



Sen. Elgie R. Sims, Jr.

Filed: 1/13/2021

10100HB3653sam002

LRB101 05541 RLC 74919 a

1 AMENDMENT TO HOUSE BILL 3653

2 AMENDMENT NO. _____. Amend House Bill 3653 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Statewide Use of Force Standardization

6 Section 1-1. Short title. This Article may be cited as the
7 Statewide Use of Force Standardization Act. References in this
8 Article to "this Act" mean this Article.

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

12 Article 2.

13 No Representation Without Population Act

1 Section 2-1. Short title. This Act may be cited as the No
2 Representation Without Population Act. References in this
3 Article to "this Act" mean this Article.

4 Section 2-3. Definition. As used in this Act, "Department"
5 means the Department of Corrections.

6 Section 2-5. Electronic records. The Department shall
7 collect and maintain an electronic record of the legal
8 residence, outside of any correctional facility, and other
9 demographic data for each person in custody or entering custody
10 on or after the effective date of this Act. At a minimum, this
11 record shall contain the person's last known complete street
12 address prior to incarceration, the person's race, whether the
13 person is of Hispanic or Latino origin, and whether the person
14 is 18 years of age or older. To the degree possible, the
15 Department shall also allow the legal residence to be updated
16 as appropriate.

17 Section 2-10. Reports to the State Board of Elections.

18 (a) Within 30 days after the effective date of this Act,
19 and thereafter, on or before May 1 of each year where the
20 federal decennial census is taken but in which the United
21 States Bureau of the Census allocates incarcerated persons as
22 residents of correctional facilities, the Department shall
23 deliver to the State Board of Elections the following

1 information:

2 (1) A unique identifier, not including the name or
3 Department-assigned inmate number, for each incarcerated
4 person subject to the jurisdiction of the Department on the
5 date for which the decennial census reports population. The
6 unique identifier shall enable the State Board of Elections
7 to address inquiries about specific address records to the
8 Department, without making it possible for anyone outside
9 of the Department to identify the inmate to whom the
10 address record pertains.

11 (2) The street address of the correctional facility
12 where the person was incarcerated at the time of the
13 report.

14 (3) The last known address of the person prior to
15 incarceration or other legal residence, if known.

16 (4) The person's race, whether the person is of
17 Hispanic or Latino origin, and whether the person is age 18
18 or older, if known.

19 (5) Any additional information as the State Board of
20 Elections may request pursuant to law.

21 (b) The Department shall provide the information specified
22 in subsection (a) in the form that the State Board of Elections
23 shall specify.

24 (c) Notwithstanding any other provision of law, the
25 information required to be provided to the State Board of
26 Elections pursuant to this Section shall not include the name

1 of any incarcerated person and shall not allow for the
2 identification of any person therefrom, except to the
3 Department. The information shall be treated as confidential
4 and shall not be disclosed by the State Board of Elections
5 except as redistricting data aggregated by census block for
6 purposes specified in Section 2-20.

7 Section 2-15. Federal facilities. The State Board of
8 Elections shall request each agency that operates a federal
9 facility in this State that incarcerates persons convicted of a
10 criminal offense to provide the State Board of Elections with a
11 report that includes the information listed in subsection (a)
12 of Section 2-10.

13 Section 2-20. State Board of Elections; redistricting
14 data. The State Board of Elections shall prepare redistricting
15 population data to reflect incarcerated persons at their
16 residential address, pursuant to Section 2-25. The data
17 prepared by the State Board of Elections shall be the basis of
18 the Legislative and Representative Districts required to be
19 created pursuant to Section 3 of Article IV of the Illinois
20 Constitution of 1970. Incarcerated populations residing at
21 unknown geographic locations within the State, as determined
22 under paragraph (2) of subsection (c) of Section 2-25, shall
23 not be used to determine the ideal population of any set of
24 districts, wards, or precincts.

1 Section 2-25. Determinations and data publication by the
2 State Board of Elections.

3 (a) For each person included in a report received under
4 Sections 2-10 and 2-15, the State Board of Elections shall
5 determine the geographic units for which population counts are
6 reported in the federal decennial census that contain the
7 facility of incarceration and the legal residence as listed
8 according to the report.

9 (b) For each person included in a report received under
10 Sections 2-10 and 2-15, if the legal residence is known and in
11 this State, the State Board of Elections shall:

12 (1) ensure that the person is not represented in any
13 population counts reported by the State Board of Elections
14 for the geographic units that include the facility where
15 the person was incarcerated, unless that geographic unit
16 also includes the person's legal residence; and

17 (2) ensure that any population counts reported by the
18 State Board of Elections reflect the person's residential
19 address as reported under Sections 2-10 and 2-15.

20 (c) For each person included in a report received under
21 Sections 2-10 and 2-15 for whom a legal residence is unknown or
22 not in this State and for all persons reported in the census as
23 residing in a federal correctional facility for whom a report
24 was not provided, the State Board of Elections shall:

25 (1) ensure that the person is not represented in any

1 population counts reported by the State Board of Elections
2 for the geographic units that include the facility where
3 the person was incarcerated; and

4 (2) allocate the person to a State unit not tied to a
5 specific determined geographic location, as other State
6 residents with unknown State addresses are allocated.

7 (d) The data prepared by the State Board of Elections
8 pursuant to this Section shall be completed and published no
9 later than 30 days after the date that federal decennial census
10 data required to be published by Public Law 94-171 is published
11 for the State of Illinois.

12 Section 2-30. Data; Legislative and Representative
13 Districts. The data prepared by the State Board of Elections in
14 Section 2-25 shall be used only as the basis for determining
15 Legislative and Representative Districts. Residences at
16 unknown geographic locations within the State under subsection
17 (c) of Section 2-25 shall not be used to determine the ideal
18 population of any set of districts, wards, or precincts. The
19 data prepared by the State Board of Elections in Section 2-25
20 shall not be used in the distribution of any State or federal
21 aid.

22 Article 3.

23 Deaths in Custody

1 Section 3-1. Short title. This Article may be cited as the
2 Reporting of Deaths in Custody Act. References in this Article
3 to "this Act" mean this Article.

4 Section 3-5. Report of deaths of persons in custody in
5 correctional institutions.

6 (a) In this Act, "law enforcement agency" includes each law
7 enforcement entity within this State having the authority to
8 arrest and detain persons suspected of, or charged with,
9 committing a criminal offense, and each law enforcement entity
10 that operates a lock up, jail, prison, or any other facility
11 used to detain persons for legitimate law enforcement purposes.

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

13 (1) while in the custody of:

14 (A) a law enforcement agency;

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

17 (C) a peace officer; or

18 (2) as a result of the peace officer's use of force,
19 the law enforcement agency shall investigate and report the
20 death in writing to the Illinois Criminal Justice
21 Information Authority, no later than 30 days after the date
22 on which the person in custody or incarcerated died. The
23 written report shall contain the following information:

24 (A) facts concerning the death that are in the
25 possession of the law enforcement agency in charge of

1 the investigation and the correctional facility where
2 the death occurred including, but not limited to, race,
3 age, and gender of the decedent, and a brief
4 description of the circumstances surrounding the
5 death;

6 (B) if the death occurred in the custody of the
7 Illinois Department of Corrections, the report shall
8 also include the jurisdiction, the law enforcement
9 agency providing the investigation, and the local or
10 State facility where the death occurred;

11 (C) if the death occurred in the custody of the
12 Illinois Department of Corrections, the report shall
13 also include if emergency care was requested by the law
14 enforcement agency in response to any illness, injury,
15 self-inflicted or otherwise, or other issue related to
16 rapid deterioration of physical wellness or human
17 subsistence, and details concerning emergency care
18 that were provided to the decedent if emergency care
19 was provided.

20 (c) The law enforcement agency and the involved
21 correctional administrators shall make a good faith effort to
22 obtain all relevant facts and circumstances relevant to the
23 death and include those in the report.

24 (d) The Illinois Criminal Justice Information Authority
25 shall create a standardized form to be used for the purpose of
26 collecting information as described in subsection (b).

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

3 (1) while in the custody of:

4 (A) a law enforcement agency;

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

7 (C) a peace officer; or

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

9 (f) The Illinois Criminal Justice Information Authority
10 may determine the manner in which the form is transmitted from
11 a law enforcement agency to the Illinois Criminal Justice
12 Information Authority.

13 (g) The reports shall be public records within the meaning
14 of subsection (c) of Section 2 of the Freedom of Information
15 Act and are open to public inspection, with the exception of
16 any portion of the report that the Illinois Criminal Justice
17 Information Authority determines is privileged or protected
18 under Illinois or federal law.

19 (h) The Illinois Criminal Justice Information Authority
20 shall make available to the public information of all
21 individual reports relating to deaths in custody through the
22 Illinois Criminal Justice Information Authority's website to
23 be updated on a quarterly basis.

24 (i) The Illinois Criminal Justice Information Authority
25 shall issue a public annual report tabulating and evaluating
26 trends and information on deaths in custody, including, but not

1 limited to:

2 (1) information regarding the race, gender, sexual
3 orientation, and gender identity of the decedent; and a
4 brief description of the circumstances surrounding the
5 death;

6 (2) if the death occurred in the custody of the
7 Illinois Department of Corrections, the report shall also
8 include the jurisdiction, law enforcement agency providing
9 the investigation, and local or State facility where the
10 death occurred; and

11 (3) recommendations and State and local efforts
12 underway to reduce deaths in custody.

13 The report shall be submitted to the Governor and General
14 Assembly and made available to the public on the Illinois
15 Criminal Justice Information Authority's website the first
16 week of February of each year.

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

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

26 (2) the known, or discoverable upon reasonable

1 inquiry, causes and contributing factors of each of the
2 in-custody deaths as defined in subsection (b); and

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

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

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

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

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

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

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

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

11 Article 4.

12 Constitutional Rights and Remedies

13 Section 4-1. Short title. This Article may be cited as the
14 Task Force on Constitutional Rights and Remedies Act.
15 References in this Article to "this Act" mean this Article.

16 Section 4-5. Task Force on Constitutional Rights and
17 Remedies. The Task Force on Constitutional Rights and Remedies
18 is created. The purpose of the Task Force on Constitutional
19 Rights and Remedies is to develop and propose policies and
20 procedures to review and reform constitutional rights and
21 remedies, including qualified immunity for peace officers.

22 Section 4-10. Task Force Members.

1 (a) The Task Force on Constitutional Rights and Remedies
2 shall be comprised of the following members:

3 (1) The president of statewide association
4 representing trial lawyers or his or her designee, the
5 executive director of a statewide association advocating
6 for the advancement of civil liberties or his or her
7 designee, a representative representing statewide labor,
8 all appointed by the Governor.

9 (2) Four members of the public appointed, one appointed
10 by each the Speaker of the House of Representatives,
11 Minority Leader of the House of Representatives, Minority
12 Leader of the House of Representatives, President of the
13 Senate, Minority Leader of the Senate.

14 (3) The president of a statewide bar association or his
15 or her designee, the executive director of a statewide
16 association representing county sheriffs or his or her
17 designee, the executive director of a statewide
18 association representing chiefs of police, a
19 representative of the Chicago Police Department, all
20 appointed by the Governor.

21 (4) The Director of the Illinois State Police or his or
22 her designee.

23 (5) The Attorney General, or his or her designee.

24 (6) A retired judge appointed by the Governor.

25 (7) one State Representative, appointed by the Speaker
26 of the House of Representatives; one State Representative,

1 appointed by the Minority Leader of the House of
2 Representatives; one State Senator, appointed by the
3 President of the Senate; one State Senator, appointed by
4 the Minority Leader of the Senate.

5 (b) The members of the Task Force shall serve without
6 compensation.

7 (c) The Illinois Criminal Justice Information Authority
8 shall provide administrative and technical support to the Task
9 Force and be responsible for administering its operations,
10 appointing a chairperson, and ensuring that the requirements of
11 the Task Force are met. The President of the Senate and the
12 Speaker of the House of Representatives shall appoint
13 co-chairpersons for the Task Force. The Task Force shall have
14 all appointments made within 30 days of the effective date of
15 this amendatory Act of the 101st General Assembly.

16 Section 4-15. Meetings; report.

17 (a) The Task Force shall meet at least 3 times with the
18 first meeting occurring within 60 days after the effective date
19 of this amendatory Act of the 101st General Assembly.

20 (b) The Task Force shall review available research, best
21 practices, and effective interventions to formulate
22 recommendations.

23 (c) The Task Force shall produce a report detailing the
24 Task Force's findings and recommendations and needed
25 resources. The Task Force shall submit a report of its findings

1 and recommendations to the General Assembly and the Governor by
2 May 1, 2021.

3 Section 4-20. Repeal. This Act is repealed on January 1,
4 2022.

5 Article 10.

6 Amendatory Provisions

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

9 (5 ILCS 70/1.43 new)

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

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

16 (5 ILCS 140/2.15)

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

18 (a) Arrest reports. The following chronologically
19 maintained arrest and criminal history information maintained
20 by State or local criminal justice agencies shall be furnished

1 as soon as practical, but in no event later than 72 hours after
2 the arrest, notwithstanding the time limits otherwise provided
3 for in Section 3 of this Act: (i) information that identifies
4 the individual, including the name, age, address, and
5 photograph, when and if available; (ii) information detailing
6 any charges relating to the arrest; (iii) the time and location
7 of the arrest; (iv) the name of the investigating or arresting
8 law enforcement agency; (v) if the individual is incarcerated,
9 the conditions of pretrial release ~~amount of any bail or bond~~;
10 and (vi) if the individual is incarcerated, the time and date
11 that the individual was received into, discharged from, or
12 transferred from the arresting agency's custody.

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

21 (c) Information described in items (iii) through (vi) of
22 subsection (a) may be withheld if it is determined that
23 disclosure would: (i) interfere with pending or actually and
24 reasonably contemplated law enforcement proceedings conducted
25 by any law enforcement agency; (ii) endanger the life or
26 physical safety of law enforcement or correctional personnel or

1 any other person; or (iii) compromise the security of any
2 correctional facility.

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

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

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

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

22 (5 ILCS 160/4a)

23 Sec. 4a. Arrest records and reports.

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

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

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

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

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

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

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

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

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

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

25 (2) endanger the life or physical safety of law
26 enforcement or correctional personnel or any other person;

1 or

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

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

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

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

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

23 (g) Notwithstanding the requirements of subsection (a), a
24 law enforcement agency may not publish booking photographs,
25 commonly known as "mugshots", on its social networking website
26 in connection with civil offenses, petty offenses, business

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

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

11 Section 10-116. The Illinois Public Labor Relations Act is
12 amended by changing Section 14 as follows:

13 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

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

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

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

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

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

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

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

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

23 (g) At or before the conclusion of the hearing held
24 pursuant to subsection (d), the arbitration panel shall
25 identify the economic issues in dispute, and direct each of the
26 parties to submit, within such time limit as the panel shall

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

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

25 (1) The lawful authority of the employer.

26 (2) Stipulations of the parties.

1 (3) The interests and welfare of the public and the
2 financial ability of the unit of government to meet those
3 costs.

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

9 (A) In public employment in comparable
10 communities.

11 (B) In private employment in comparable
12 communities.

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

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

20 (7) Changes in any of the foregoing circumstances
21 during the pendency of the arbitration proceedings.

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

1 otherwise between the parties, in the public service or in
2 private employment.

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

24 In the case of fire fighter, and fire department or fire
25 district paramedic matters, the arbitration decision shall be
26 limited to wages, hours, and conditions of employment

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

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

1 Act 90-385.

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

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

1 of arbitration.

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

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

1 proceedings are deemed to be pending before the arbitration
2 panel upon the initiation of arbitration procedures under this
3 Act.

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

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

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

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

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

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

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

1 Partnership for Deflection and Substance Use Disorder
2 Treatment Act is amended by changing Sections 1, 5, 10, 15, 20,
3 30, and 35 and by adding Section 21 as follows:

4 (5 ILCS 820/1)

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

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

10 (5 ILCS 820/5)

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

1 licensed behavioral health treatment providers and community
2 members or organizations. It is the intent of the General
3 Assembly to authorize law enforcement and other first
4 responders to develop and implement collaborative deflection
5 programs in Illinois that offer immediate pathways to substance
6 use treatment and other services as an alternative to
7 traditional case processing and involvement in the criminal
8 justice system, and to unnecessary admission to emergency
9 departments.

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

11 (5 ILCS 820/10)

12 Sec. 10. Definitions. In this Act:

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

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

25 "Other first responder" means and includes emergency

1 medical services providers that are public units of government,
2 fire departments and districts, and officials and responders
3 representing and employed by these entities.

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

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

25 (2) a self-referral deflection response initiated by
26 an individual by contacting a peace officer or law

1 enforcement agency or other first responder in the
2 acknowledgment of their substance use or disorder;

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

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

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

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

20 "Licensed treatment provider" means an organization
21 licensed by the Department of Human Services to perform an
22 activity or service, or a coordinated range of those activities
23 or services, as the Department of Human Services may establish
24 by rule, such as the broad range of emergency, outpatient,
25 intensive outpatient, and residential services and care,
26 including assessment, diagnosis, case management, medical,

1 psychiatric, psychological and social services,
2 medication-assisted treatment, care and counseling, and
3 recovery support, which may be extended to persons to assess or
4 treat substance use disorder or to families of those persons.

