shall be entitled to appeal any order entered under this Section

denying **his or her** pretrial release *to the defendant*.

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

(l) Presumption of innocence. Nothing in this Section shall be construed as modifying or limiting in any way the defendant's presumption of innocence in further criminal proceedings.

(m) **Interest of victims** *Victim notice*.

(1) Crime victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain **a protective order** *an order of protection under Article 112A of this Code*.

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

(Source: P.A. 101-652, eff. 1-1-23; revised 2-28-22.)

#### Sec. 110-6.2. Post-conviction Detention.

(a) The court may order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence be held without **release bond** unless the court finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community if released under Sections 110-5 and 110-10 of this Act.

(b) The court may order that person who has been found guilty of an offense and sentenced to a term of imprisonment be held without **release bond** unless the court finds by clear and convincing evidence that:

(1) the person is not likely to flee or pose a danger to the safety of any other person or the community if released **on bond** pending appeal; and

(725 ILCS 5/110-6.4)

Sec. 110-6.4. Statewide risk-assessment tool. The Supreme Court may establish a statewide risk-assessment tool to be used in proceedings to assist the court in establishing **conditions of pretrial release bail** for a defendant by assessing the defendant's likelihood of appearing at future court proceedings or determining if the defendant poses a real and present threat to the physical safety of any person or persons. \*\*\*.

**Added by Trailer Bill #3. PUBLIC ACT 102-1104. Effective: December 6, 2022.**

725 ILCS 5/110-7.5 new]

#### **§ 110-7.5. Previously deposited bail security.**

**(a) On or after January 1, 2023, any person having been previously released pretrial on the condition of the deposit of security shall be allowed to remain on pretrial release under the terms of their original bail bond. This Section shall not limit the State's Attorney's ability to file a verified petition for detention under Section 110-6.1 or a petition for revocation or sanctions under Section 110-6.**

**(b) On or after January 1, 2023, any person who remains in pretrial detention after having been ordered released with pretrial conditions, including the condition of depositing security, shall be entitled to a hearing under subsection (e) of Section 110-5.**

**On or after January 1, 2023, any person, not subject to subsection (b), who remains in pretrial detention and is eligible for detention under Section 110-6.1 shall be entitled to a hearing according to the following schedule:**

**(1) For persons charged with offenses under paragraphs (1) through (7) of subsection (a) of Section 110-6.1, the**

hearing shall be held within 90 days of the person's motion for reconsideration of pretrial release conditions.

(2) For persons charged with offenses under paragraph (8) of subsection (a) of Section 110–6.1, the hearing shall be held within 60 days of the person's motion for reconsideration of pretrial release conditions.

(3) For persons charged with all other offenses not listed in subsection (a) of Section 110–6.1, the hearing shall be held within 7 days of the person's motion for reconsideration of pretrial release conditions.

(c) Processing of previously deposited bail security. The provisions of this Section shall apply to all monetary bonds, regardless of whether they were previously posted in cash or in the form of stocks, bonds, or real estate.

(1) Once security has been deposited and a charge is pending or is thereafter filed in or transferred to a court of competent jurisdiction, the latter court may continue the original security in that court or modify the conditions of pretrial release subject to the provisions of Section 110–6.

(2) After conviction, the court may order that a previously deposited security stand pending appeal, reconsider conditions of release, or deny release subject to the provisions of Section 110–6.2.

(3) After the entry of an order by the trial court granting or denying pretrial release pending appeal, either party may apply to the reviewing court having jurisdiction or to a justice thereof sitting in vacation for an order modifying the conditions of pretrial release or denying pretrial release subject to the provisions of Section 110–6.2.

(4) When the conditions of the previously posted bail bond have been performed and the accused has been discharged from all obligations in the cause, the clerk of the court shall return to the accused or to the defendant's designee by an assignment executed at the time the bail amount is deposited, unless the court orders otherwise, 90% of the sum which had been deposited and shall retain as bail bond costs 10% of the amount deposited. However, in no event shall the amount retained by the clerk as bail bond costs be less than \$5.