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

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

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

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

1 Sec. 15. Authorization.

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

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

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

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

25 (d) To receive funding for activities as described in
26 Section 35 of this Act, planning for the deflection program

1 shall include:

2 (1) the involvement of one or more licensed treatment
3 programs and one or more community members or
4 organizations; and

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

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

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

17 (5 ILCS 820/20)

18 Sec. 20. Procedure. The law enforcement agency or other
19 first responder entity, licensed treatment providers, and
20 community members or organizations shall establish a local
21 deflection program plan that includes protocols and procedures
22 for participant identification, screening or assessment,
23 treatment facilitation, reporting, and ongoing involvement of
24 the law enforcement agency. Licensed substance use disorder
25 treatment organizations shall adhere to 42 CFR Part 2 regarding

1 confidentiality regulations for information exchange or
2 release. Substance use disorder treatment services shall
3 adhere to all regulations specified in Department of Human
4 Services Administrative Rules, Parts 2060 and 2090.

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

6 (5 ILCS 820/21 new)

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

12 (a)Neuroscience of Addiction for Law Enforcement;

13 (b)Medication-Assisted Treatment;

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

15 (d)Why Drug Treatment Works?;

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

18 (f)Avoiding Racial Bias in Deflection Program;

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

20 (h)Working With Community Partnerships; and

21 (i)Deflection in Rural Communities.

22 (5 ILCS 820/30)

23 Sec. 30. Exemption from civil liability. The law
24 enforcement agency or peace officer or other first responder

1 acting in good faith shall not, as the result of acts or
2 omissions in providing services under Section 15 of this Act,
3 be liable for civil damages, unless the acts or omissions
4 constitute willful and wanton misconduct.

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

6 (5 ILCS 820/35)

7 Sec. 35. Funding.

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

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

22 (b) For all appropriated funds not distributed under
23 subsection a.1, the ~~The~~ Illinois Criminal Justice Information
24 Authority may adopt guidelines and requirements to direct the
25 distribution of funds for expenses related to deflection

1 programs. Funding shall be made available to support both new
2 and existing deflection programs in a broad spectrum of
3 geographic regions in this State, including urban, suburban,
4 and rural communities. Funding for deflection programs shall be
5 prioritized for communities that have been impacted by the war
6 on drugs, communities that have a police/community relations
7 issue, and communities that have a disproportionate lack of
8 access to mental health and drug treatment. Activities eligible
9 for funding under this Act may include, but are not limited to,
10 the following:

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

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

22 (3) peer recovery or recovery support services that
23 include the perspectives of persons with the experience of
24 recovering from a substance use disorder, either
25 themselves or as family members;

26 (4) transportation to a licensed treatment provider or

1 other program partner location;

2 (5) program evaluation activities.

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

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

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

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

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

22 (15 ILCS 205/10 new)

23 Sec. 10. Executive officers.

24 (a) As used in this Section:

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

7 (2) "Officer" means any probationary law enforcement
8 officer, probationary part-time law enforcement officer,
9 permanent law enforcement officer, part-time law
10 enforcement officer, law enforcement officer, recruit,
11 probationary county corrections officer, permanent county
12 corrections officer, county corrections officer,
13 probationary court security officer, permanent court
14 security officer, or court security officer as defined in
15 Section 2 of the Police Training Act.

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

22 (c) Whenever the Illinois Attorney General has reasonable
23 cause to believe that a violation of subsection (b) has
24 occurred, the Illinois Attorney General may commence a civil
25 action in the name of the People of the State to obtain
26 appropriate equitable and declaratory relief to eliminate the

1 pattern or practice. Venue for this civil action shall be
2 Sangamon County or Cook County. Such actions shall be commenced
3 no later than 5 years after the occurrence or the termination
4 of an alleged violation, whichever occurs last.

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

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

14 (2) examine under oath any person alleged to have
15 participated in or with knowledge of the alleged pattern
16 and practice violation; or

17 (3) issue subpoenas or conduct hearings in aid of any
18 investigation.

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

22 (1) personally by delivery of a duly executed copy
23 thereof to the person to be served or, if a person is not a
24 natural person, in the manner provided in the Code of Civil
25 Procedure when a complaint is filed; or

26 (2) by mailing by certified mail a duly executed copy

1 thereof to the person to be served at his or her last known
2 abode or principal place of business within this State or,
3 if a person is not a natural person, in the manner provided
4 in the Code of Civil Procedure when a complaint is filed.

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

8 (f) (1) In any civil action brought pursuant to subsection
9 (c) of this Section, the Attorney General may obtain as a
10 remedy equitable and declaratory relief (including any
11 permanent or preliminary injunction, temporary restraining
12 order, or other order, including an order enjoining the
13 defendant from engaging in such violation or ordering any
14 action as may be appropriate). In addition, the Attorney
15 General may request and the Court may impose a civil penalty to
16 vindicate the public interest in an amount not exceeding
17 \$25,000 per violation, or if the defendant has been adjudged to
18 have committed one other civil rights violation under this
19 Section within 5 years of the occurrence of the violation that
20 is the basis of the complaint, in an amount not exceeding
21 \$50,000.

22 (2) A civil penalty imposed under this subsection shall be
23 deposited into the Attorney General Court Ordered and Voluntary
24 Compliance Payment Projects Fund, which is a special fund in
25 the State Treasury. Moneys in the Fund shall be used, subject
26 to appropriation, for the performance of any function

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

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

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

11 Sec. 2605-302. Arrest reports.

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

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

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

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

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

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

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

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

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

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

1 include the cost of the labor used to reproduce the arrest
2 record.

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

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

8 Section 10-125. The State Police Act is amended by changing
9 Section 14 and by adding Section 17c as follows:

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

11 Sec. 14. Except as is otherwise provided in this Act, no
12 Department of State Police officer shall be removed, demoted or
13 suspended except for cause, upon written charges filed with the
14 Board by the Director and a hearing before the Board thereon
15 upon not less than 10 days' notice at a place to be designated
16 by the chairman thereof. At such hearing, the accused shall be
17 afforded full opportunity to be heard in his or her own defense
18 and to produce proof in his or her defense. It shall not be a
19 requirement of a person ~~Anyone~~ filing a complaint against a
20 State Police Officer to must have a the complaint supported by
21 a sworn affidavit or any other legal documentation. This ban on
22 an affidavit requirement shall apply to any collective
23 bargaining agreements entered after the effective date of this
24 provision. ~~Any such complaint, having been supported by a sworn~~

1 ~~affidavit, and having been found, in total or in part, to~~
2 ~~contain false information, shall be presented to the~~
3 ~~appropriate State's Attorney for a determination of~~
4 ~~prosecution.~~

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

23 The Board shall have the power to secure by its subpoena
24 both the attendance and testimony of witnesses and the
25 production of books and papers in support of the charges and
26 for the defense. Each member of the Board or a designated

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

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

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

26 In case of the neglect or refusal of any person to obey a

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

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

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

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

17 (20 ILCS 2610/17c new)

18 Sec. 17c. Military equipment surplus program.

19 (a) For purposes of this Section:

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

23 "Grenade launcher" means a firearm or firearm accessory
24 designed to launch small explosive projectiles.

25 "Military equipment surplus program" means any federal or

1 State program allowing a law enforcement agency to obtain
2 surplus military equipment including, but not limit to, any
3 program organized under Section 1122 of the National Defense
4 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
5 Section 1033 of the National Defense Authorization Act for
6 Fiscal Year 1997 (Pub. L. 104-201), or any program established
7 under 10 U.S.C. 2576a.

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

11 "Weaponized aircraft, vessel, or vehicle" means any
12 aircraft, vessel, or vehicle with weapons installed.

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

- 16 (1) tracked armored vehicles;
17 (2) weaponized aircraft, vessels, or vehicles;
18 (3) firearms of .50-caliber or higher;
19 (4) ammunition of .50-caliber or higher;
20 (5) grenade launchers; or
21 (6) bayonets.

22 (c) If the Illinois State Police request other property not
23 prohibited by this Section from a military equipment surplus
24 program, the Illinois State Police shall publish notice of the
25 request on a publicly accessible website maintained by the
26 Illinois State Police within 14 days after the request.

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

3 (20 ILCS 3930/7.7 new)

4 Sec. 7.7. Pretrial data collection.

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

15 (b) The Oversight Board shall:

16 (1) identify existing pretrial data collection
17 processes in local jurisdictions;

18 (2) define, gather and maintain records of pretrial
19 data relating to the topics listed in subsection (c) from
20 circuit clerks' offices, sheriff's departments, law
21 enforcement agencies, jails, pretrial departments,
22 probation department, State's Attorneys' offices, public
23 defenders' offices and other applicable criminal justice
24 system agencies;

1 (3) identify resources necessary to systematically
2 collect and report data related to the topics listed in
3 subsections (c); and

4 (4) develop a plan to implement data collection
5 processes sufficient to collect data on the topics listed
6 in subsection (c) no later than one year after the
7 effective date of this amendatory Act of the 101st General
8 Assembly. The plan and, once implemented, the reports and
9 analysis shall be published and made publicly available on
10 the Administrative Office of the Illinois Courts (AOIC)
11 website.

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

17 (1) information on all persons arrested and charged
18 with misdemeanor or felony charges, or both, including
19 information on persons released directly from law
20 enforcement custody;

21 (2) information on the outcomes of pretrial conditions
22 and pretrial detention hearings in the county courts,
23 including but not limited to the number of hearings held,
24 the number of defendants detained, the number of defendants
25 released, and the number of defendants released with
26 electronic monitoring;

1 (3) information regarding persons detained in the
2 county jail pretrial, including, but not limited to, the
3 number of persons detained in the jail pretrial and the
4 number detained in the jail for other reasons, the
5 demographics of the pretrial jail population, race, sex,
6 sexual orientation, gender identity, age, and ethnicity,
7 the charges including on which pretrial defendants are
8 detained, the average length of stay of pretrial
9 defendants;

10 (4) information regarding persons placed on electronic
11 monitoring programs pretrial, including, but not limited
12 to, the number of participants, the demographics of the
13 participant population, including race, sex, sexual
14 orientation, gender identity, age, and ethnicity, the
15 charges on which participants are ordered to the program,
16 and the average length of participation in the program;

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

1 their pretrial detention;

2 (6) information on the pretrial rearrest of
3 individuals released pretrial, including the number
4 arrested and charged with a new misdemeanor offense while
5 released, the number arrested and charged with a new felony
6 offense while released, and the number arrested and charged
7 with a new forcible felony offense while released, and how
8 long after release these arrests occurred;

9 (7) information on the pretrial failure to appear rates
10 of individuals released pretrial, including the number who
11 missed one or more court dates, how many warrants for
12 failures to appear were issued, and how many individuals
13 were detained pretrial or placed on electronic monitoring
14 pretrial after a failure to appear in court;

15 (8) what, if any, validated pretrial risk assessment
16 tools are in use in each jurisdiction, and comparisons of
17 the pretrial release and pretrial detention decisions of
18 judges as compared to and the risk assessment scores of
19 individuals; and

20 (9) any other information the Pretrial Practices Data
21 Oversight Board considers important and probative of the
22 effectiveness of pretrial practices in the state of
23 Illinois. d) Circuit clerks' offices, sheriff's
24 departments, law enforcement agencies, jails, pretrial
25 departments, probation department, State's Attorneys'
26 offices, public defenders' offices and other applicable

1 criminal justice system agencies are mandated to provide
2 data to the Administrative Office of the Illinois Courts as
3 described in subsection (c).

4 (20 ILCS 3930/7.8 new)

5 Sec. 7.8. Domestic Violence Pretrial Practices Working
6 Group.

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

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

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

1 (d) Members of the working group shall serve without
2 compensation.

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

5 (50 ILCS 105/4.1 new)

6 Sec. 4.1. Retaliation against a whistleblower.

7 (a) It is prohibited for a unit of local government, any
8 agent or representative of a unit of local government, or
9 another employee to retaliate against an employee or contractor
10 who:

11 (1) reports an improper governmental action under this
12 Section;

13 (2) cooperates with an investigation by an auditing
14 official related to a report of improper governmental
15 action; or

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

18 (b) To invoke the protections of this Section, an employee
19 shall make a written report of improper governmental action to
20 the appropriate auditing official. An employee who believes he
21 or she has been retaliated against in violation of this Section
22 must submit a written report to the auditing official within 60
23 days of gaining knowledge of the retaliatory action. If the
24 auditing official is the individual doing the improper

1 governmental action, then a report under this subsection may be
2 submitted to any State's Attorney.

3 (c) Each auditing official shall establish written
4 processes and procedures for managing complaints filed under
5 this Section, and each auditing official shall investigate and
6 dispose of reports of improper governmental action in
7 accordance with these processes and procedures. If an auditing
8 official concludes that an improper governmental action has
9 taken place or concludes that the relevant unit of local
10 government, department, agency, or supervisory officials have
11 hindered the auditing official's investigation into the
12 report, the auditing official shall notify in writing the chief
13 executive of the unit of local government and any other
14 individual or entity the auditing official deems necessary in
15 the circumstances.

16 (d) An auditing official may transfer a report of improper
17 governmental action to another auditing official for
18 investigation if an auditing official deems it appropriate,
19 including, but not limited to, the appropriate State's
20 Attorney.

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

1 improper government action.

2 (f) The following remedies are available to employees
3 subjected to adverse actions for reporting improper government
4 action:

5 (1) Auditing officials may reinstate, reimburse for
6 lost wages or expenses incurred, promote, or provide some
7 other form of restitution.

8 (2) In instances where an auditing official determines
9 that restitution will not suffice, the auditing official
10 may make his or her investigation findings available for
11 the purposes of aiding in that employee or the employee's
12 attorney's effort to make the employee whole.

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

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

25 (i) As used in this Section:

26 "Auditing official" means any elected, appointed, or hired

1 individual, by whatever name, in a unit of local government
2 whose duties are similar to, but not limited to, receiving,
3 registering, and investigating complaints and information
4 concerning misconduct, inefficiency, and waste within the unit
5 of local government; investigating the performance of
6 officers, employees, functions, and programs; and promoting
7 economy, efficiency, effectiveness and integrity in the
8 administration of the programs and operations of the
9 municipality. If a unit of local government does not have an
10 "auditing official", the "auditing official" shall be a State's
11 Attorney of the county in which the unit of local government is
12 located within.

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

20 "Improper governmental action" means any action by a unit
21 of local government employee, an appointed member of a board,
22 commission, or committee, or an elected official of the unit of
23 local government that is undertaken in violation of a federal,
24 State, or unit of local government law or rule; is an abuse of
25 authority; violates the public's trust or expectation of his or
26 her conduct; is of substantial and specific danger to the

1 public's health or safety; or is a gross waste of public funds.
2 The action need not be within the scope of the employee's,
3 elected official's, board member's, commission member's, or
4 committee member's official duties to be subject to a claim of
5 "improper governmental action". "Improper governmental action"
6 does not include a unit of local government personnel actions,
7 including, but not limited to employee grievances, complaints,
8 appointments, promotions, transfers, assignments,
9 reassignments, reinstatements, restorations, reemployment,
10 performance evaluations, reductions in pay, dismissals,
11 suspensions, demotions, reprimands, or violations of
12 collective bargaining agreements, except to the extent that the
13 action amounts to retaliation.

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

1 Section 10-140. The Local Records Act is amended by
2 changing Section 3b as follows:

3 (50 ILCS 205/3b)

4 Sec. 3b. Arrest records and reports.

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

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

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

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

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

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

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

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

1 withheld if it is determined that disclosure would:

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

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

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

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

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

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

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

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

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

4 Section 10-141. The Local Records Act is amended by adding
5 Section 25 as follows:

6 (50 ILCS 205/25 new)

7 Sec. 25. Police misconduct records. Notwithstanding any
8 other provision of law to the contrary, all public records and
9 nonpublic records related to complaints, investigations, and
10 adjudications of police misconduct shall be permanently
11 retained and may not be destroyed.

12 Section 10-143. The Illinois Police Training Act is amended
13 by changing Sections 6, 6.2, 7, and 10.17 and by adding Section
14 10.6 as follows:

15 (50 ILCS 705/6) (from Ch. 85, par. 506)

16 Sec. 6. Powers and duties of the Board; selection and
17 certification of schools. The Board shall select and certify
18 schools within the State of Illinois for the purpose of
19 providing basic training for probationary police officers,
20 probationary county corrections officers, and court security
21 officers and of providing advanced or in-service training for
22 permanent police officers or permanent county corrections

1 officers, which schools may be either publicly or privately
2 owned and operated. In addition, the Board has the following
3 power and duties:

4 a. To require local governmental units to furnish such
5 reports and information as the Board deems necessary to
6 fully implement this Act.

7 b. To establish appropriate mandatory minimum
8 standards relating to the training of probationary local
9 law enforcement officers or probationary county
10 corrections officers, and in-service training of permanent
11 police officers.

12 c. To provide appropriate certification to those
13 probationary officers who successfully complete the
14 prescribed minimum standard basic training course.

15 d. To review and approve annual training curriculum for
16 county sheriffs.

17 e. To review and approve applicants to ensure that no
18 applicant is admitted to a certified academy unless the
19 applicant is a person of good character and has not been
20 convicted of, or entered a plea of guilty to, a felony
21 offense, any of the misdemeanors in Sections 11-1.50, 11-6,
22 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,
23 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012, or

1 subsection (a) of Section 17-32 of the Criminal Code of
2 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
3 the Cannabis Control Act, or a crime involving moral
4 turpitude under the laws of this State or any other state
5 which if committed in this State would be punishable as a
6 felony or a crime of moral turpitude. The Board may appoint
7 investigators who shall enforce the duties conferred upon
8 the Board by this Act.