Notwithstanding the foregoing, in counties with a population of 3,000,000 or more, in no event shall the amount retained by the clerk as bail bond costs exceed \$100. Bail bond deposited by or on behalf of a defendant in one case may be used, in the court's discretion, to satisfy financial obligations of that same defendant incurred in a different case due to a fine, court costs, restitution or fees of the defendant's attorney of record. In counties with a population of 3,000,000 or more, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs and attorney's fees in the case in which the bail bond has been deposited and any other unpaid child support obligations are satisfied.

In counties with a population of less than 3,000,000, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs in the case in which the bail bond has been deposited. At the request of the defendant, the court may order such 90% of the defendant's bail deposit, or whatever amount is repayable to the defendant from such deposit, to be paid to defendant's attorney of record.

(5) If there is an alleged violation of the conditions of pretrial release in a matter in which the defendant has previously deposited security, the court having jurisdiction shall follow the procedures for revocation of pretrial release or sanctions set forth in Section 110–6. The previously deposited security shall be returned to the defendant following the procedures of paragraph (4) of subsection (a) of this Section once the defendant has been discharged from all obligations in the cause.

(6) If security was previously deposited for failure to appear in a matter involving enforcement of child support or maintenance, the amount of the cash deposit on the bond, less outstanding costs, may be awarded to the person or entity to whom the child support or maintenance is due.

(7) After a judgment for a fine and court costs or either is entered in the prosecution of a cause in which a deposit of security was previously made, the balance of such deposit shall be applied to the payment of the judgment.

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)  
Sec. 110-10. Conditions of **pretrial release bail bond**.

(a) If a person is released prior to conviction, ~~either upon payment of bail security or on his or her own recognizance~~, the conditions of **pretrial release the bail bond** shall be that he or she will:

(3) **(Blank); Not depart this State without leave of the court;**

Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of **pretrial release bail** under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of **pretrial release bail**, pursuant to Section 110-6 of this Code. The court may change the conditions of **pretrial release bail** to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice: **(0.05) Not depart this State without leave of the court;**

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial **bond** home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

(14.1) The court **may shall** impose upon a defendant who is charged with any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial **bond** home supervision capacity with the use of an approved monitoring device, as a condition of such **pretrial monitoring bail bond**, a fee that represents costs incidental to the electronic monitoring for each day of such **pretrial bail** supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. \*\*\*

(14.2) The court **may shall** impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial **bond** home supervision capacity with the use of an approved monitoring device, as a condition of such **release bail bond**, a fee which shall represent costs incidental to such electronic monitoring for each day of such **bail** supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. \*\*\*

(16) **(Blank); and Under Section 110-6.5 comply with the conditions of the drug testing program; and**

(c) When a person is charged with an offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in ~~granting bail or~~ releasing the defendant ~~on his own recognizance~~, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will: \*\*\*

Article 112A, conditions shall be imposed at the time of the defendant's release **on bond** that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following: \*\*\*

(e) Local law enforcement agencies shall develop standardized **pretrial release bond** forms for use in cases involving

family or household members as defined in Article 112A, including specific conditions of **pretrial release bond** as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is **released** ~~admitted to bail~~ after conviction **following appeal or other post-conviction proceeding**, the conditions of the **pretrial release** ~~bail bond~~ shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

(5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was **released** bailed.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of **being released** ~~remaining on bond~~ pending sentencing.

(h) In the event the defendant is **denied pretrial release** ~~unable to post bond~~, the court may impose a no contact provision with the victim or other interested party that shall be enforced while the defendant remains in custody.

**Amended by Trailer Bill #3. PUBLIC ACT 102–1104. Effective: December 6, 2022.**

§ 110–10. Conditions of pretrial release.

(b) **Additional conditions of release shall be set only when it is determined that they are necessary to ensure the defendant's appearance in court, ensure the defendant does not commit any criminal offense, ensure the defendant complies with all conditions of pretrial release, *The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or* prevent the defendant's unlawful interference with the orderly administration of justice, or ensure compliance with the rules and procedures of problem solving courts. However, conditions shall include the least restrictive means and be individualized. Conditions shall not mandate rehabilitative services unless directly tied to the risk of pretrial misconduct. Conditions of supervision shall not include punitive measures such as community service work or restitution. Conditions may include the following:**

(0.05) Not depart this State without leave of the court;