9 f. To establish statewide standards for minimum
10 standards regarding regular mental health screenings for
11 probationary and permanent police officers, ensuring that
12 counseling sessions and screenings remain confidential.

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

14 (50 ILCS 705/6.2)

15 Sec. 6.2. Officer professional conduct database.

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

19 (1) the officer is discharged or dismissed as a result
20 of the violation; or

21 (2) the officer resigns during the course of an
22 investigation and after the officer has been served notice
23 that he or she is under investigation that is based on the
24 commission of any ~~a Class 2 or greater~~ felony or sex
25 offense.

1 The agency shall report to the Board within 30 days of a
2 final decision of discharge or dismissal and final exhaustion
3 of any appeal, or resignation, and shall provide information
4 regarding the nature of the violation.

5 (b) Upon receiving notification from a law enforcement
6 agency, the Board must notify the law enforcement officer of
7 the report and his or her right to provide a statement
8 regarding the reported violation.

9 (c) The Board shall maintain a database readily available
10 to any chief administrative officer, or his or her designee, of
11 a law enforcement agency or any State's Attorney that shall
12 show each reported instance, including the name of the officer,
13 the nature of the violation, reason for the final decision of
14 discharge or dismissal, and any statement provided by the
15 officer.

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

17 (50 ILCS 705/7) (from Ch. 85, par. 507)

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

21 a. The curriculum for probationary police officers
22 which shall be offered by all certified schools shall
23 include, but not be limited to, courses of procedural
24 justice, arrest and use and control tactics, search and
25 seizure, including temporary questioning, civil rights,

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

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

developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum shall include training in the detection and investigation of all forms of human trafficking. The curriculum shall also include instruction in trauma-informed responses designed to ensure the physical safety and well-being of a child of an arrested parent or immediate family member; this instruction must include, but is not limited to: (1) understanding the trauma experienced by the child while maintaining the integrity of the arrest and safety of officers, suspects, and other involved individuals; (2) de-escalation tactics that would include the use of force when reasonably necessary; and (3) inquiring whether a child will require supervision and care. The curriculum for probationary police officers shall include: (1) at least 12 hours of hands-on, scenario-based role-playing; (2) at least 6 hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; (3) specific training on officer safety techniques, including cover, concealment, and time; and (4) at least 6 hours of training focused on high-risk traffic stops. The curriculum for permanent police officers shall include,

1 but not be limited to: (1) refresher and in-service
2 training in any of the courses listed above in this
3 subparagraph, (2) advanced courses in any of the subjects
4 listed above in this subparagraph, (3) training for
5 supervisory personnel, and (4) specialized training in
6 subjects and fields to be selected by the board. The
7 training in the use of electronic control devices shall be
8 conducted for probationary police officers, including
9 University police officers.

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

12 c. Minimum requirements for instructors.

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

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

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

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

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

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

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

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

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

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

21 h. Minimum in-service training requirements, which a
22 police officer must satisfactorily complete at least
23 annually. Those requirements shall include law updates,
24 emergency medical response training and certification,
25 crisis intervention training, and officer wellness and
26 mental health ~~and use of force training which shall include~~

~~scenario based training, or similar training approved by
the Board.~~

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

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

(50 ILCS 705/10.6 new)

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

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

(2) At least 6 hours of instruction on use of force

1 techniques, including the use of de-escalation techniques to
2 prevent or reduce the need for force whenever safe and
3 feasible.

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

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

9 (5) At least 6 hours of training focused on high-risk
10 traffic stops.

11 (50 ILCS 705/10.17)

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

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

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

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

22 (Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16;
23 100-247, eff. 1-1-18.)

24 Section 10-145. The Law Enforcement Officer-Worn Body
25 Camera Act is amended by changing Sections 10-15, 10-20, and

1 10-25 as follows:

2 (50 ILCS 706/10-15)

3 Sec. 10-15. Applicability.

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

9 (b) All law enforcement agencies must implement the use of
10 body cameras for all law enforcement officers, according to the
11 following schedule:

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

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

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

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

23 (5) for the Department of State Police, body cameras
24 shall be implemented by January 1, 2025.

25 (c) A law enforcement agency's compliance with the

1 requirements under this Section shall receive preference by the
2 Illinois Law Enforcement Training Standards Board in awarding
3 grant funding under the Law Enforcement Camera Grant Act.

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

5 (50 ILCS 706/10-20)

6 Sec. 10-20. Requirements.

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

14 (1) Cameras must be equipped with pre-event recording,
15 capable of recording at least the 30 seconds prior to
16 camera activation, unless the officer-worn body camera was
17 purchased and acquired by the law enforcement agency prior
18 to July 1, 2015.

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

23 (3) Cameras must be turned on at all times when the
24 officer is in uniform and is responding to calls for
25 service or engaged in any law enforcement-related

1 encounter or activity, that occurs while the officer is on
2 duty.

3 (A) If exigent circumstances exist which prevent
4 the camera from being turned on, the camera must be
5 turned on as soon as practicable.

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

11 (C) Officer-worn body cameras may be turned off
12 when the officer is inside a correctional facility
13 which is equipped with a functioning camera system.

14 (4) Cameras must be turned off when:

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

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

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

24 However, an officer may continue to record or resume
25 recording a victim or a witness, if exigent circumstances
26 exist, or if the officer has reasonable articulable

1 suspicion that a victim or witness, or confidential
2 informant has committed or is in the process of committing
3 a crime. Under these circumstances, and unless impractical
4 or impossible, the officer must indicate on the recording
5 the reason for continuing to record despite the request of
6 the victim or witness.

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

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

22 (6) (A) For the purposes of redaction, labeling, or
23 duplicating recordings, access to camera recordings shall
24 be restricted to only those personnel responsible for those
25 purposes. The ~~recording officer and his or her~~ supervisor
26 of the recording officer may access and review recordings

1 prior to completing incident reports or other
2 documentation, provided that the ~~officer or his or her~~
3 supervisor discloses that fact in the report or
4 documentation.

5 (B) The recording officer's assigned field
6 training officer may access and review recordings for
7 training purposes. Any detective or investigator
8 directly involved in the investigation of a matter may
9 access and review recordings which pertain to that
10 investigation but may not have access to delete or
11 alter such recordings.

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

16 (A) Under no circumstances shall any recording
17 made with an officer-worn body camera be altered,
18 erased, or destroyed prior to the expiration of the
19 90-day storage period.

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

25 (i) a formal or informal complaint has been
26 filed;

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

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

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

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

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

16 (vii) the recording officer requests that the
17 video be flagged for official purposes related to
18 his or her official duties.

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

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

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

11 (A) a formal or informal complaint of misconduct
12 has been made;

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

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

17 (D) as corroboration of other evidence of
18 misconduct.

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

22 (10) The law enforcement agency shall ensure proper
23 care and maintenance of officer-worn body cameras. Upon
24 becoming aware, officers must as soon as practical document
25 and notify the appropriate supervisor of any technical
26 difficulties, failures, or problems with the officer-worn

1 body camera or associated equipment. Upon receiving
2 notice, the appropriate supervisor shall make every
3 reasonable effort to correct and repair any of the
4 officer-worn body camera equipment.

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

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

21 (1) if the subject of the encounter has a reasonable
22 expectation of privacy, at the time of the recording, any
23 recording which is flagged, due to the filing of a
24 complaint, discharge of a firearm, use of force, arrest or
25 detention, or resulting death or bodily harm, shall be
26 disclosed in accordance with the Freedom of Information Act

1 if:

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

4 (B) the law enforcement agency obtains written
5 permission of the subject or the subject's legal
6 representative;

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

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

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

25 Only recordings or portions of recordings responsive to the
26 request shall be available for inspection or reproduction. Any

1 recording disclosed under the Freedom of Information Act shall
2 be redacted to remove identification of any person that appears
3 on the recording and is not the officer, a subject of the
4 encounter, or directly involved in the encounter. Nothing in
5 this subsection (b) shall require the disclosure of any
6 recording or portion of any recording which would be exempt
7 from disclosure under the Freedom of Information Act.

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

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

12 (50 ILCS 706/10-25)

13 Sec. 10-25. Reporting.

14 (a) Each law enforcement agency ~~which employs the use of~~
15 ~~officer-worn body cameras~~ must provide an annual report on the
16 use of officer-worn body cameras to the Board, on or before May
17 1 of the year. The report shall include:

18 (1) a brief overview of the makeup of the agency,
19 including the number of officers utilizing officer-worn
20 body cameras;

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

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

25 (4) a brief description of the review process used by

1 supervisors within the law enforcement agency;

2 (5) for each recording used in prosecutions of
3 conservation, criminal, or traffic offenses or municipal
4 ordinance violations:

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

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

9 (6) any other information relevant to the
10 administration of the program.

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

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

15 Section 10-147. The Uniform Crime Reporting Act is amended
16 by changing Sections 5-10, 5-12, and 5-20 and by adding Section
17 5-11 as follows:

18 (50 ILCS 709/5-10)

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

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

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

8 (50 ILCS 709/5-11 new)

9 Sec. 5-11. FBI National Use of Force Database.The
10 Department shall participate in and regularly submit use of
11 force information to the Federal Bureau of Investigation (FBI)
12 National Use of Force Database. Within 90 days of the effective
13 date of this amendatory act, the Department shall promulgate
14 rules outlining the use of force information required for
15 submission to the Database, which shall be submitted monthly by
16 law enforcement agencies under Section 5-12.

17 (50 ILCS 709/5-12)

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

21 (1) beginning January 1, 2016, a report on any
22 arrest-related death that shall include information
23 regarding the deceased, the officer, any weapon used by the
24 officer or the deceased, and the circumstances of the

1 incident. The Department shall submit on a quarterly basis
2 all information collected under this paragraph (1) to the
3 Illinois Criminal Justice Information Authority,
4 contingent upon updated federal guidelines regarding the
5 Uniform Crime Reporting Program;

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

11 (3) a report of incident-based information on hate
12 crimes including information describing the offense,
13 location of the offense, type of victim, offender, and bias
14 motivation. If no hate crime incidents occurred during a
15 reporting month, the law enforcement agency must submit a
16 no incident record, as required by the Department;

17 (4) a report on any incident of an alleged commission
18 of a domestic crime, that shall include information
19 regarding the victim, offender, date and time of the
20 incident, any injury inflicted, any weapons involved in the
21 commission of the offense, and the relationship between the
22 victim and the offender;

23 (5) data on an index of offenses selected by the
24 Department based on the seriousness of the offense,
25 frequency of occurrence of the offense, and likelihood of
26 being reported to law enforcement. The data shall include

1 the number of index crime offenses committed and number of
2 associated arrests; ~~and~~

3 (6) data on offenses and incidents reported by schools
4 to local law enforcement. The data shall include offenses
5 defined as an attack against school personnel,
6 intimidation offenses, drug incidents, and incidents
7 involving weapons;~~;~~

8 (7) beginning on July 1, 2021, a report on any incident
9 where a law enforcement officer was dispatched to deal with
10 a person experiencing a mental health crisis or incident.
11 The report shall include the number of incidents, the level
12 of law enforcement response and the outcome of each
13 incident;

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

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

21 (50 ILCS 709/5-20)

22 Sec. 5-20. Reporting compliance. The Department of State
23 Police shall annually report to the Illinois Law Enforcement
24 Training Standards Board and the Department of Revenue any law
25 enforcement agency not in compliance with the reporting

1 requirements under this Act. A law enforcement agency's
2 compliance with the reporting requirements under this Act shall
3 be a factor considered by the Illinois Law Enforcement Training
4 Standards Board in awarding grant funding under the Law
5 Enforcement Camera Grant Act, with preference to law
6 enforcement agencies which are in compliance with reporting
7 requirements under this Act.

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

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

12 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

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

20 (Source: P.A. 83-981.)

21 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

22 Sec. 3.4. The officer under investigation shall be informed
23 in writing of the ~~name, rank and unit or command of the officer~~

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

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

9 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

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

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

18 (b) It shall not be a requirement for a person ~~Anyone~~
19 filing a complaint against a sworn peace officer to ~~must~~ have
20 the complaint supported by a sworn affidavit or any other legal
21 documentation. This ban on an affidavit requirement shall apply
22 to any collective bargaining agreements entered after the
23 effective date of this provision. ~~Any complaint, having been~~
24 ~~supported by a sworn affidavit, and having been found, in total~~
25 ~~or in part, to contain knowingly false material information,~~

1 ~~shall be presented to the appropriate State's Attorney for a~~
2 ~~determination of prosecution.~~

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

4 (50 ILCS 725/6 rep.)

5 Section 10-151. The Uniform Peace Officers' Disciplinary
6 Act is amended by repealing Section 6.

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

9 (50 ILCS 727/1-35 new)

10 Sec. 1-35. Anonymous complaint policy.

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

19 (b)The Board shall complete a preliminary review of the
20 allegations to determine whether further investigation is
21 warranted. During the preliminary review, the Board will take
22 all reasonable steps to discover any and all objective
23 verifiable evidence relevant to the alleged violation through

1 the identification, retention, review, and analysis of all
2 available evidence, including, but not limited to: all
3 time-sensitive evidence, audio and video evidence, physical
4 evidence, arrest reports, photographic evidence, GPS records,
5 computer data, lab reports, medical documents, and witness
6 interviews. All reasonable steps will be taken to preserve
7 relevant evidence identified during the preliminary
8 investigation.

9 (c)If the Board determines that for an anonymous notice
10 there is objective verifiable evidence to support the
11 allegation or allegations, the Board shall complete a sworn
12 affidavit override to comply with subsection (b) of Section 3.8
13 of the Uniform Peace Officers' Disciplinary Act. The sworn
14 affidavit override shall be specified on a form to be
15 determined by the Board, including what evidence has been
16 reviewed and, in reliance upon that evidence, it shall be
17 affirmed that it is necessary and appropriate for the
18 investigation to continue. It shall forward that form and the
19 alleged violation in accordance with subsection (f) of Section
20 6.3 of the Illinois Police Training Act.

21 Section 10-160. The Counties Code is amended by changing
22 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

23 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

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

8 For serving or attempting to serve each garnishee in each
9 county, \$10.

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

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

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

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

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

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

22 For advertising property for sale, \$5.

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

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

1 50¢ each way.

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

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

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

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

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

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

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

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

26 For executing and acknowledging a deed of sale of real

1 estate, in counties of first class, \$4; second class, \$4.

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

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

8 For making certificate of redemption, \$3.

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

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

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

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

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

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

1 place of conviction.

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

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

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

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

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

1 the sheriff a fee in accordance with the following schedule for
2 the sale of personal estate which is made by virtue of any
3 judgment of a court:

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

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

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

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

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

1 all money collected by him which he would be entitled to if the
2 same was made by sale to enforce the judgment. In no case shall
3 the fee exceed the amount of money arising from the sale.

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

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

11 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

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

17 Fees for Sheriff

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

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

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

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

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

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

5 For summoning each juror, \$10.

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

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

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

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

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

18 For executing order of court to seize personal property,
19 \$25.

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

26 For advertising property for sale, \$20.

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

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

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

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

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

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

16 For returning each process, \$15.

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

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

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

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

24 For committing to or discharging each prisoner from jail,
25 \$3.

26 For feeding each prisoner, such compensation to cover

1 actual costs as may be fixed by the county board, but such
2 compensation shall not be considered a part of the fees of the
3 office.

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

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

9 For discharging such prisoners, \$3.

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

24 The fees provided for herein for transporting persons to
25 the penitentiary, reformatories, Illinois State Training
26 School for Boys, Illinois State Training School for Girls,

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

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

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

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

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

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

1 arising from the sale.

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

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

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

11 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

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

19 Fees for Sheriff

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

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

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

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

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

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

7 For summoning each juror, \$4.

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

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

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

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

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

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

22 For making certificate of levy on real estate and filing or
23 recording same, \$3, and the fee for filing or recording shall
24 be advanced by the plaintiff in attachment or by the judgment
25 creditor and taxed as costs. For taking possession of or
26 removing property levied on, the sheriff shall be allowed to

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

2 For advertising property for sale, \$3.

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

6 For preparing, executing and acknowledging deed on
7 redemption from a court sale of real estate, \$6; for preparing,
8 executing and acknowledging all other deeds on sale of real
9 estate, \$4.

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

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

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

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

18 For returning each process, \$5.

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

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

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

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

26 For committing to or discharging each prisoner from jail,

1 \$1.

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

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

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

11 For discharging such prisoners, \$1.

12 For conveying persons to the penitentiary, reformatories,
13 Illinois State Training School for Boys, Illinois State
14 Training School for Girls, Reception Centers and Illinois
15 Security Hospital, the following fees, payable out of the State
16 Treasury. When one person is conveyed, 15¢ per mile in going to
17 the penitentiary, reformatories, Illinois State Training
18 School for Boys, Illinois State Training School for Girls,
19 Reception Centers and Illinois Security Hospital from the place
20 of conviction; when 2 persons are conveyed at the same time,
21 15¢ per mile for the first and 10¢ per mile for the second
22 person; when more than 2 persons are conveyed at the same time
23 as stated above, the sheriff shall be allowed 15¢ per mile for
24 the first, 10¢ per mile for the second and 5¢ per mile for each
25 additional person.

26 The fees provided for herein for transporting persons to

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

12 In addition to the above fees, there shall be allowed to
13 the sheriff a fee of \$600 for the sale of real estate which
14 shall be made by virtue of any judgment of a court. In addition
15 to this fee and all other fees provided by this Section, there
16 shall be allowed to the sheriff a fee in accordance with the
17 following schedule for the sale of personal estate which is
18 made by virtue of any judgment of a court:

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

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

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

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

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

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

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

7 Section 10-161. The Counties Code is amended by adding
8 Section 3-6041 as follows:

9 (55 ILCS 5/3-6041 new)

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

11 (a) For purposes of this Section:

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

15 "Grenade launcher" means a firearm or firearm accessory
16 designed to launch small explosive projectiles.

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

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

4 "Weaponized aircraft, vessel, or vehicle" means any
5 aircraft, vessel, or vehicle with weapons installed.

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

9 (1) tracked armored vehicles;

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

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

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

13 (5) grenade launchers; or

14 (6) bayonets.

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

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

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

1 adding Section 11-5.1-2 as follows:

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

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

4 (a) For purposes of this Section:

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

8 "Grenade launcher" means a firearm or firearm accessory
9 designed to launch small explosive projectiles.

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

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

22 "Weaponized aircraft, vessels, or vehicles" means any
23 aircraft, vessel, or vehicle with weapons installed.

24 (b) A police department shall not request or receive from
25 any military equipment surplus program nor purchase or

1 otherwise utilize the following equipment:

2 (1) tracked armored vehicles;

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

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

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

6 (5) grenade launchers, grenades, or similar
7 explosives; or

8 (6) bayonets.

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

15 (d) If a police department requests other property not
16 prohibited from a military equipment surplus program, the
17 police department shall publish notice of the request on a
18 publicly accessible website maintained by the police
19 department or the municipality within 14 days after the
20 request.

21 (65 ILCS 5/1-2-12.1 rep.)

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

24 Section 10-175. The Campus Security Enhancement Act of 2008

1 is amended by changing Section 15 as follows:

2 (110 ILCS 12/15)

3 Sec. 15. Arrest reports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
26 92-335, eff. 8-10-01.)

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

3 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

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

10 a. Nonpayment of premium;

11 b. The policy was obtained through a material
12 misrepresentation;

13 c. Any insured violated any of the terms and conditions
14 of the policy;

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

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

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

24 1. has, within the 12 months prior to the notice of

1 cancellation, had his driver's license under
2 suspension or revocation;

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

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

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

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

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

10 g. The insured automobile is:

11 1. so mechanically defective that its operation
12 might endanger public safety;

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

17 3. used in the business of transportation of
18 flammables or explosives;

19 4. an authorized emergency vehicle;

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

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

24 Nothing in this Section shall apply to nonrenewal.

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

1 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

2 Sec. 143.19.1. Limits on exercise of right of nonrenewal.
3 After a policy of automobile insurance, as defined in Section
4 143.13, has been effective or renewed for 5 or more years, the
5 company shall not exercise its right of non-renewal unless:

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

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

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

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

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

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

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

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

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

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

1 different offenses; or

2 f. The insured automobile is:

3 1. So mechanically defective that its operation might
4 endanger public safety; or

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

9 3. Used in the business of transportation of flammables
10 or explosives; or

11 4. An authorized emergency vehicle; or

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

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

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

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

20 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

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

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

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

26 (ii) The expenses expressly approved or ratified

1 by the Director as liquidator or rehabilitator,
2 including, but not limited to, the following:

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

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

9 (3) any necessary filing fees;

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

11 (5) unsecured loans obtained by the receiver;

12 and

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

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

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

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

13 (d) Claims by policyholders, beneficiaries, and
14 insureds, under insurance policies, annuity contracts, and
15 funding agreements, liability claims against insureds
16 covered under insurance policies and insurance contracts
17 issued by the company, claims of obligees (and, subject to
18 the discretion of the receiver, completion contractors)
19 under surety bonds and surety undertakings (not to include
20 ~~bail bonds~~, mortgage or financial guaranty, or other forms
21 of insurance offering protection against investment risk),
22 claims by principals under surety bonds and surety
23 undertakings for wrongful dissipation of collateral by the
24 insurer or its agents, and claims incurred during any
25 extension of coverage provided under subsection (5) of
26 Section 193, and claims of the Illinois Insurance Guaranty

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

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

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

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

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

25 (i) Proprietary claims of shareholders, members, or
26 other owners.

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

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

17 To the extent that any assets of an insurer, other than
18 those assets properly allocated to and maintained in a separate
19 account, have been used to fund or pay any expenses, taxes, or
20 policyholder benefits that are attributable to a separate
21 account policy, contract, or agreement that should have been
22 paid by a separate account prior to the commencement of
23 receivership proceedings, then upon the commencement of
24 receivership proceedings, the separate accounts that benefited
25 from this payment or funding shall first be used to repay or
26 reimburse the company's general assets or account for any

1 unreimbursed net sums due at the commencement of receivership
2 proceedings prior to the application of the separate account
3 assets to the satisfaction of liabilities or the corresponding
4 separate account policies, contracts, and agreements.

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

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

1 Guaranty Association, and similar organizations in other
2 states.

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

24 (3) The changes made in this Section by this amendatory Act
25 of the 100th General Assembly apply to all liquidation,
26 rehabilitation, or conservation proceedings that are pending

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

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

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

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

9 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

10 Sec. 5.1. Disclosure of records.

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

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

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

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

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

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

1 the offense, the disposition and the location and length of
2 incarceration.

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

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

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

25 (8) A statement listing the names and titles of all
26 public officials or officers of any unit of government, and

1 relatives of said public officials or officers who,
2 directly or indirectly, own any financial interest in, have
3 any beneficial interest in, are the creditors of or hold
4 any debt instrument issued by, or hold or have any interest
5 in any contractual or service relationship with, an
6 applicant or licensee.

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

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

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

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

26 (b) Notwithstanding any applicable statutory provision to

1 the contrary, the Board shall, on written request from any
2 person, also provide the following information:

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

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

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

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

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

15 (2) The statutes, rules, regulations or
16 intergovernmental agreements of any jurisdiction.

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

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

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

23 (410 ILCS 70/7.5)

24 Sec. 7.5. Prohibition on billing sexual assault survivors

1 directly for certain services; written notice; billing
2 protocols.

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

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

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

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

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

23 (5) take any other action adverse to the sexual assault
24 survivor or his or her family on account of providing
25 services to the sexual assault survivor.

26 (b) Nothing in this Section precludes a hospital, health

1 care provider, ambulance provider, laboratory, or pharmacy
2 from billing the sexual assault survivor or any applicable
3 health insurance or coverage for inpatient services.

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

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

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

21 (3) a statement that prior to leaving the hospital or
22 approved pediatric health care facility, the hospital or
23 approved pediatric health care facility will give the
24 sexual assault survivor a sexual assault services voucher
25 for follow-up healthcare if the sexual assault survivor is
26 eligible to receive a sexual assault services voucher;

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

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

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

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

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

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

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

21 The billing protocol must include at a minimum:

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

24 (2) a written acknowledgement signed by a person who
25 has completed the training that the person will not bill
26 survivors of sexual assault;

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

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

7 (5) the termination of all collection activities if the
8 protocol is violated; and

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

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

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

19 If the Office of the Attorney General determines that
20 implementation of the protocol could result in the billing of a
21 survivor of sexual assault for medical forensic services, the
22 Office of the Attorney General shall provide the health care
23 professional or approved pediatric health care facility with a
24 written statement of the deficiencies in the protocol. The
25 health care professional or approved pediatric health care
26 facility shall have 30 days to submit a revised billing

1 protocol addressing the deficiencies to the Office of the
2 Attorney General. The health care professional or approved
3 pediatric health care facility shall implement the protocol
4 upon approval by the ~~Crime Victim Services Division of the~~
5 Office of the Attorney General.

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

15 (e) This Section is effective on and after July 1, 2021.

16 (Source: P.A. 100-775, eff. 1-1-19; 101-634, eff. 6-5-20.)

17 Section 10-190. The Illinois Vehicle Code is amended by
18 changing Sections 6-204, 6-206, 6-308, 6-500, 6-601, and 16-103
19 as follows:

20 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

22 (a) For the purpose of providing to the Secretary of State
23 the records essential to the performance of the Secretary's
24 duties under this Code to cancel, revoke or suspend the

1 driver's license and privilege to drive motor vehicles of
2 certain minors and of persons found guilty of the criminal
3 offenses or traffic violations which this Code recognizes as
4 evidence relating to unfitness to safely operate motor
5 vehicles, the following duties are imposed upon public
6 officials:

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

16 (2) Whenever any person is convicted of any offense
17 under this Code or similar offenses under a municipal
18 ordinance, other than regulations governing standing,
19 parking or weights of vehicles, and excepting the following
20 enumerated Sections of this Code: Sections 11-1406
21 (obstruction to driver's view or control), 11-1407
22 (improper opening of door into traffic), 11-1410 (coasting
23 on downgrade), 11-1411 (following fire apparatus),
24 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
25 vehicle which is in unsafe condition or improperly
26 equipped), 12-201(a) (daytime lights on motorcycles),

1 12-202 (clearance, identification and side marker lamps),
2 12-204 (lamp or flag on projecting load), 12-205 (failure
3 to display the safety lights required), 12-401
4 (restrictions as to tire equipment), 12-502 (mirrors),
5 12-503 (windshields must be unobstructed and equipped with
6 wipers), 12-601 (horns and warning devices), 12-602
7 (mufflers, prevention of noise or smoke), 12-603 (seat
8 safety belts), 12-702 (certain vehicles to carry flares or
9 other warning devices), 12-703 (vehicles for oiling roads
10 operated on highways), 12-710 (splash guards and
11 replacements), 13-101 (safety tests), 15-101 (size, weight
12 and load), 15-102 (width), 15-103 (height), 15-104 (name
13 and address on second division vehicles), 15-107 (length of
14 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
15 15-112 (weights), 15-301 (weights), 15-316 (weights),
16 15-318 (weights), and also excepting the following
17 enumerated Sections of the Chicago Municipal Code:
18 Sections 27-245 (following fire apparatus), 27-254
19 (obstruction of traffic), 27-258 (driving vehicle which is
20 in unsafe condition), 27-259 (coasting on downgrade),
21 27-264 (use of horns and signal devices), 27-265
22 (obstruction to driver's view or driver mechanism), 27-267
23 (dimming of headlights), 27-268 (unattended motor
24 vehicle), 27-272 (illegal funeral procession), 27-273
25 (funeral procession on boulevard), 27-275 (driving freight
26 hauling vehicles on boulevard), 27-276 (stopping and

1 standing of buses or taxicabs), 27-277 (cruising of public
2 passenger vehicles), 27-305 (parallel parking), 27-306
3 (diagonal parking), 27-307 (parking not to obstruct
4 traffic), 27-308 (stopping, standing or parking
5 regulated), 27-311 (parking regulations), 27-312 (parking
6 regulations), 27-313 (parking regulations), 27-314
7 (parking regulations), 27-315 (parking regulations),
8 27-316 (parking regulations), 27-317 (parking
9 regulations), 27-318 (parking regulations), 27-319
10 (parking regulations), 27-320 (parking regulations),
11 27-321 (parking regulations), 27-322 (parking
12 regulations), 27-324 (loading and unloading at an angle),
13 27-333 (wheel and axle loads), 27-334 (load restrictions in
14 the downtown district), 27-335 (load restrictions in
15 residential areas), 27-338 (width of vehicles), 27-339
16 (height of vehicles), 27-340 (length of vehicles), 27-352
17 (reflectors on trailers), 27-353 (mufflers), 27-354
18 (display of plates), 27-355 (display of city vehicle tax
19 sticker), 27-357 (identification of vehicles), 27-358
20 (projecting of loads), and also excepting the following
21 enumerated paragraphs of Section 2-201 of the Rules and
22 Regulations of the Illinois State Toll Highway Authority:
23 (l) (driving unsafe vehicle on tollway), (m) (vehicles
24 transporting dangerous cargo not properly indicated), it
25 shall be the duty of the clerk of the court in which such
26 conviction is had within 5 days thereafter to forward to

1 the Secretary of State a report of the conviction and the
2 court may recommend the suspension of the driver's license
3 or permit of the person so convicted.

4 The reporting requirements of this subsection shall
5 apply to all violations stated in paragraphs (1) and (2) of
6 this subsection when the individual has been adjudicated
7 under the Juvenile Court Act or the Juvenile Court Act of
8 1987. Such reporting requirements shall also apply to
9 individuals adjudicated under the Juvenile Court Act or the
10 Juvenile Court Act of 1987 who have committed a violation
11 of Section 11-501 of this Code, or similar provision of a
12 local ordinance, or Section 9-3 of the Criminal Code of
13 1961 or the Criminal Code of 2012, relating to the offense
14 of reckless homicide, or Section 5-7 of the Snowmobile
15 Registration and Safety Act or Section 5-16 of the Boat
16 Registration and Safety Act, relating to the offense of
17 operating a snowmobile or a watercraft while under the
18 influence of alcohol, other drug or drugs, intoxicating
19 compound or compounds, or combination thereof. These
20 reporting requirements also apply to individuals
21 adjudicated under the Juvenile Court Act of 1987 based on
22 any offense determined to have been committed in
23 furtherance of the criminal activities of an organized
24 gang, as provided in Section 5-710 of that Act, if those
25 activities involved the operation or use of a motor
26 vehicle. It shall be the duty of the clerk of the court in

1 which adjudication is had within 5 days thereafter to
2 forward to the Secretary of State a report of the
3 adjudication and the court order requiring the Secretary of
4 State to suspend the minor's driver's license and driving
5 privilege for such time as determined by the court, but
6 only until he or she attains the age of 18 years. All
7 juvenile court dispositions reported to the Secretary of
8 State under this provision shall be processed by the
9 Secretary of State as if the cases had been adjudicated in
10 traffic or criminal court. However, information reported
11 relative to the offense of reckless homicide, or Section
12 11-501 of this Code, or a similar provision of a local
13 ordinance, shall be privileged and available only to the
14 Secretary of State, courts, and police officers.

15 The reporting requirements of this subsection (a)
16 apply to all violations listed in paragraphs (1) and (2) of
17 this subsection (a), excluding parking violations, when
18 the driver holds a CLP or CDL, regardless of the type of
19 vehicle in which the violation occurred, or when any driver
20 committed the violation in a commercial motor vehicle as
21 defined in Section 6-500 of this Code.

22 (3) Whenever an order is entered vacating the
23 conditions of pretrial release ~~forfeiture of any bail,~~
24 ~~security or bond~~ given to secure appearance for any offense
25 under this Code or similar offenses under municipal
26 ordinance, it shall be the duty of the clerk of the court

1 in which such vacation was had or the judge of such court
2 if such court has no clerk, within 5 days thereafter to
3 forward to the Secretary of State a report of the vacation.

4 (4) A report of any disposition of court supervision
5 for a violation of Sections 6-303, 11-401, 11-501 or a
6 similar provision of a local ordinance, 11-503, 11-504, and
7 11-506 of this Code, Section 5-7 of the Snowmobile
8 Registration and Safety Act, and Section 5-16 of the Boat
9 Registration and Safety Act shall be forwarded to the
10 Secretary of State. A report of any disposition of court
11 supervision for a violation of an offense defined as a
12 serious traffic violation in this Code or a similar
13 provision of a local ordinance committed by a person under
14 the age of 21 years shall be forwarded to the Secretary of
15 State.

16 (5) Reports of conviction under this Code and
17 sentencing hearings under the Juvenile Court Act of 1987 in
18 an electronic format or a computer processible medium shall
19 be forwarded to the Secretary of State via the Supreme
20 Court in the form and format required by the Illinois
21 Supreme Court and established by a written agreement
22 between the Supreme Court and the Secretary of State. In
23 counties with a population over 300,000, instead of
24 forwarding reports to the Supreme Court, reports of
25 conviction under this Code and sentencing hearings under
26 the Juvenile Court Act of 1987 in an electronic format or a

1 computer processible medium may be forwarded to the
2 Secretary of State by the Circuit Court Clerk in a form and
3 format required by the Secretary of State and established
4 by written agreement between the Circuit Court Clerk and
5 the Secretary of State. Failure to forward the reports of
6 conviction or sentencing hearing under the Juvenile Court
7 Act of 1987 as required by this Section shall be deemed an
8 omission of duty and it shall be the duty of the several
9 State's Attorneys to enforce the requirements of this
10 Section.

11 (b) Whenever a restricted driving permit is forwarded to a
12 court, as a result of confiscation by a police officer pursuant
13 to the authority in Section 6-113(f), it shall be the duty of
14 the clerk, or judge, if the court has no clerk, to forward such
15 restricted driving permit and a facsimile of the officer's
16 citation to the Secretary of State as expeditiously as
17 practicable.