(1) Report to or appear in person before such person or agency as the court may direct;

(2) Refrain from possessing a firearm or other dangerous weapon;

(3) Refrain from approaching or communicating with particular persons or classes of persons;

(4) Refrain from going to certain described **geographic** ~~geographical~~ areas or premises;

**DELETED TEXT.**

~~(6)(14.4)~~ For persons charged with violating Section 11–501 of the Illinois Vehicle Code, refrain from operating a motor vehicle not equipped with an ignition interlock device, as defined in Section 1–129.1 of the Illinois Vehicle Code, pursuant to the rules promulgated by the Secretary of State for the installation of ignition interlock devices. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment;

~~(7)(15)~~ Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory;

**(8) Sign a written admonishment requiring that he or she comply with the provisions of Section 110–12 regarding any change in his or her address. The defendant's address shall at all times remain a matter of record with the clerk of the court ~~(16) (Blank)~~; and**

~~(9)(17)~~ Such other reasonable conditions as the court may impose, **so long as these conditions are the least restrictive means to achieve the goals listed in subsection (b), are individualized, and are in accordance with national best practices as detailed in the Pretrial Supervision Standards of the Supreme Court.** **The defendant shall receive verbal and written notification of conditions of pretrial release and future court dates, including the date, time, and location of court.**

*~~(h) In the event the defendant is denied pretrial release, the court may impose a no contact provision with the victim or other interested party that shall be enforced while the defendant remains in custody.~~*

(725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

Sec. 110-11. **Pretrial release Bail** on a new trial. If the judgment of conviction is reversed and the cause remanded for a new trial the trial court may order that the **conditions of pretrial release bail** stand pending such trial, or **modify the conditions of pretrial release reduce or increase bail.**

(725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

Sec. 110-12. Notice of change of address.

A defendant who has been admitted to **pretrial release bail** shall file a written notice with the clerk of the court before which the proceeding is pending of any change in his or her address within 24 hours after such change, except that a defendant who has been admitted to **pretrial release bail** for a forcible felony as defined in Section 2-8 of the Criminal Code of 2012 shall file a written notice with the clerk of the court before which the proceeding is pending and the clerk shall immediately deliver a time stamped copy of the written notice to the State's Attorney charged with the prosecution within 24 hours prior to such change. The address of a defendant who has been admitted to **pretrial release bail** shall at all times remain a matter of public record with the clerk of the court.

(725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

Sec. 111-2. Commencement of prosecutions.

(e) When the offense is **eligible for pretrial release bailable**, the judge shall endorse on the warrant the **conditions of pretrial release amount of bail** required by the order of the court, and if the court orders the process returnable forthwith, the warrant shall require that the accused be arrested and brought immediately into court.

(725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

Sec. 112A-23. Enforcement of protective orders.

(g) Penalties.

(4) In addition to any other penalties imposed for a violation of a protective order, a criminal court may consider evidence of any violations of a protective order:

(i) to **increase, revoke, or** modify the **conditions of pretrial release bail bond** on an underlying criminal charge pursuant to Section 110-6 of this Code;

(725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

Sec. 114-1. Motion to dismiss charge.

(e) Dismissal of the charge upon the grounds set forth in subsections (a)(4) through (a)(11) of this Section shall not prevent the return of a new indictment or the filing of a new charge, and upon such dismissal the court may order that the defendant be held in custody or, if the defendant had been previously released on **pretrial release bail**, that the **pretrial release bail** be continued for a specified time pending the return of a new indictment or the filing of a new charge.



(725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

Sec. 115-4.1. Absence of defendant.

(a) Absence of a defendant as specified in this Section shall not be a bar to indictment of a defendant, return of information against a defendant, or arraignment of a defendant for the charge for which **pretrial release bail** has been granted. If a defendant fails to appear at arraignment, the court may enter a plea of "not guilty" on his behalf.

All procedural rights guaranteed by the United States Constitution, Constitution of the State of Illinois, statutes of the State of Illinois, and rules of court shall apply to the proceedings the same as if the defendant were present in court and had not either **had his or her pretrial release revoked** ~~forfeited his bail bond~~ or escaped from custody. \*\*\*.

(725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

Sec. 122-6. Disposition in trial court.

If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to rearraignment, retrial, custody, **conditions of pretrial release bail** or discharge as may be necessary and proper.

**17. Section 10-265. 725 ILCS 120/ Rights of Crime Victims and Witnesses Act. (Eff: 1-1-23)**

725 ILCS 120/4 Rights of crime victims.

725 ILCS 120/4.5 Procedures to implement the rights of crime victims.

(725 ILCS 120/4) (from Ch. 38, par. 1404)

Sec. 4. Rights of crime victims.

(a) Crime victims shall have the following rights:

(7.5) The right to have the safety of the victim and the victim's family considered in ~~denying or fixing the amount of bail~~, determining whether to release the defendant and setting conditions of release after arrest and conviction.

(725 ILCS 120/4.5)

Sec. 4.5. Procedures to implement the rights of crime victims.

(b) The office of the State's Attorney:

(13) shall provide notice within a reasonable time after receipt of notice from the custodian, of the release of the defendant on **pretrial release bail** or personal recognizance or the release from detention of a minor who has been detained;

(c-5) The following procedures shall be followed to afford victims the rights guaranteed by Article I, Section 8.1 of the Illinois Constitution:

(16) The right to be reasonably protected from the accused throughout the criminal justice process and the right to have the safety of the victim and the victim's family considered in ~~denying or fixing the amount of bail~~, determining whether to release the defendant, and setting conditions of release after arrest and conviction. A victim of domestic violence, a sexual offense, or stalking may request the entry of a protective order under Article 112A of the Code of Criminal Procedure of 1963.

**18. Section 10-270. 725 ILCS 185/ Pretrial Services Act. (Eff: 1-1-23)**

725 ILCS 185/1 Statements made by the defendant during the interview.

725 ILCS 185/20 Pretrial Services Recommendations.

725 ILCS 185/22 Copy of Conditions of **Pretrial Release**.

725 ILCS 185/34      Probation and court services departments considered pretrial services agencies.

(725 ILCS 185/11) (from Ch. 38, par. 311)

Sec. 11. Statements made by the defendant during the interview, or evidence derived therefrom, are admissible in evidence only when the court is considering the imposition of pretrial or posttrial conditions to ~~bail or~~ recognizance, or when considering the modification of a prior release order.

(725 ILCS 185/20) (from Ch. 38, par. 320)

Sec. 20. In preparing and presenting its written reports under Sections 17 and 19, pretrial services agencies shall in appropriate cases include specific recommendations for ~~the setting the conditions, increase, or decrease of~~ **pretrial release bail**; the release of the interviewee on his own recognizance in sums certain; and the imposition of ~~pretrial~~ conditions **of pretrial release to bail** or recognizance designed to minimize the risks of nonappearance, the commission of new offenses while awaiting trial, and other potential interference with the orderly administration of justice.

(725 ILCS 185/22) (from Ch. 38, par. 322)

Sec. 22. Such conditions shall become part of the conditions of **pretrial release** ~~the bail bond~~. A copy of the uniform release order shall be provided to the defendant and defendant's attorney of record, and the prosecutor.

(725 ILCS 185/34)

Sec. 34. Probation and court services departments considered pretrial services agencies. For the purposes of administering the provisions of Public Act 95-773, known as the Cindy Bischof Law, all probation and court services departments are to be considered pretrial services agencies under this Act and under the **pretrial release bail bond** provisions of the Code of Criminal Procedure of 1963.

**19. Section 10-275. 725 ILCS 195/    Quasi-criminal and Misdemeanor Bail Act. (Eff: 1-1-23)**

725 ILCS 195/Act title    Quasi-criminal and Misdemeanor Bail Act.

725 ILCS 195/0.01      Short title.

725 ILCS 195/1        Uniform **Pretrial Release** Conditions Form.

725 ILCS 195/2        Conditions of **Pretrial Release**.

725 ILCS 195/3        Appearance before Judge in Lieu of **Pretrial Release**.

725 ILCS 195/5        Violation by Person Authorized to Accept Pretrial Release.

(725 ILCS 195/Act title)

An Act to authorize designated officers to let persons charged with quasi-criminal offenses and misdemeanors to **pretrial release bail** and to accept and receipt for fines on pleas of guilty in minor offenses, in accordance with schedules established by rule of court.