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

25 (d) For the purpose of providing the Secretary of State
26 with records necessary to properly monitor and assess driver

1 performance and assist the courts in the proper disposition of
2 repeat traffic law offenders, the clerk of the court shall
3 forward to the Secretary of State, on a form prescribed by the
4 Secretary, records of a driver's participation in a driver
5 remedial or rehabilitative program which was required, through
6 a court order or court supervision, in relation to the driver's
7 arrest for a violation of Section 11-501 of this Code or a
8 similar provision of a local ordinance. The clerk of the court
9 shall also forward to the Secretary, either on paper or in an
10 electronic format or a computer processible medium as required
11 under paragraph (5) of subsection (a) of this Section, any
12 disposition of court supervision for any traffic violation,
13 excluding those offenses listed in paragraph (2) of subsection
14 (a) of this Section. These reports shall be sent within 5 days
15 after disposition, or, if the driver is referred to a driver
16 remedial or rehabilitative program, within 5 days of the
17 driver's referral to that program. These reports received by
18 the Secretary of State, including those required to be
19 forwarded under paragraph (a)(4), shall be privileged
20 information, available only (i) to the affected driver, (ii) to
21 the parent or guardian of a person under the age of 18 years
22 holding an instruction permit or a graduated driver's license,
23 and (iii) for use by the courts, police officers, prosecuting
24 authorities, the Secretary of State, and the driver licensing
25 administrator of any other state. In accordance with 49 C.F.R.
26 Part 384, all reports of court supervision, except violations

1 related to parking, shall be forwarded to the Secretary of
2 State for all holders of a CLP or CDL or any driver who commits
3 an offense while driving a commercial motor vehicle. These
4 reports shall be recorded to the driver's record as a
5 conviction for use in the disqualification of the driver's
6 commercial motor vehicle privileges and shall not be privileged
7 information.

8 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

9 (625 ILCS 5/6-206)

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

12 (a) The Secretary of State is authorized to suspend or
13 revoke the driving privileges of any person without preliminary
14 hearing upon a showing of the person's records or other
15 sufficient evidence that the person:

16 1. Has committed an offense for which mandatory
17 revocation of a driver's license or permit is required upon
18 conviction;

19 2. Has been convicted of not less than 3 offenses
20 against traffic regulations governing the movement of
21 vehicles committed within any 12-month ~~12-month~~ period. No
22 revocation or suspension shall be entered more than 6
23 months after the date of last conviction;

24 3. Has been repeatedly involved as a driver in motor
25 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

7 4. Has by the unlawful operation of a motor vehicle
8 caused or contributed to an accident resulting in injury
9 requiring immediate professional treatment in a medical
10 facility or doctor's office to any person, except that any
11 suspension or revocation imposed by the Secretary of State
12 under the provisions of this subsection shall start no
13 later than 6 months after being convicted of violating a
14 law or ordinance regulating the movement of traffic, which
15 violation is related to the accident, or shall start not
16 more than one year after the date of the accident,
17 whichever date occurs later;

18 5. Has permitted an unlawful or fraudulent use of a
19 driver's license, identification card, or permit;

20 6. Has been lawfully convicted of an offense or
21 offenses in another state, including the authorization
22 contained in Section 6-203.1, which if committed within
23 this State would be grounds for suspension or revocation;

24 7. Has refused or failed to submit to an examination
25 provided for by Section 6-207 or has failed to pass the
26 examination;

1 8. Is ineligible for a driver's license or permit under
2 the provisions of Section 6-103;

3 9. Has made a false statement or knowingly concealed a
4 material fact or has used false information or
5 identification in any application for a license,
6 identification card, or permit;

7 10. Has possessed, displayed, or attempted to
8 fraudulently use any license, identification card, or
9 permit not issued to the person;

10 11. Has operated a motor vehicle upon a highway of this
11 State when the person's driving privilege or privilege to
12 obtain a driver's license or permit was revoked or
13 suspended unless the operation was authorized by a
14 monitoring device driving permit, judicial driving permit
15 issued prior to January 1, 2009, probationary license to
16 drive, or ~~a~~ restricted driving permit issued under this
17 Code;

18 12. Has submitted to any portion of the application
19 process for another person or has obtained the services of
20 another person to submit to any portion of the application
21 process for the purpose of obtaining a license,
22 identification card, or permit for some other person;

23 13. Has operated a motor vehicle upon a highway of this
24 State when the person's driver's license or permit was
25 invalid under the provisions of Sections 6-107.1 and 6-110;

26 14. Has committed a violation of Section 6-301,

1 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
2 14B of the Illinois Identification Card Act;

3 15. Has been convicted of violating Section 21-2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 relating
5 to criminal trespass to vehicles if the person exercised
6 actual physical control over the vehicle during the
7 commission of the offense, in which case the suspension
8 shall be for one year;

9 16. Has been convicted of violating Section 11-204 of
10 this Code relating to fleeing from a peace officer;

11 17. Has refused to submit to a test, or tests, as
12 required under Section 11-501.1 of this Code and the person
13 has not sought a hearing as provided for in Section
14 11-501.1;

15 18. (Blank);

16 19. Has committed a violation of paragraph (a) or (b)
17 of Section 6-101 relating to driving without a driver's
18 license;

19 20. Has been convicted of violating Section 6-104
20 relating to classification of driver's license;

21 21. Has been convicted of violating Section 11-402 of
22 this Code relating to leaving the scene of an accident
23 resulting in damage to a vehicle in excess of \$1,000, in
24 which case the suspension shall be for one year;

25 22. Has used a motor vehicle in violating paragraph
26 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of

1 the Criminal Code of 1961 or the Criminal Code of 2012
2 relating to unlawful use of weapons, in which case the
3 suspension shall be for one year;

4 23. Has, as a driver, been convicted of committing a
5 violation of paragraph (a) of Section 11-502 of this Code
6 for a second or subsequent time within one year of a
7 similar violation;

8 24. Has been convicted by a court-martial or punished
9 by non-judicial punishment by military authorities of the
10 United States at a military installation in Illinois or in
11 another state of or for a traffic-related ~~traffic-related~~
12 offense that is the same as or similar to an offense
13 specified under Section 6-205 or 6-206 of this Code;

14 25. Has permitted any form of identification to be used
15 by another in the application process in order to obtain or
16 attempt to obtain a license, identification card, or
17 permit;

18 26. Has altered or attempted to alter a license or has
19 possessed an altered license, identification card, or
20 permit;

21 27. (Blank);

22 28. Has been convicted for a first time of the illegal
23 possession, while operating or in actual physical control,
24 as a driver, of a motor vehicle, of any controlled
25 substance prohibited under the Illinois Controlled
26 Substances Act, any cannabis prohibited under the Cannabis

1 Control Act, or any methamphetamine prohibited under the
2 Methamphetamine Control and Community Protection Act, in
3 which case the person's driving privileges shall be
4 suspended for one year. Any defendant found guilty of this
5 offense while operating a motor vehicle, shall have an
6 entry made in the court record by the presiding judge that
7 this offense did occur while the defendant was operating a
8 motor vehicle and order the clerk of the court to report
9 the violation to the Secretary of State;

10 29. Has been convicted of the following offenses that
11 were committed while the person was operating or in actual
12 physical control, as a driver, of a motor vehicle: criminal
13 sexual assault, predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, criminal sexual
15 abuse, aggravated criminal sexual abuse, juvenile pimping,
16 soliciting for a juvenile prostitute, promoting juvenile
17 prostitution as described in subdivision (a)(1), (a)(2),
18 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
19 or the Criminal Code of 2012, and the manufacture, sale or
20 delivery of controlled substances or instruments used for
21 illegal drug use or abuse in which case the driver's
22 driving privileges shall be suspended for one year;

23 30. Has been convicted a second or subsequent time for
24 any combination of the offenses named in paragraph 29 of
25 this subsection, in which case the person's driving
26 privileges shall be suspended for 5 years;

1 31. Has refused to submit to a test as required by
2 Section 11-501.6 of this Code or Section 5-16c of the Boat
3 Registration and Safety Act or has submitted to a test
4 resulting in an alcohol concentration of 0.08 or more or
5 any amount of a drug, substance, or compound resulting from
6 the unlawful use or consumption of cannabis as listed in
7 the Cannabis Control Act, a controlled substance as listed
8 in the Illinois Controlled Substances Act, an intoxicating
9 compound as listed in the Use of Intoxicating Compounds
10 Act, or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act, in which case the
12 penalty shall be as prescribed in Section 6-208.1;

13 32. Has been convicted of Section 24-1.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 relating
15 to the aggravated discharge of a firearm if the offender
16 was located in a motor vehicle at the time the firearm was
17 discharged, in which case the suspension shall be for 3
18 years;

19 33. Has as a driver, who was less than 21 years of age
20 on the date of the offense, been convicted a first time of
21 a violation of paragraph (a) of Section 11-502 of this Code
22 or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5 of
24 this Code or a similar provision of a local ordinance;

25 35. Has committed a violation of Section 11-1301.6 of
26 this Code or a similar provision of a local ordinance;

1 36. Is under the age of 21 years at the time of arrest
2 and has been convicted of not less than 2 offenses against
3 traffic regulations governing the movement of vehicles
4 committed within any 24-month ~~24-month~~ period. No
5 revocation or suspension shall be entered more than 6
6 months after the date of last conviction;

7 37. Has committed a violation of subsection (c) of
8 Section 11-907 of this Code that resulted in damage to the
9 property of another or the death or injury of another;

10 38. Has been convicted of a violation of Section 6-20
11 of the Liquor Control Act of 1934 or a similar provision of
12 a local ordinance and the person was an occupant of a motor
13 vehicle at the time of the violation;

14 39. Has committed a second or subsequent violation of
15 Section 11-1201 of this Code;

16 40. Has committed a violation of subsection (a-1) of
17 Section 11-908 of this Code;

18 41. Has committed a second or subsequent violation of
19 Section 11-605.1 of this Code, a similar provision of a
20 local ordinance, or a similar violation in any other state
21 within 2 years of the date of the previous violation, in
22 which case the suspension shall be for 90 days;

23 42. Has committed a violation of subsection (a-1) of
24 Section 11-1301.3 of this Code or a similar provision of a
25 local ordinance;

26 43. Has received a disposition of court supervision for

1 a violation of subsection (a), (d), or (e) of Section 6-20
2 of the Liquor Control Act of 1934 or a similar provision of
3 a local ordinance and the person was an occupant of a motor
4 vehicle at the time of the violation, in which case the
5 suspension shall be for a period of 3 months;

6 44. Is under the age of 21 years at the time of arrest
7 and has been convicted of an offense against traffic
8 regulations governing the movement of vehicles after
9 having previously had his or her driving privileges
10 suspended or revoked pursuant to subparagraph 36 of this
11 Section;

12 45. Has, in connection with or during the course of a
13 formal hearing conducted under Section 2-118 of this Code:
14 (i) committed perjury; (ii) submitted fraudulent or
15 falsified documents; (iii) submitted documents that have
16 been materially altered; or (iv) submitted, as his or her
17 own, documents that were in fact prepared or composed for
18 another person;

19 46. Has committed a violation of subsection (j) of
20 Section 3-413 of this Code;

21 47. Has committed a violation of subsection (a) of
22 Section 11-502.1 of this Code;

23 48. Has submitted a falsified or altered medical
24 examiner's certificate to the Secretary of State or
25 provided false information to obtain a medical examiner's
26 certificate; ~~or~~

1 49. Has committed a violation of subsection (b-5) of
2 Section 12-610.2 that resulted in great bodily harm,
3 permanent disability, or disfigurement, in which case the
4 driving privileges shall be suspended for 12 months; or-

5 50. ~~49.~~ Has been convicted of a violation of Section
6 11-1002 or 11-1002.5 that resulted in a Type A injury to
7 another, in which case the person's driving privileges
8 shall be suspended for 12 months.

9 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
10 and 27 of this subsection, license means any driver's license,
11 any traffic ticket issued when the person's driver's license is
12 deposited in lieu of bail, a suspension notice issued by the
13 Secretary of State, a duplicate or corrected driver's license,
14 a probationary driver's license, or a temporary driver's
15 license.

16 (b) If any conviction forming the basis of a suspension or
17 revocation authorized under this Section is appealed, the
18 Secretary of State may rescind or withhold the entry of the
19 order of suspension or revocation, as the case may be, provided
20 that a certified copy of a stay order of a court is filed with
21 the Secretary of State. If the conviction is affirmed on
22 appeal, the date of the conviction shall relate back to the
23 time the original judgment of conviction was entered and the
24 6-month ~~6-month~~ limitation prescribed shall not apply.

25 (c) 1. Upon suspending or revoking the driver's license or
26 permit of any person as authorized in this Section, the

1 Secretary of State shall immediately notify the person in
2 writing of the revocation or suspension. The notice to be
3 deposited in the United States mail, postage prepaid, to the
4 last known address of the person.

5 2. If the Secretary of State suspends the driver's license
6 of a person under subsection 2 of paragraph (a) of this
7 Section, a person's privilege to operate a vehicle as an
8 occupation shall not be suspended, provided an affidavit is
9 properly completed, the appropriate fee received, and a permit
10 issued prior to the effective date of the suspension, unless 5
11 offenses were committed, at least 2 of which occurred while
12 operating a commercial vehicle in connection with the driver's
13 regular occupation. All other driving privileges shall be
14 suspended by the Secretary of State. Any driver prior to
15 operating a vehicle for occupational purposes only must submit
16 the affidavit on forms to be provided by the Secretary of State
17 setting forth the facts of the person's occupation. The
18 affidavit shall also state the number of offenses committed
19 while operating a vehicle in connection with the driver's
20 regular occupation. The affidavit shall be accompanied by the
21 driver's license. Upon receipt of a properly completed
22 affidavit, the Secretary of State shall issue the driver a
23 permit to operate a vehicle in connection with the driver's
24 regular occupation only. Unless the permit is issued by the
25 Secretary of State prior to the date of suspension, the
26 privilege to drive any motor vehicle shall be suspended as set

1 forth in the notice that was mailed under this Section. If an
2 affidavit is received subsequent to the effective date of this
3 suspension, a permit may be issued for the remainder of the
4 suspension period.

5 The provisions of this subparagraph shall not apply to any
6 driver required to possess a CDL for the purpose of operating a
7 commercial motor vehicle.

8 Any person who falsely states any fact in the affidavit
9 required herein shall be guilty of perjury under Section 6-302
10 and upon conviction thereof shall have all driving privileges
11 revoked without further rights.

12 3. At the conclusion of a hearing under Section 2-118 of
13 this Code, the Secretary of State shall either rescind or
14 continue an order of revocation or shall substitute an order of
15 suspension; or, good cause appearing therefor, rescind,
16 continue, change, or extend the order of suspension. If the
17 Secretary of State does not rescind the order, the Secretary
18 may upon application, to relieve undue hardship (as defined by
19 the rules of the Secretary of State), issue a restricted
20 driving permit granting the privilege of driving a motor
21 vehicle between the petitioner's residence and petitioner's
22 place of employment or within the scope of the petitioner's
23 employment-related ~~employment-related~~ duties, or to allow the
24 petitioner to transport himself or herself, or a family member
25 of the petitioner's household to a medical facility, to receive
26 necessary medical care, to allow the petitioner to transport

1 himself or herself to and from alcohol or drug remedial or
2 rehabilitative activity recommended by a licensed service
3 provider, or to allow the petitioner to transport himself or
4 herself or a family member of the petitioner's household to
5 classes, as a student, at an accredited educational
6 institution, or to allow the petitioner to transport children,
7 elderly persons, or persons with disabilities who do not hold
8 driving privileges and are living in the petitioner's household
9 to and from daycare. The petitioner must demonstrate that no
10 alternative means of transportation is reasonably available
11 and that the petitioner will not endanger the public safety or
12 welfare.

13 (A) If a person's license or permit is revoked or
14 suspended due to 2 or more convictions of violating Section
15 11-501 of this Code or a similar provision of a local
16 ordinance or a similar out-of-state offense, or Section 9-3
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 where the use of alcohol or other drugs is recited as an
19 element of the offense, or a similar out-of-state offense,
20 or a combination of these offenses, arising out of separate
21 occurrences, that person, if issued a restricted driving
22 permit, may not operate a vehicle unless it has been
23 equipped with an ignition interlock device as defined in
24 Section 1-129.1.

25 (B) If a person's license or permit is revoked or
26 suspended 2 or more times due to any combination of:

1 (i) a single conviction of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense or Section
4 9-3 of the Criminal Code of 1961 or the Criminal Code
5 of 2012, where the use of alcohol or other drugs is
6 recited as an element of the offense, or a similar
7 out-of-state offense; or

8 (ii) a statutory summary suspension or revocation
9 under Section 11-501.1; or

10 (iii) a suspension under Section 6-203.1;
11 arising out of separate occurrences; that person, if issued
12 a restricted driving permit, may not operate a vehicle
13 unless it has been equipped with an ignition interlock
14 device as defined in Section 1-129.1.

15 (B-5) If a person's license or permit is revoked or
16 suspended due to a conviction for a violation of
17 subparagraph (C) or (F) of paragraph (1) of subsection (d)
18 of Section 11-501 of this Code, or a similar provision of a
19 local ordinance or similar out-of-state offense, that
20 person, if issued a restricted driving permit, may not
21 operate a vehicle unless it has been equipped with an
22 ignition interlock device as defined in Section 1-129.1.

23 (C) The person issued a permit conditioned upon the use
24 of an ignition interlock device must pay to the Secretary
25 of State DUI Administration Fund an amount not to exceed
26 \$30 per month. The Secretary shall establish by rule the

1 amount and the procedures, terms, and conditions relating
2 to these fees.

3 (D) If the restricted driving permit is issued for
4 employment purposes, then the prohibition against
5 operating a motor vehicle that is not equipped with an
6 ignition interlock device does not apply to the operation
7 of an occupational vehicle owned or leased by that person's
8 employer when used solely for employment purposes. For any
9 person who, within a 5-year period, is convicted of a
10 second or subsequent offense under Section 11-501 of this
11 Code, or a similar provision of a local ordinance or
12 similar out-of-state offense, this employment exemption
13 does not apply until either a one-year period has elapsed
14 during which that person had his or her driving privileges
15 revoked or a one-year period has elapsed during which that
16 person had a restricted driving permit which required the
17 use of an ignition interlock device on every motor vehicle
18 owned or operated by that person.

19 (E) In each case the Secretary may issue a restricted
20 driving permit for a period deemed appropriate, except that
21 all permits shall expire no later than 2 years from the
22 date of issuance. A restricted driving permit issued under
23 this Section shall be subject to cancellation, revocation,
24 and suspension by the Secretary of State in like manner and
25 for like cause as a driver's license issued under this Code
26 may be cancelled, revoked, or suspended; except that a

1 conviction upon one or more offenses against laws or
2 ordinances regulating the movement of traffic shall be
3 deemed sufficient cause for the revocation, suspension, or
4 cancellation of a restricted driving permit. The Secretary
5 of State may, as a condition to the issuance of a
6 restricted driving permit, require the applicant to
7 participate in a designated driver remedial or
8 rehabilitative program. The Secretary of State is
9 authorized to cancel a restricted driving permit if the
10 permit holder does not successfully complete the program.

11 (F) A person subject to the provisions of paragraph 4
12 of subsection (b) of Section 6-208 of this Code may make
13 application for a restricted driving permit at a hearing
14 conducted under Section 2-118 of this Code after the
15 expiration of 5 years from the effective date of the most
16 recent revocation or after 5 years from the date of release
17 from a period of imprisonment resulting from a conviction
18 of the most recent offense, whichever is later, provided
19 the person, in addition to all other requirements of the
20 Secretary, shows by clear and convincing evidence:

21 (i) a minimum of 3 years of uninterrupted
22 abstinence from alcohol and the unlawful use or
23 consumption of cannabis under the Cannabis Control
24 Act, a controlled substance under the Illinois
25 Controlled Substances Act, an intoxicating compound
26 under the Use of Intoxicating Compounds Act, or

1 methamphetamine under the Methamphetamine Control and
2 Community Protection Act; and

3 (ii) the successful completion of any
4 rehabilitative treatment and involvement in any
5 ongoing rehabilitative activity that may be
6 recommended by a properly licensed service provider
7 according to an assessment of the person's alcohol or
8 drug use under Section 11-501.01 of this Code.

9 In determining whether an applicant is eligible for a
10 restricted driving permit under this subparagraph (F), the
11 Secretary may consider any relevant evidence, including,
12 but not limited to, testimony, affidavits, records, and the
13 results of regular alcohol or drug tests. Persons subject
14 to the provisions of paragraph 4 of subsection (b) of
15 Section 6-208 of this Code and who have been convicted of
16 more than one violation of paragraph (3), paragraph (4), or
17 paragraph (5) of subsection (a) of Section 11-501 of this
18 Code shall not be eligible to apply for a restricted
19 driving permit under this subparagraph (F).

20 A restricted driving permit issued under this
21 subparagraph (F) shall provide that the holder may only
22 operate motor vehicles equipped with an ignition interlock
23 device as required under paragraph (2) of subsection (c) of
24 Section 6-205 of this Code and subparagraph (A) of
25 paragraph 3 of subsection (c) of this Section. The
26 Secretary may revoke a restricted driving permit or amend

1 the conditions of a restricted driving permit issued under
2 this subparagraph (F) if the holder operates a vehicle that
3 is not equipped with an ignition interlock device, or for
4 any other reason authorized under this Code.

5 A restricted driving permit issued under this
6 subparagraph (F) shall be revoked, and the holder barred
7 from applying for or being issued a restricted driving
8 permit in the future, if the holder is convicted of a
9 violation of Section 11-501 of this Code, a similar
10 provision of a local ordinance, or a similar offense in
11 another state.

12 (c-3) In the case of a suspension under paragraph 43 of
13 subsection (a), reports received by the Secretary of State
14 under this Section shall, except during the actual time the
15 suspension is in effect, be privileged information and for use
16 only by the courts, police officers, prosecuting authorities,
17 the driver licensing administrator of any other state, the
18 Secretary of State, or the parent or legal guardian of a driver
19 under the age of 18. However, beginning January 1, 2008, if the
20 person is a CDL holder, the suspension shall also be made
21 available to the driver licensing administrator of any other
22 state, the U.S. Department of Transportation, and the affected
23 driver or motor carrier or prospective motor carrier upon
24 request.

25 (c-4) In the case of a suspension under paragraph 43 of
26 subsection (a), the Secretary of State shall notify the person

1 by mail that his or her driving privileges and driver's license
2 will be suspended one month after the date of the mailing of
3 the notice.

4 (c-5) The Secretary of State may, as a condition of the
5 reissuance of a driver's license or permit to an applicant
6 whose driver's license or permit has been suspended before he
7 or she reached the age of 21 years pursuant to any of the
8 provisions of this Section, require the applicant to
9 participate in a driver remedial education course and be
10 retested under Section 6-109 of this Code.

11 (d) This Section is subject to the provisions of the Driver
12 ~~Drivers~~ License Compact.

13 (e) The Secretary of State shall not issue a restricted
14 driving permit to a person under the age of 16 years whose
15 driving privileges have been suspended or revoked under any
16 provisions of this Code.

17 (f) In accordance with 49 C.F.R. 384, the Secretary of
18 State may not issue a restricted driving permit for the
19 operation of a commercial motor vehicle to a person holding a
20 CDL whose driving privileges have been suspended, revoked,
21 cancelled, or disqualified under any provisions of this Code.

22 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;
23 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-4-21.)

24 (625 ILCS 5/6-308)

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

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

15 (b) Whenever a person fails to appear in court, the court
16 may continue the case for a minimum of 30 days and the clerk of
17 the court shall send notice of the continued court date to the
18 person's last known address. If the person does not appear in
19 court on or before the continued court date or satisfy the
20 court that the person's appearance in and surrender to the
21 court is impossible for no fault of the person, the court shall
22 enter an order of failure to appear. The clerk of the court
23 shall notify the Secretary of State, on a report prescribed by
24 the Secretary, of the court's order. The Secretary, when
25 notified by the clerk of the court that an order of failure to
26 appear has been entered, shall immediately suspend the person's

1 driver's license, which shall be designated by the Secretary as
2 a Failure to Appear suspension. The Secretary shall not remove
3 the suspension, nor issue any permit or privileges to the
4 person whose license has been suspended, until notified by the
5 ordering court that the person has appeared and resolved the
6 violation. Upon compliance, the clerk of the court shall
7 present the person with a notice of compliance containing the
8 seal of the court, and shall notify the Secretary that the
9 person has appeared and resolved the violation.

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

15 (Source: P.A. 100-674, eff. 1-1-19.)

16 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

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

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

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

1 (A) the number of grams of alcohol per 210 liters of
2 breath; or

3 (B) the number of grams of alcohol per 100 milliliters
4 of blood; or

5 (C) the number of grams of alcohol per 67 milliliters
6 of urine.

7 Alcohol tests administered within 2 hours of the driver
8 being "stopped or detained" shall be considered that driver's
9 "alcohol concentration" for the purposes of enforcing this
10 UCDLA.

11 (3) (Blank).

12 (4) (Blank).

13 (5) (Blank).

14 (5.3) CDLIS driver record. "CDLIS driver record" means the
15 electronic record of the individual CDL driver's status and
16 history stored by the State-of-Record as part of the Commercial
17 Driver's License Information System, or CDLIS, established
18 under 49 U.S.C. 31309.

19 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
20 record" or "CDLIS MVR" means a report generated from the CDLIS
21 driver record meeting the requirements for access to CDLIS
22 information and provided by states to users authorized in 49
23 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
24 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

25 (5.7) Commercial driver's license downgrade. "Commercial
26 driver's license downgrade" or "CDL downgrade" means either:

1 (A) a state allows the driver to change his or her
2 self-certification to interstate, but operating
3 exclusively in transportation or operation excepted from
4 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
5 391.2, 391.68, or 398.3;

6 (B) a state allows the driver to change his or her
7 self-certification to intrastate only, if the driver
8 qualifies under that state's physical qualification
9 requirements for intrastate only;

10 (C) a state allows the driver to change his or her
11 certification to intrastate, but operating exclusively in
12 transportation or operations excepted from all or part of
13 the state driver qualification requirements; or

14 (D) a state removes the CDL privilege from the driver
15 license.

16 (6) Commercial Motor Vehicle.

17 (A) "Commercial motor vehicle" or "CMV" means a motor
18 vehicle or combination of motor vehicles used in commerce,
19 except those referred to in subdivision (B), designed to
20 transport passengers or property if the motor vehicle:

21 (i) has a gross combination weight rating or gross
22 combination weight of 11,794 kilograms or more (26,001
23 pounds or more), whichever is greater, inclusive of any
24 towed unit with a gross vehicle weight rating or gross
25 vehicle weight of more than 4,536 kilograms (10,000
26 pounds), whichever is greater; or

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

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

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

8 (B) Pursuant to the interpretation of the Commercial
9 Motor Vehicle Safety Act of 1986 by the Federal Highway
10 Administration, the definition of "commercial motor
11 vehicle" does not include:

12 (i) recreational vehicles, when operated primarily
13 for personal use;

14 (ii) vehicles owned by or operated under the
15 direction of the United States Department of Defense or
16 the United States Coast Guard only when operated by
17 non-civilian personnel. This includes any operator on
18 active military duty; members of the Reserves;
19 National Guard; personnel on part-time training; and
20 National Guard military technicians (civilians who are
21 required to wear military uniforms and are subject to
22 the Code of Military Justice); or

23 (iii) firefighting, police, and other emergency
24 equipment (including, without limitation, equipment
25 owned or operated by a HazMat or technical rescue team
26 authorized by a county board under Section 5-1127 of

1 the Counties Code), with audible and visual signals,
2 owned or operated by or for a governmental entity,
3 which is necessary to the preservation of life or
4 property or the execution of emergency governmental
5 functions which are normally not subject to general
6 traffic rules and regulations.

7 (7) Controlled Substance. "Controlled substance" shall
8 have the same meaning as defined in Section 102 of the Illinois
9 Controlled Substances Act, and shall also include cannabis as
10 defined in Section 3 of the Cannabis Control Act and
11 methamphetamine as defined in Section 10 of the Methamphetamine
12 Control and Community Protection Act.

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

26 (8.5) Day. "Day" means calendar day.

1 (9) (Blank).

2 (10) (Blank).

3 (11) (Blank).

4 (12) (Blank).

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

10 (13.5) Driver applicant. "Driver applicant" means an
11 individual who applies to a state or other jurisdiction to
12 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
13 a CLP.

14 (13.8) Electronic device. "Electronic device" includes,
15 but is not limited to, a cellular telephone, personal digital
16 assistant, pager, computer, or any other device used to input,
17 write, send, receive, or read text.

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

24 (15) Employer. "Employer" means a person (including the
25 United States, a State or a local authority) who owns or leases
26 a commercial motor vehicle or assigns employees to operate such

1 a vehicle. A person who is self-employed as a commercial motor
2 vehicle driver must comply with the requirements of this UCDLA.

3 (15.1) Endorsement. "Endorsement" means an authorization
4 to an individual's CLP or CDL required to permit the individual
5 to operate certain types of commercial motor vehicles.

6 (15.2) Entry-level driver training. "Entry-level driver
7 training" means the training an entry-level driver receives
8 from an entity listed on the Federal Motor Carrier Safety
9 Administration's Training Provider Registry prior to: (i)
10 taking the CDL skills test required to receive the Class A or
11 Class B CDL for the first time; (ii) taking the CDL skills test
12 required to upgrade to a Class A or Class B CDL; or (iii)
13 taking the CDL skills test required to obtain a passenger or
14 school bus endorsement for the first time or the CDL knowledge
15 test required to obtain a hazardous materials endorsement for
16 the first time.

17 (15.3) Excepted interstate. "Excepted interstate" means a
18 person who operates or expects to operate in interstate
19 commerce, but engages exclusively in transportation or
20 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
21 398.3 from all or part of the qualification requirements of 49
22 C.F.R. Part 391 and is not required to obtain a medical
23 examiner's certificate by 49 C.F.R. 391.45.

24 (15.5) Excepted intrastate. "Excepted intrastate" means a
25 person who operates in intrastate commerce but engages
26 exclusively in transportation or operations excepted from all

1 or parts of the state driver qualification requirements.

2 (16) (Blank).

3 (16.5) Fatality. "Fatality" means the death of a person as
4 a result of a motor vehicle accident.

5 (16.7) Foreign commercial driver. "Foreign commercial
6 driver" means a person licensed to operate a commercial motor
7 vehicle by an authority outside the United States, or a citizen
8 of a foreign country who operates a commercial motor vehicle in
9 the United States.

10 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
11 sovereign jurisdiction that does not fall within the definition
12 of "State".

13 (18) (Blank).

14 (19) (Blank).

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

20 (20.5) Imminent Hazard. "Imminent hazard" means the
21 existence of any condition of a vehicle, employee, or
22 commercial motor vehicle operations that substantially
23 increases the likelihood of serious injury or death if not
24 discontinued immediately; or a condition relating to hazardous
25 material that presents a substantial likelihood that death,
26 serious illness, severe personal injury, or a substantial

1 endangerment to health, property, or the environment may occur
2 before the reasonably foreseeable completion date of a formal
3 proceeding begun to lessen the risk of that death, illness,
4 injury or endangerment.

5 (20.6) Issuance. "Issuance" means initial issuance,
6 transfer, renewal, or upgrade of a CLP or CDL and non-domiciled
7 CLP or CDL.

8 (20.7) Issue. "Issue" means initial issuance, transfer,
9 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
10 non-domiciled CDL.

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

14 (21.01) Manual transmission. "Manual transmission" means a
15 transmission utilizing a driver-operated clutch that is
16 activated by a pedal or lever and a gear-shift mechanism
17 operated either by hand or foot including those known as a
18 stick shift, stick, straight drive, or standard transmission.
19 All other transmissions, whether semi-automatic or automatic,
20 shall be considered automatic for the purposes of the
21 standardized restriction code.

22 (21.1) Medical examiner. "Medical examiner" means an
23 individual certified by the Federal Motor Carrier Safety
24 Administration and listed on the National Registry of Certified
25 Medical Examiners in accordance with Federal Motor Carrier
26 Safety Regulations, 49 CFR 390.101 et seq.

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

11 (21.5) Medical variance. "Medical variance" means a driver
12 has received one of the following from the Federal Motor
13 Carrier Safety Administration which allows the driver to be
14 issued a medical certificate: (1) an exemption letter
15 permitting operation of a commercial motor vehicle pursuant to
16 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
17 skill performance evaluation (SPE) certificate permitting
18 operation of a commercial motor vehicle pursuant to 49 C.F.R.
19 391.49.

20 (21.7) Mobile telephone. "Mobile telephone" means a mobile
21 communication device that falls under or uses any commercial
22 mobile radio service, as defined in regulations of the Federal
23 Communications Commission, 47 CFR 20.3. It does not include
24 two-way or citizens band radio services.

25 (22) Motor Vehicle. "Motor vehicle" means every vehicle
26 which is self-propelled, and every vehicle which is propelled

1 by electric power obtained from over head trolley wires but not
2 operated upon rails, except vehicles moved solely by human
3 power and motorized wheel chairs.

4 (22.2) Motor vehicle record. "Motor vehicle record" means a
5 report of the driving status and history of a driver generated
6 from the driver record provided to users, such as drivers or
7 employers, and is subject to the provisions of the Driver
8 Privacy Protection Act, 18 U.S.C. 2721-2725.

9 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
10 combination of motor vehicles not defined by the term
11 "commercial motor vehicle" or "CMV" in this Section.

12 (22.7) Non-excepted interstate. "Non-excepted interstate"
13 means a person who operates or expects to operate in interstate
14 commerce, is subject to and meets the qualification
15 requirements under 49 C.F.R. Part 391, and is required to
16 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

17 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
18 means a person who operates only in intrastate commerce and is
19 subject to State driver qualification requirements.

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

24 (i) to an individual domiciled in a foreign country
25 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
26 of the Federal Motor Carrier Safety Administration.

1 (ii) to an individual domiciled in another state
2 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
3 of the Federal Motor Carrier Safety Administration.

4 (24) (Blank).

5 (25) (Blank).

6 (25.5) Railroad-Highway Grade Crossing Violation.
7 "Railroad-highway grade crossing violation" means a violation,
8 while operating a commercial motor vehicle, of any of the
9 following:

10 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

11 (B) Any other similar law or local ordinance of any
12 state relating to railroad-highway grade crossing.

13 (25.7) School Bus. "School bus" means a commercial motor
14 vehicle used to transport pre-primary, primary, or secondary
15 school students from home to school, from school to home, or to
16 and from school-sponsored events. "School bus" does not include
17 a bus used as a common carrier.