(725 ILCS 195/0.01) (from Ch. 16, par. 80)

Sec. 0.01. Short title. This Act may be cited as the Quasi-criminal and Misdemeanor **Pretrial Release Bail** Act.

(725 ILCS 195/1) (from Ch. 16, par. 81)

Sec. 1. Whenever in any circuit there shall be in force a rule or order of the Supreme Court establishing a uniform ~~form schedule~~ prescribing the **conditions of pretrial release amounts of bail** for specified conservation cases, traffic cases, quasi-criminal offenses and misdemeanors, any general superintendent, chief, captain, lieutenant, or sergeant of police, or other police officer, the sheriff, the circuit clerk, and any deputy sheriff or deputy circuit clerk designated by the Circuit Court for the purpose, are authorized to let to **pretrial release bail** any person charged with a quasi-criminal offense or misdemeanor ~~Deleted Prior Text.~~

(725 ILCS 195/2) (from Ch. 16, par. 82)

Sec. 2. The conditions of the **pretrial release bail bond or deposit of cash bail** shall be that the accused will appear to answer the charge in court at a time and place specified in the **pretrial release form bond** and thereafter as ordered by the court until discharged on final order of the court and to submit himself to the orders and process of the court. The accused shall be furnished with an official receipt on a form prescribed by rule of court ~~for any cash or other security~~

~~deposited~~, and shall receive a copy of the **pretrial release form** bond specifying the time and place of his court appearance. Upon performance of the conditions of the **pretrial release bond**, the **pretrial release form bond** shall be null and void and **the accused shall be released from the conditions of pretrial release ~~any cash bail or other security shall be returned to the accused.~~**

(725 ILCS 195/3) (from Ch. 16, par. 83)

Sec. 3. In lieu of **complying with the conditions of pretrial release ~~making bond or depositing cash bail as provided in this Act or the deposit of other security authorized by law.~~** any accused person has the right to be brought without unnecessary delay before the nearest or most accessible judge of the circuit to be dealt with according to law.

(725 ILCS 195/5) (from Ch. 16, par. 85)

Sec. 5. Any person authorized to accept **pretrial release bail** or pleas of guilty by this Act who violates any provision of this Act is guilty of a Class B misdemeanor.

## **20. Section 10-280. 730 ILCS 5/ Unified Code of Corrections.**

730 ILCS 5/5-3-2 Presentence report. (Eff: 1-1-23)

730 ILCS 5/5-5-3.2 Factors in aggravation and extended-term sentencing. (Eff: 1-1-23)

730 ILCS 5/5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing. (Eff: 1-1-23)

730 ILCS 5/5-6-4.1 Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing. (Eff: 1-1-23)

730 ILCS 5/5-8A-7 Domestic violence surveillance program. (Eff: 1-1-23)

730 ILCS 5/8-2-1 Saving Clause. (Eff: 1-1-23)

(730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

Sec. 5-3-2. Presentence report.

(e) Nothing in this Section shall cause the defendant to be held without **pretrial release bail** or to have his **pretrial release bail** revoked for the purpose of preparing the presentence report or making an examination.

(730 ILCS 5/5-5-3.2)

Sec. 5-5-3.2. Factors in aggravation and extended-term sentencing.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1 or Article 4.5 of Chapter V:

(12) the defendant was convicted of a felony committed while he was **on pretrial release ~~released on bail~~** or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

Sec. 5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing.

(b) The court shall conduct a hearing of the alleged violation. The court shall admit the offender to **pretrial release bail** pending the hearing unless the alleged violation is itself a criminal offense in which case the offender shall be admitted to **pretrial release bail** on such terms as are provided in the Code of Criminal Procedure of 1963, as amended. In any case where an offender remains incarcerated only as a result of his alleged violation of the court's earlier order of probation, supervision, conditional discharge, or county impact incarceration such hearing shall be held within 14 days of the onset of said incarceration, unless the alleged violation is the commission of another offense by the offender during the period of probation, supervision or conditional discharge in which case such hearing shall be held within the time limits described in Section 103-5 of the Code of Criminal Procedure of 1963, as amended.