18 (26) Serious Traffic Violation. "Serious traffic
19 violation" means:

20 (A) a conviction when operating a commercial motor
21 vehicle, or when operating a non-CMV while holding a CLP or
22 CDL, of:

23 (i) a violation relating to excessive speeding,
24 involving a single speeding charge of 15 miles per hour
25 or more above the legal speed limit; or

26 (ii) a violation relating to reckless driving; or

1 (iii) a violation of any State law or local
2 ordinance relating to motor vehicle traffic control
3 (other than parking violations) arising in connection
4 with a fatal traffic accident; or

5 (iv) a violation of Section 6-501, relating to
6 having multiple driver's licenses; or

7 (v) a violation of paragraph (a) of Section 6-507,
8 relating to the requirement to have a valid CLP or CDL;
9 or

10 (vi) a violation relating to improper or erratic
11 traffic lane changes; or

12 (vii) a violation relating to following another
13 vehicle too closely; or

14 (viii) a violation relating to texting while
15 driving; or

16 (ix) a violation relating to the use of a hand-held
17 mobile telephone while driving; or

18 (B) any other similar violation of a law or local
19 ordinance of any state relating to motor vehicle traffic
20 control, other than a parking violation, which the
21 Secretary of State determines by administrative rule to be
22 serious.

23 (27) State. "State" means a state of the United States, the
24 District of Columbia and any province or territory of Canada.

25 (28) (Blank).

26 (29) (Blank).

1 (30) (Blank).

2 (31) (Blank).

3 (32) Texting. "Texting" means manually entering
4 alphanumeric text into, or reading text from, an electronic
5 device.

6 (1) Texting includes, but is not limited to, short
7 message service, emailing, instant messaging, a command or
8 request to access a World Wide Web page, pressing more than
9 a single button to initiate or terminate a voice
10 communication using a mobile telephone, or engaging in any
11 other form of electronic text retrieval or entry for
12 present or future communication.

13 (2) Texting does not include:

14 (i) inputting, selecting, or reading information
15 on a global positioning system or navigation system; or

16 (ii) pressing a single button to initiate or
17 terminate a voice communication using a mobile
18 telephone; or

19 (iii) using a device capable of performing
20 multiple functions (for example, a fleet management
21 system, dispatching device, smart phone, citizens band
22 radio, or music player) for a purpose that is not
23 otherwise prohibited by Part 392 of the Federal Motor
24 Carrier Safety Regulations.

25 (32.3) Third party skills test examiner. "Third party
26 skills test examiner" means a person employed by a third party

1 tester who is authorized by the State to administer the CDL
2 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

3 (32.5) Third party tester. "Third party tester" means a
4 person (including, but not limited to, another state, a motor
5 carrier, a private driver training facility or other private
6 institution, or a department, agency, or instrumentality of a
7 local government) authorized by the State to employ skills test
8 examiners to administer the CDL skills tests specified in 49
9 C.F.R. Part 383, subparts G and H.

10 (32.7) United States. "United States" means the 50 states
11 and the District of Columbia.

12 (33) Use a hand-held mobile telephone. "Use a hand-held
13 mobile telephone" means:

14 (1) using at least one hand to hold a mobile telephone
15 to conduct a voice communication;

16 (2) dialing or answering a mobile telephone by pressing
17 more than a single button; or

18 (3) reaching for a mobile telephone in a manner that
19 requires a driver to maneuver so that he or she is no
20 longer in a seated driving position, restrained by a seat
21 belt that is installed in accordance with 49 CFR 393.93 and
22 adjusted in accordance with the vehicle manufacturer's
23 instructions.

24 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

25 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

1 Sec. 6-601. Penalties.

2 (a) It is a petty offense for any person to violate any of
3 the provisions of this Chapter unless such violation is by this
4 Code or other law of this State declared to be a misdemeanor or
5 a felony.

6 (b) General penalties. Unless another penalty is in this
7 Code or other laws of this State, every person convicted of a
8 petty offense for the violation of any provision of this
9 Chapter shall be punished by a fine of not more than \$500.

10 (c) Unlicensed driving. Except as hereinafter provided a
11 violation of Section 6-101 shall be:

12 1. A Class A misdemeanor if the person failed to obtain
13 a driver's license or permit after expiration of a period
14 of revocation.

15 2. A Class B misdemeanor if the person has been issued
16 a driver's license or permit, which has expired, and if the
17 period of expiration is greater than one year; or if the
18 person has never been issued a driver's license or permit,
19 or is not qualified to obtain a driver's license or permit
20 because of his age.

21 3. A petty offense if the person has been issued a
22 temporary visitor's driver's license or permit and is
23 unable to provide proof of liability insurance as provided
24 in subsection (d-5) of Section 6-105.1.

25 If a licensee under this Code is convicted of violating
26 Section 6-303 for operating a motor vehicle during a time when

1 such licensee's driver's license was suspended under the
2 provisions of Section 6-306.3 or 6-308, then such act shall be
3 a petty offense (provided the licensee has answered the charge
4 which was the basis of the suspension under Section 6-306.3 or
5 6-308), and there shall be imposed no additional like period of
6 suspension as provided in paragraph (b) of Section 6-303.

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

18 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15;
19 98-1134, eff. 1-1-15.)

20 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

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

23 Whenever a defendant is arrested upon a warrant charging a
24 violation of this Act in a county other than that in which such
25 warrant was issued, the arresting officer, immediately upon the

1 request of the defendant, shall take such defendant before a
2 circuit judge or associate circuit judge in the county in which
3 the arrest was made who shall admit the defendant to pretrial
4 release ~~bail~~ for his appearance before the court named in the
5 warrant. On setting the conditions of pretrial release ~~taking~~
6 ~~such bail~~ the circuit judge or associate circuit judge shall
7 certify such fact on the warrant and deliver the warrant and
8 conditions of pretrial release ~~undertaking of bail or other~~
9 ~~security~~, or the drivers license of such defendant if
10 deposited, under the law relating to such licenses, in lieu of
11 such security, to the officer having charge of the defendant.
12 Such officer shall then immediately discharge the defendant
13 from arrest and without delay deliver such warrant and such
14 acknowledgment by the defendant of his or her receiving the
15 conditions of pretrial release ~~undertaking of bail, or other~~
16 ~~security~~ or drivers license to the court before which the
17 defendant is required to appear.

18 (Source: P.A. 77-1280.)

19 Section 10-191. The Illinois Vehicle Code is amended by
20 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,
21 11-208.9, and 11-1201.1 as follows:

22 (625 ILCS 5/6-209.1)

23 Sec. 6-209.1. Restoration of driving privileges;
24 revocation; suspension; cancellation.

1 (a) The Secretary shall rescind the suspension or
2 cancellation of a person's driver's license that has been
3 suspended or canceled before July 1, 2020 (the effective date
4 of Public Act 101-623) ~~this amendatory Act of the 101st General~~
5 ~~Assembly~~ due to:

6 (1) the person being convicted of theft of motor fuel
7 under Section ~~Sections~~ 16-25 or 16K-15 of the Criminal Code
8 of 1961 or the Criminal Code of 2012;

9 (2) the person, since the issuance of the driver's
10 license, being adjudged to be afflicted with or suffering
11 from any mental disability or disease;

12 (3) a violation of Section 6-16 of the Liquor Control
13 Act of 1934 or a similar provision of a local ordinance;

14 (4) the person being convicted of a violation of
15 Section 6-20 of the Liquor Control Act of 1934 or a similar
16 provision of a local ordinance, if the person presents a
17 certified copy of a court order that includes a finding
18 that the person was not an occupant of a motor vehicle at
19 the time of the violation;

20 (5) the person receiving a disposition of court
21 supervision for a violation of subsection ~~subsections~~ (a),
22 (d), or (e) of Section 6-20 of the Liquor Control Act of
23 1934 or a similar provision of a local ordinance, if the
24 person presents a certified copy of a court order that
25 includes a finding that the person was not an occupant of a
26 motor vehicle at the time of the violation;

1 (6) the person failing to pay any fine or penalty due
2 or owing as a result of 10 or more violations of a
3 municipality's or county's vehicular standing, parking, or
4 compliance regulations established by ordinance under
5 Section 11-208.3 of this Code;

6 (7) the person failing to satisfy any fine or penalty
7 resulting from a final order issued by the Illinois State
8 Toll Highway Authority relating directly or indirectly to 5
9 or more toll violations, toll evasions, or both;

10 (8) the person being convicted of a violation of
11 Section 4-102 of this Code, if the person presents a
12 certified copy of a court order that includes a finding
13 that the person did not exercise actual physical control of
14 the vehicle at the time of the violation; or

15 (9) the person being convicted of criminal trespass to
16 vehicles under Section 21-2 of the Criminal Code of 2012,
17 if the person presents a certified copy of a court order
18 that includes a finding that the person did not exercise
19 actual physical control of the vehicle at the time of the
20 violation.

21 (b) As soon as practicable and no later than July 1, 2021,
22 the Secretary shall rescind the suspension, cancellation, or
23 prohibition of renewal of a person's driver's license that has
24 been suspended, canceled, or whose renewal has been prohibited
25 before the effective date of this amendatory Act of the 101st
26 General Assembly due to the person having failed to pay any

1 fine or penalty for traffic violations, automated traffic law
2 enforcement system violations as defined in Sections 11-208.6,
3 and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle
4 fees.

5 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 Sec. 11-208.3. Administrative adjudication of violations
8 of traffic regulations concerning the standing, parking, or
9 condition of vehicles, automated traffic law violations, and
10 automated speed enforcement system violations.

11 (a) Any municipality or county may provide by ordinance for
12 a system of administrative adjudication of vehicular standing
13 and parking violations and vehicle compliance violations as
14 described in this subsection, automated traffic law violations
15 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
16 automated speed enforcement system violations as defined in
17 Section 11-208.8. The administrative system shall have as its
18 purpose the fair and efficient enforcement of municipal or
19 county regulations through the administrative adjudication of
20 automated speed enforcement system or automated traffic law
21 violations and violations of municipal or county ordinances
22 regulating the standing and parking of vehicles, the condition
23 and use of vehicle equipment, and the display of municipal or
24 county wheel tax licenses within the municipality's or county's
25 borders. The administrative system shall only have authority to

1 adjudicate civil offenses carrying fines not in excess of \$500
2 or requiring the completion of a traffic education program, or
3 both, that occur after the effective date of the ordinance
4 adopting such a system under this Section. For purposes of this
5 Section, "compliance violation" means a violation of a
6 municipal or county regulation governing the condition or use
7 of equipment on a vehicle or governing the display of a
8 municipal or county wheel tax license.

9 (b) Any ordinance establishing a system of administrative
10 adjudication under this Section shall provide for:

11 (1) A traffic compliance administrator authorized to
12 adopt, distribute, and process parking, compliance, and
13 automated speed enforcement system or automated traffic
14 law violation notices and other notices required by this
15 Section, collect money paid as fines and penalties for
16 violation of parking and compliance ordinances and
17 automated speed enforcement system or automated traffic
18 law violations, and operate an administrative adjudication
19 system. ~~The traffic compliance administrator also may make~~
20 ~~a certified report to the Secretary of State under Section~~
21 ~~6-306.5.~~

22 (2) A parking, standing, compliance, automated speed
23 enforcement system, or automated traffic law violation
24 notice that shall specify or include the date, time, and
25 place of violation of a parking, standing, compliance,
26 automated speed enforcement system, or automated traffic

1 law regulation; the particular regulation violated; any
2 requirement to complete a traffic education program; the
3 fine and any penalty that may be assessed for late payment
4 or failure to complete a required traffic education
5 program, or both, when so provided by ordinance; the
6 vehicle make or a photograph of the vehicle; the state
7 registration number of the vehicle; and the identification
8 number of the person issuing the notice. With regard to
9 automated speed enforcement system or automated traffic
10 law violations, vehicle make shall be specified on the
11 automated speed enforcement system or automated traffic
12 law violation notice if the notice does not include a
13 photograph of the vehicle and the make is available and
14 readily discernible. With regard to municipalities or
15 counties with a population of 1 million or more, it shall
16 be grounds for dismissal of a parking violation if the
17 state registration number or vehicle make specified is
18 incorrect. The violation notice shall state that the
19 completion of any required traffic education program, the
20 payment of any indicated fine, and the payment of any
21 applicable penalty for late payment or failure to complete
22 a required traffic education program, or both, shall
23 operate as a final disposition of the violation. The notice
24 also shall contain information as to the availability of a
25 hearing in which the violation may be contested on its
26 merits. The violation notice shall specify the time and

1 manner in which a hearing may be had.

2 (3) Service of a parking, standing, or compliance
3 violation notice by: (i) affixing the original or a
4 facsimile of the notice to an unlawfully parked or standing
5 vehicle; (ii) handing the notice to the operator of a
6 vehicle if he or she is present; or (iii) mailing the
7 notice to the address of the registered owner or lessee of
8 the cited vehicle as recorded with the Secretary of State
9 or the lessor of the motor vehicle within 30 days after the
10 Secretary of State or the lessor of the motor vehicle
11 notifies the municipality or county of the identity of the
12 owner or lessee of the vehicle, but not later than 90 days
13 after the date of the violation, except that in the case of
14 a lessee of a motor vehicle, service of a parking,
15 standing, or compliance violation notice may occur no later
16 than 210 days after the violation; and service of an
17 automated speed enforcement system or automated traffic
18 law violation notice by mail to the address of the
19 registered owner or lessee of the cited vehicle as recorded
20 with the Secretary of State or the lessor of the motor
21 vehicle within 30 days after the Secretary of State or the
22 lessor of the motor vehicle notifies the municipality or
23 county of the identity of the owner or lessee of the
24 vehicle, but not later than 90 days after the violation,
25 except that in the case of a lessee of a motor vehicle,
26 service of an automated traffic law violation notice may

1 occur no later than 210 days after the violation. A person
2 authorized by ordinance to issue and serve parking,
3 standing, and compliance violation notices shall certify
4 as to the correctness of the facts entered on the violation
5 notice by signing his or her name to the notice at the time
6 of service or, in the case of a notice produced by a
7 computerized device, by signing a single certificate to be
8 kept by the traffic compliance administrator attesting to
9 the correctness of all notices produced by the device while
10 it was under his or her control. In the case of an
11 automated traffic law violation, the ordinance shall
12 require a determination by a technician employed or
13 contracted by the municipality or county that, based on
14 inspection of recorded images, the motor vehicle was being
15 operated in violation of Section 11-208.6, 11-208.9, or
16 11-1201.1 or a local ordinance. If the technician
17 determines that the vehicle entered the intersection as
18 part of a funeral procession or in order to yield the
19 right-of-way to an emergency vehicle, a citation shall not
20 be issued. In municipalities with a population of less than
21 1,000,000 inhabitants and counties with a population of
22 less than 3,000,000 inhabitants, the automated traffic law
23 ordinance shall require that all determinations by a
24 technician that a motor vehicle was being operated in
25 violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a
26 local ordinance must be reviewed and approved by a law

1 enforcement officer or retired law enforcement officer of
2 the municipality or county issuing the violation. In
3 municipalities with a population of 1,000,000 or more
4 inhabitants and counties with a population of 3,000,000 or
5 more inhabitants, the automated traffic law ordinance
6 shall require that all determinations by a technician that
7 a motor vehicle was being operated in violation of Section
8 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must
9 be reviewed and approved by a law enforcement officer or
10 retired law enforcement officer of the municipality or
11 county issuing the violation or by an additional fully
12 trained ~~fully-trained~~ reviewing technician who is not
13 employed by the contractor who employs the technician who
14 made the initial determination. In the case of an automated
15 speed enforcement system violation, the ordinance shall
16 require a determination by a technician employed by the
17 municipality, based upon an inspection of recorded images,
18 video or other documentation, including documentation of
19 the speed limit and automated speed enforcement signage,
20 and documentation of the inspection, calibration, and
21 certification of the speed equipment, that the vehicle was
22 being operated in violation of Article VI of Chapter 11 of
23 this Code or a similar local ordinance. If the technician
24 determines that the vehicle speed was not determined by a
25 calibrated, certified speed equipment device based upon
26 the speed equipment documentation, or if the vehicle was an

1 emergency vehicle, a citation may not be issued. The
2 automated speed enforcement ordinance shall require that
3 all determinations by a technician that a violation
4 occurred be reviewed and approved by a law enforcement
5 officer or retired law enforcement officer of the
6 municipality issuing the violation or by an additional
7 fully trained reviewing technician who is not employed by
8 the contractor who employs the technician who made the
9 initial determination. Routine and independent calibration
10 of the speeds produced by automated speed enforcement
11 systems and equipment shall be conducted annually by a
12 qualified technician. Speeds produced by an automated
13 speed enforcement system shall be compared with speeds
14 produced by lidar or other independent equipment. Radar or
15 lidar equipment shall undergo an internal validation test
16 no less frequently than once each week. Qualified
17 technicians shall test loop-based ~~loop-based~~ equipment no
18 less frequently than once a year. Radar equipment shall be
19 checked for accuracy by a qualified technician when the
20 unit is serviced, when unusual or suspect readings persist,
21 or when deemed necessary by a reviewing technician. Radar
22 equipment shall be checked with the internal frequency
23 generator and the internal circuit test whenever the radar
24 is turned on. Technicians must be alert for any unusual or
25 suspect readings, and if unusual or suspect readings of a
26 radar unit persist, that unit shall immediately be removed

1 from service and not returned to service until it has been
2 checked by a qualified technician and determined to be
3 functioning properly. Documentation of the annual
4 calibration results, including the equipment tested, test
5 date, technician performing the test, and test results,
6 shall be maintained and available for use in the
7 determination of an automated speed enforcement system
8 violation and issuance of a citation. The technician
9 performing the calibration and testing of the automated
10 speed enforcement equipment shall be trained and certified
11 in the use of equipment for speed enforcement purposes.
12 Training on the speed enforcement equipment may be
13 conducted by law enforcement, civilian, or manufacturer's
14 personnel and if applicable may be equivalent to the
15 equipment use and operations training included in the Speed
16 Measuring Device Operator Program developed by the
17 National Highway Traffic Safety Administration (NHTSA).
18 The vendor or technician who performs the work shall keep
19 accurate records on each piece of equipment the technician
20 calibrates and tests. As used in this paragraph, "fully
21 trained ~~fully-trained~~ reviewing technician" means a person
22 who has received at least 40 hours of supervised training
23 in subjects which shall include image inspection and
24 interpretation, the elements necessary to prove a
25 violation, license plate identification, and traffic
26 safety and management. In all municipalities and counties,

1 the automated speed enforcement system or automated
2 traffic law ordinance shall require that no additional fee
3 shall be charged to the alleged violator for exercising his
4 or her right to an administrative hearing, and persons
5 shall be given at least 25 days following an administrative
6 hearing to pay any civil penalty imposed by a finding that
7 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
8 similar local ordinance has been violated. The original or
9 a facsimile of the violation notice or, in the case of a
10 notice produced by a computerized device, a printed record
11 generated by the device showing the facts entered on the
12 notice, shall be retained by the traffic compliance
13 administrator, and shall be a record kept in the ordinary
14 course of business. A parking, standing, compliance,
15 automated speed enforcement system, or automated traffic
16 law violation notice issued, signed, and served in
17 accordance with this Section, a copy of the notice, or the
18 computer-generated ~~computer-generated~~ record shall be
19 prima facie correct and shall be prima facie evidence of
20 the correctness of the facts shown on the notice. The
21 notice, copy, or computer-generated ~~computer-generated~~
22 record shall be admissible in any subsequent
23 administrative or legal proceedings.