(730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

Sec. 5-6-4.1. Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing.

(b) The Court shall admit the offender to **pretrial release bail** pending the hearing.

**Amended by Trailer Bill #3. PUBLIC ACT 102–1104. Effective: December 6, 2022.**

**730 ILCS 5/5-8A-4.1]**

§ 5–8A–4.1. Escape; ~~failure to comply with a condition of the electronic monitoring or home detention program.~~

(a) A person charged with ~~or convicted of~~ a felony, or charged with ~~or adjudicated delinquent for~~ an act which, if committed by an adult, would constitute a felony, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly **escapes or leaves from the geographic boundaries of an electronic monitoring or home detention program with the intent to evade** ~~prosecution violates a condition of the electronic monitoring or home detention program and remains in violation for at least 48 hours~~ is guilty of a Class 3 felony.

(b) A person charged with or convicted of a misdemeanor, or charged with ~~or adjudicated delinquent for~~ an act which, if committed by an adult, would constitute a misdemeanor, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly **escapes or leaves from the geographic boundaries of an electronic monitoring or home detention program with the intent to evade prosecution** ~~violates a condition of the electronic monitoring or home detention program and remains in violation for at least 48 hours~~ is guilty of a Class B misdemeanor.

(c) A person who violates this Section while armed with a dangerous weapon is guilty of a Class 1 felony.  
(Source: P.A. 100–431, eff. 8–25–17; 101–652, eff. 7–1–21.)

**Added by Trailer Bill #3. PUBLIC ACT 102–1104. Effective: December 6, 2022.**

**730 ILCS 5/5-8A-4.15]**

**§ 5–8A–4.15. Failure to comply with a condition of the electronic monitoring or home detention program.**

**(a) A person charged with a felony or misdemeanor, or charged with an act that, if committed by an adult, would constitute a felony, or misdemeanor, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly and intentionally violates a condition of the electronic monitoring or home detention program without notification to the proper authority is subject to sanctions as outlined in Section 110–6.**

**(b) A person who violates a condition of the electronic monitoring or home detention program by knowingly and intentionally removing, disabling, destroying, or circumventing the operation of an approved electronic monitoring device shall be subject to penalties for escape under Section 5–8A–4.1.**

(730 ILCS 5/5-8A-7)

Sec. 5-8A-7. Domestic violence surveillance program. If the Prisoner Review Board, Department of Corrections, Department of Juvenile Justice, or court (the supervising authority) orders electronic surveillance as a condition of parole, aftercare release, mandatory supervised release, early release, probation, or conditional discharge for a violation of an order of protection or as a condition of **pretrial release bail** for a person charged with a violation of an order of protection, the supervising authority shall use the best available global positioning technology to track domestic violence offenders.

(730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

Sec. 8-2-1. Saving Clause.

The repeal of Acts or parts of Acts enumerated in Section 8-5-1 does not: (1) affect any offense committed, act done, prosecution pending, penalty, punishment or forfeiture incurred, or rights, powers or remedies accrued under any law in effect immediately prior to the effective date of this Code;

(2) impair, avoid, or affect any grant or conveyance made or right acquired or cause of action then existing under any such repealed Act or amendment thereto; (3) affect or impair the validity of any **pretrial release ~~bail or other bond~~** or other obligation issued or sold and constituting a valid obligation of the issuing authority immediately prior to the effective date of this Code; (4) the validity of any contract; or (5) the validity of any tax levied under any law in effect prior to the effective date of this Code.

**21. Section 10-285. 730 ILCS 110/ Probation and Probation Officers Act. (Eff: 1-1-23)**

730 ILCS 110/18 Probation and court services departments considered pretrial services agencies.

(730 ILCS 110/18)

Sec. 18. Probation and court services departments considered pretrial services agencies. For the purposes of administering the provisions of Public Act 95-773, known as the Cindy Bischof Law, all probation and court services departments are to be considered pretrial services agencies under the Pretrial Services Act and under the **pretrial release ~~bail bond~~** provisions of the Code of Criminal Procedure of 1963.

**22. Section 10-290. 730 ILCS 125/ County Jail Act.**

730 ILCS 125/5 Costs of maintaining prisoners. (Eff: 1-1-23)

(730 ILCS 125/5) (from Ch. 75, par. 105)

Sec. 5. Costs of maintaining prisoners.

(b) If a person who is serving a term of mandatory supervised release for a felony is incarcerated in a county jail, the Illinois Department of Corrections shall pay the county in which that jail is located one-half of the cost of incarceration, as calculated by the Governor's Office of Management and Budget and the county's chief financial officer, for each day that the person remains in the county jail after notice of the incarceration is given to the Illinois Department of Corrections by the county, provided that (i) the Illinois Department of Corrections has issued a warrant for an alleged violation of mandatory supervised release by the person; (ii) if the person is incarcerated on a new charge, unrelated to the offense for which he or she is on mandatory supervised release, there has been a court hearing at which **the conditions of pretrial release have ~~bail has~~** been set on the new charge; (iii) the county has notified the Illinois Department of Corrections that the person is incarcerated in the county jail, which notice shall not be given until the **bail** hearing has concluded, if the person is incarcerated on a new charge; and \*\*\*

**23. Section 10-295. 730 ILCS 130/ County Jail Good Behavior Allowance Act. (Eff: 1-1-23)**

730 ILCS 130/3 Good behavior allowance rate.

(730 ILCS 130/3) (from Ch. 75, par. 32)

Sec. 3. The good behavior allowance rate shall be cumulative and awarded on the following basis:

The prisoner shall receive one day of good behavior allowance for each day of service of sentence in the county jail, and one day of good behavior allowance for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to **comply with the conditions of pretrial release ~~post bail~~** before sentencing, except that a prisoner serving a sentence of periodic imprisonment under Section 5-7-1 of the Unified Code of Corrections shall only be eligible to receive good behavior allowance if authorized by the sentencing judge.

**24. Section 10-300. 735 ILCS 5/ Code of Civil Procedure. (Eff: 1-1-23)**

735 ILCS 5/10-106 Grant of relief - Penalty.

735 ILCS 5/10-125	<u>New commitment.</u>
735 ILCS 5/10-127	<u>Grant of habeas corpus.</u>
735 ILCS 5/10-135	<u>Habeas corpus to testify.</u>
735 ILCS 5/10-136	<u>Prisoner remanded or punished.</u>
735 ILCS 5/21-103	<u>Notice by publication.</u>

(735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

Sec. 10-106. Grant of relief - Penalty. Unless it shall appear from the complaint itself, or from the documents thereto annexed, that the party can neither be discharged, admitted to **pretrial release bail** nor otherwise relieved, the court shall forthwith award relief by habeas corpus.

Sec. 10-125. New commitment. In all cases where the imprisonment is for a criminal, or supposed criminal matter, if it appears to the court that there is sufficient legal cause for the commitment of the prisoner, although such commitment may have been informally made, or without due authority, or the process may have been executed by a person not duly authorized, the court shall make a new commitment in proper form, and direct it to the proper officer, or admit the party to **pretrial release bail** if the case is **eligible for pretrial release bailable**.

(735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

Sec. 10-127. Grant of habeas corpus. It is not lawful for any court, on a second order of habeas corpus obtained by such prisoner, to discharge the prisoner, if he or she is clearly and specifically charged in the warrant of commitment with a criminal offense; but the court shall, on the return of such second order, have power only to admit such prisoner to **pretrial release bail** where the offense is **eligible for pretrial release bailable** by law, or remand him or her to prison where the offense is not **eligible for pretrial release bailable**, or being **eligible for pretrial release bailable**, where such prisoner fails to **comply with the terms of pretrial release give the bail required**.

(735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

Sec. 10-135. Habeas corpus to testify. The several courts having authority to grant relief by habeas corpus, may enter orders, when necessary, to bring before them any prisoner to testify, or to be surrendered in discharge of **pretrial release bail**, or for trial upon any criminal charge lawfully pending in the same court or to testify in a criminal proceeding in another state as provided for by Section 2 of the "Uniform Act to secure the attendance of witnesses from within or without a state in criminal proceedings", approved July 23, 1959, as heretofore or hereafter amended; and the order may be directed to any county in the State, and there be served and returned by any officer to whom it is directed.

(735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

Sec. 10-136. Prisoner remanded or punished. After a prisoner has given his or her testimony, or been surrendered, or his or her **pretrial release bail** discharged, or he or she has been tried for the crime with which he or she is charged, he or she shall be returned to the jail or other place of confinement from which he or she was taken for that purpose.

(735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

Sec. 21-103. Notice by publication.

(c-1) The court may enter a written order waiving the publication requirement of subsection (a) if:

(i) the petitioner is 18 years of age or older; and

(ii) concurrent with the petition, the petitioner files with the court a statement, verified under oath as provided under Section 1-109 of this Code, attesting that the petitioner is or has been a person protected under the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, the Civil No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963, a condition of **pretrial release bail** under subsections (b) through (d) of Section 110-10 of the Code of Criminal Procedure of 1963, or a similar provision of a law in another state or jurisdiction.

**25. Section 10-305. 740 ILCS 22/ Civil No Contact Order Act. (Eff: 1-1-23)**

740 ILCS 22/220 Enforcement of a civil no contact order.

(740 ILCS 22/220)

Sec. 220. Enforcement of a civil no contact order.

(a) Nothing in this Act shall preclude any Illinois court from enforcing a valid protective order issued in another state.

**Conditions of release Bond** shall be set unless specifically denied in writing.

(h) Penalties.

(4) In addition to any other penalties imposed for a violation of a civil no contact order, a criminal court may consider evidence of any previous violations of a civil no contact order:

(i) to ~~increase, revoke or~~ modify the **conditions of pretrial release bail bond** on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

**26. Section 10-310. 750 ILCS 60/ Illinois Domestic Violence Act of 1986. (Eff: 1-1-23)**

750 ILCS 60/223      Enforcement of orders of protection.

750 ILCS 60/301      Arrest without warrant.

(750 ILCS 60/223) (from Ch. 40, par. 2312-23)

Sec. 223. Enforcement of orders of protection.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. **Conditions of release Bond** shall be set unless specifically denied in writing.

(g) Penalties.

(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:

(i) to increase, revoke or modify the **conditions of pretrial release bail bond** on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

(750 ILCS 60/301) (from Ch. 40, par. 2313-1)

Sec. 301. Arrest without warrant.

(c) Any law enforcement officer may make an arrest without warrant if the officer has reasonable grounds to believe a defendant at liberty under the provisions of subdivision (d)(1) or (d)(2) of Section 110-10 of the Code of Criminal Procedure of 1963 has violated a condition of his or her **pretrial release bail bond** or recognizance.

**27. Section 10-315. 765 ILCS 1045/ Industrial and Linen Supplies Marking Law. (Eff: 1-1-23)**

765 ILCS 1045/11      Search warrant.

(765 ILCS 1045/11) (from Ch. 140, par. 111)

Sec. 11. Search warrant.

The court is empowered to impose **conditions of pretrial release bail** on any such person to compel his attendance at any continued hearing.

**28. Section 10-320. 775 ILCS 40/ Illinois Torture Inquiry and Relief Commission Act. (Eff: 1-1-23)**

775 ILCS 40/50      Post-commission judicial review.

(775 ILCS 40/50)

Sec. 50. Post-commission judicial review.

(a) Notwithstanding the status of any other postconviction proceedings relating to the petitioner, if the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to arraignment, retrial, custody, **pretrial release bail** or discharge, or for such relief as may be granted under a petition for a certificate of innocence, as may be necessary and proper.

**29. Section 10-325. 820 ILCS 405/ Unemployment Insurance Act. (Eff: 1-1-23)**

820 ILCS 405/602      Discharge for misconduct - Felony.

(820 ILCS 405/602) (from Ch. 48, par. 432)

Sec. 602. Discharge for misconduct - Felony.

B. Notwithstanding any other provision of this Act, no benefit rights shall accrue to any individual \*\*\* if by reason of such act, he is in legal custody, held on **pretrial release bail** or is a fugitive from justice, the determination of his benefit rights shall be held in abeyance pending the result of any legal proceedings arising therefrom.

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

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect January 1, 2023, except that this Section and Sections 2, 22, 30, 35, 37, 72, 87, and 90 take effect upon becoming law.

Approved: December 6, 2022

Effective: December 6, 2022