24 (4) An opportunity for a hearing for the registered
25 owner of the vehicle cited in the parking, standing,
26 compliance, automated speed enforcement system, or

1 automated traffic law violation notice in which the owner
2 may contest the merits of the alleged violation, and during
3 which formal or technical rules of evidence shall not
4 apply; provided, however, that under Section 11-1306 of
5 this Code the lessee of a vehicle cited in the violation
6 notice likewise shall be provided an opportunity for a
7 hearing of the same kind afforded the registered owner. The
8 hearings shall be recorded, and the person conducting the
9 hearing on behalf of the traffic compliance administrator
10 shall be empowered to administer oaths and to secure by
11 subpoena both the attendance and testimony of witnesses and
12 the production of relevant books and papers. Persons
13 appearing at a hearing under this Section may be
14 represented by counsel at their expense. The ordinance may
15 also provide for internal administrative review following
16 the decision of the hearing officer.

17 (5) Service of additional notices, sent by first class
18 United States mail, postage prepaid, to the address of the
19 registered owner of the cited vehicle as recorded with the
20 Secretary of State or, if any notice to that address is
21 returned as undeliverable, to the last known address
22 recorded in a United States Post Office approved database,
23 or, under Section 11-1306 or subsection (p) of Section
24 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
25 of this Code, to the lessee of the cited vehicle at the
26 last address known to the lessor of the cited vehicle at

1 the time of lease or, if any notice to that address is
2 returned as undeliverable, to the last known address
3 recorded in a United States Post Office approved database.
4 The service shall be deemed complete as of the date of
5 deposit in the United States mail. The notices shall be in
6 the following sequence and shall include, but not be
7 limited to, the information specified herein:

8 (i) A second notice of parking, standing, or
9 compliance violation if the first notice of the
10 violation was issued by affixing the original or a
11 facsimile of the notice to the unlawfully parked
12 vehicle or by handing the notice to the operator. This
13 notice shall specify or include the date and location
14 of the violation cited in the parking, standing, or
15 compliance violation notice, the particular regulation
16 violated, the vehicle make or a photograph of the
17 vehicle, the state registration number of the vehicle,
18 any requirement to complete a traffic education
19 program, the fine and any penalty that may be assessed
20 for late payment or failure to complete a traffic
21 education program, or both, when so provided by
22 ordinance, the availability of a hearing in which the
23 violation may be contested on its merits, and the time
24 and manner in which the hearing may be had. The notice
25 of violation shall also state that failure to complete
26 a required traffic education program, to pay the

1 indicated fine and any applicable penalty, or to appear
2 at a hearing on the merits in the time and manner
3 specified, will result in a final determination of
4 violation liability for the cited violation in the
5 amount of the fine or penalty indicated, and that, upon
6 the occurrence of a final determination of violation
7 liability for the failure, and the exhaustion of, or
8 failure to exhaust, available administrative or
9 judicial procedures for review, any incomplete traffic
10 education program or any unpaid fine or penalty, or
11 both, will constitute a debt due and owing the
12 municipality or county.

13 (ii) A notice of final determination of parking,
14 standing, compliance, automated speed enforcement
15 system, or automated traffic law violation liability.
16 This notice shall be sent following a final
17 determination of parking, standing, compliance,
18 automated speed enforcement system, or automated
19 traffic law violation liability and the conclusion of
20 judicial review procedures taken under this Section.
21 The notice shall state that the incomplete traffic
22 education program or the unpaid fine or penalty, or
23 both, is a debt due and owing the municipality or
24 county. The notice shall contain warnings that failure
25 to complete any required traffic education program or
26 to pay any fine or penalty due and owing the

1 municipality or county, or both, within the time
2 specified may result in the municipality's or county's
3 filing of a petition in the Circuit Court to have the
4 incomplete traffic education program or unpaid fine or
5 penalty, or both, rendered a judgment as provided by
6 this Section, or, where applicable, may result in
7 suspension of the person's driver's ~~drivers~~ license
8 for failure to complete a traffic education program ~~or~~
9 ~~to pay fines or penalties, or both, for 5 or more~~
10 ~~automated traffic law violations under Section~~
11 ~~11-208.6 or 11-208.9 or automated speed enforcement~~
12 ~~system violations under Section 11-208.8.~~

13 (6) A notice of impending driver's ~~drivers~~ license
14 suspension. This notice shall be sent to the person liable
15 for failure to complete a required traffic education
16 program ~~or to pay any fine or penalty that remains due and~~
17 ~~owing, or both, on 5 or more unpaid automated speed~~
18 ~~enforcement system or automated traffic law violations.~~
19 The notice shall state that failure to complete a required
20 traffic education program ~~or to pay the fine or penalty~~
21 ~~owing, or both,~~ within 45 days of the notice's date will
22 result in the municipality or county notifying the
23 Secretary of State that the person is eligible for
24 initiation of suspension proceedings under Section 6-306.5
25 of this Code. The notice shall also state that the person
26 may obtain a photostatic copy of an original ticket

1 imposing a fine or penalty by sending a self-addressed ~~self~~
2 ~~addressed~~, stamped envelope to the municipality or county
3 along with a request for the photostatic copy. The notice
4 of impending driver's ~~drivers~~ license suspension shall be
5 sent by first class United States mail, postage prepaid, to
6 the address recorded with the Secretary of State or, if any
7 notice to that address is returned as undeliverable, to the
8 last known address recorded in a United States Post Office
9 approved database.

10 (7) Final determinations of violation liability. A
11 final determination of violation liability shall occur
12 following failure to complete the required traffic
13 education program or to pay the fine or penalty, or both,
14 after a hearing officer's determination of violation
15 liability and the exhaustion of or failure to exhaust any
16 administrative review procedures provided by ordinance.
17 Where a person fails to appear at a hearing to contest the
18 alleged violation in the time and manner specified in a
19 prior mailed notice, the hearing officer's determination
20 of violation liability shall become final: (A) upon denial
21 of a timely petition to set aside that determination, or
22 (B) upon expiration of the period for filing the petition
23 without a filing having been made.

24 (8) A petition to set aside a determination of parking,
25 standing, compliance, automated speed enforcement system,
26 or automated traffic law violation liability that may be

1 filed by a person owing an unpaid fine or penalty. A
2 petition to set aside a determination of liability may also
3 be filed by a person required to complete a traffic
4 education program. The petition shall be filed with and
5 ruled upon by the traffic compliance administrator in the
6 manner and within the time specified by ordinance. The
7 grounds for the petition may be limited to: (A) the person
8 not having been the owner or lessee of the cited vehicle on
9 the date the violation notice was issued, (B) the person
10 having already completed the required traffic education
11 program or paid the fine or penalty, or both, for the
12 violation in question, and (C) excusable failure to appear
13 at or request a new date for a hearing. With regard to
14 municipalities or counties with a population of 1 million
15 or more, it shall be grounds for dismissal of a parking
16 violation if the state registration number or vehicle make,
17 only if specified in the violation notice, is incorrect.
18 After the determination of parking, standing, compliance,
19 automated speed enforcement system, or automated traffic
20 law violation liability has been set aside upon a showing
21 of just cause, the registered owner shall be provided with
22 a hearing on the merits for that violation.

23 (9) Procedures for non-residents. Procedures by which
24 persons who are not residents of the municipality or county
25 may contest the merits of the alleged violation without
26 attending a hearing.

1 (10) A schedule of civil fines for violations of
2 vehicular standing, parking, compliance, automated speed
3 enforcement system, or automated traffic law regulations
4 enacted by ordinance pursuant to this Section, and a
5 schedule of penalties for late payment of the fines or
6 failure to complete required traffic education programs,
7 provided, however, that the total amount of the fine and
8 penalty for any one violation shall not exceed \$250, except
9 as provided in subsection (c) of Section 11-1301.3 of this
10 Code.

11 (11) Other provisions as are necessary and proper to
12 carry into effect the powers granted and purposes stated in
13 this Section.

14 (c) Any municipality or county establishing vehicular
15 standing, parking, compliance, automated speed enforcement
16 system, or automated traffic law regulations under this Section
17 may also provide by ordinance for a program of vehicle
18 immobilization for the purpose of facilitating enforcement of
19 those regulations. The program of vehicle immobilization shall
20 provide for immobilizing any eligible vehicle upon the public
21 way by presence of a restraint in a manner to prevent operation
22 of the vehicle. Any ordinance establishing a program of vehicle
23 immobilization under this Section shall provide:

24 (1) Criteria for the designation of vehicles eligible
25 for immobilization. A vehicle shall be eligible for
26 immobilization when the registered owner of the vehicle has

1 accumulated the number of incomplete traffic education
2 programs or unpaid final determinations of parking,
3 standing, compliance, automated speed enforcement system,
4 or automated traffic law violation liability, or both, as
5 determined by ordinance.

6 (2) A notice of impending vehicle immobilization and a
7 right to a hearing to challenge the validity of the notice
8 by disproving liability for the incomplete traffic
9 education programs or unpaid final determinations of
10 parking, standing, compliance, automated speed enforcement
11 system, or automated traffic law violation liability, or
12 both, listed on the notice.

13 (3) The right to a prompt hearing after a vehicle has
14 been immobilized or subsequently towed without the
15 completion of the required traffic education program or
16 payment of the outstanding fines and penalties on parking,
17 standing, compliance, automated speed enforcement system,
18 or automated traffic law violations, or both, for which
19 final determinations have been issued. An order issued
20 after the hearing is a final administrative decision within
21 the meaning of Section 3-101 of the Code of Civil
22 Procedure.

23 (4) A post immobilization and post-towing notice
24 advising the registered owner of the vehicle of the right
25 to a hearing to challenge the validity of the impoundment.

26 (d) Judicial review of final determinations of parking,

1 standing, compliance, automated speed enforcement system, or
2 automated traffic law violations and final administrative
3 decisions issued after hearings regarding vehicle
4 immobilization and impoundment made under this Section shall be
5 subject to the provisions of the Administrative Review Law.

6 (e) Any fine, penalty, incomplete traffic education
7 program, or part of any fine or any penalty remaining unpaid
8 after the exhaustion of, or the failure to exhaust,
9 administrative remedies created under this Section and the
10 conclusion of any judicial review procedures shall be a debt
11 due and owing the municipality or county and, as such, may be
12 collected in accordance with applicable law. Completion of any
13 required traffic education program and payment in full of any
14 fine or penalty resulting from a standing, parking, compliance,
15 automated speed enforcement system, or automated traffic law
16 violation shall constitute a final disposition of that
17 violation.

18 (f) After the expiration of the period within which
19 judicial review may be sought for a final determination of
20 parking, standing, compliance, automated speed enforcement
21 system, or automated traffic law violation, the municipality or
22 county may commence a proceeding in the Circuit Court for
23 purposes of obtaining a judgment on the final determination of
24 violation. Nothing in this Section shall prevent a municipality
25 or county from consolidating multiple final determinations of
26 parking, standing, compliance, automated speed enforcement

1 system, or automated traffic law violations against a person in
2 a proceeding. Upon commencement of the action, the municipality
3 or county shall file a certified copy or record of the final
4 determination of parking, standing, compliance, automated
5 speed enforcement system, or automated traffic law violation,
6 which shall be accompanied by a certification that recites
7 facts sufficient to show that the final determination of
8 violation was issued in accordance with this Section and the
9 applicable municipal or county ordinance. Service of the
10 summons and a copy of the petition may be by any method
11 provided by Section 2-203 of the Code of Civil Procedure or by
12 certified mail, return receipt requested, provided that the
13 total amount of fines and penalties for final determinations of
14 parking, standing, compliance, automated speed enforcement
15 system, or automated traffic law violations does not exceed
16 \$2500. If the court is satisfied that the final determination
17 of parking, standing, compliance, automated speed enforcement
18 system, or automated traffic law violation was entered in
19 accordance with the requirements of this Section and the
20 applicable municipal or county ordinance, and that the
21 registered owner or the lessee, as the case may be, had an
22 opportunity for an administrative hearing and for judicial
23 review as provided in this Section, the court shall render
24 judgment in favor of the municipality or county and against the
25 registered owner or the lessee for the amount indicated in the
26 final determination of parking, standing, compliance,

1 automated speed enforcement system, or automated traffic law
2 violation, plus costs. The judgment shall have the same effect
3 and may be enforced in the same manner as other judgments for
4 the recovery of money.

5 (g) The fee for participating in a traffic education
6 program under this Section shall not exceed \$25.

7 A low-income individual required to complete a traffic
8 education program under this Section who provides proof of
9 eligibility for the federal earned income tax credit under
10 Section 32 of the Internal Revenue Code or the Illinois earned
11 income tax credit under Section 212 of the Illinois Income Tax
12 Act shall not be required to pay any fee for participating in a
13 required traffic education program.

14 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
15 revised 12-21-20.)

16 (625 ILCS 5/11-208.6)

17 Sec. 11-208.6. Automated traffic law enforcement system.

18 (a) As used in this Section, "automated traffic law
19 enforcement system" means a device with one or more motor
20 vehicle sensors working in conjunction with a red light signal
21 to produce recorded images of motor vehicles entering an
22 intersection against a red signal indication in violation of
23 Section 11-306 of this Code or a similar provision of a local
24 ordinance.

25 An automated traffic law enforcement system is a system, in

1 a municipality or county operated by a governmental agency,
2 that produces a recorded image of a motor vehicle's violation
3 of a provision of this Code or a local ordinance and is
4 designed to obtain a clear recorded image of the vehicle and
5 the vehicle's license plate. The recorded image must also
6 display the time, date, and location of the violation.

7 (b) As used in this Section, "recorded images" means images
8 recorded by an automated traffic law enforcement system on:

- 9 (1) 2 or more photographs;
10 (2) 2 or more microphotographs;
11 (3) 2 or more electronic images; or
12 (4) a video recording showing the motor vehicle and, on
13 at least one image or portion of the recording, clearly
14 identifying the registration plate or digital registration
15 plate number of the motor vehicle.

16 (b-5) A municipality or county that produces a recorded
17 image of a motor vehicle's violation of a provision of this
18 Code or a local ordinance must make the recorded images of a
19 violation accessible to the alleged violator by providing the
20 alleged violator with a website address, accessible through the
21 Internet.

22 (c) Except as provided under Section 11-208.8 of this Code,
23 a county or municipality, including a home rule county or
24 municipality, may not use an automated traffic law enforcement
25 system to provide recorded images of a motor vehicle for the
26 purpose of recording its speed. Except as provided under

1 Section 11-208.8 of this Code, the regulation of the use of
2 automated traffic law enforcement systems to record vehicle
3 speeds is an exclusive power and function of the State. This
4 subsection (c) is a denial and limitation of home rule powers
5 and functions under subsection (h) of Section 6 of Article VII
6 of the Illinois Constitution.

7 (c-5) A county or municipality, including a home rule
8 county or municipality, may not use an automated traffic law
9 enforcement system to issue violations in instances where the
10 motor vehicle comes to a complete stop and does not enter the
11 intersection, as defined by Section 1-132 of this Code, during
12 the cycle of the red signal indication unless one or more
13 pedestrians or bicyclists are present, even if the motor
14 vehicle stops at a point past a stop line or crosswalk where a
15 driver is required to stop, as specified in subsection (c) of
16 Section 11-306 of this Code or a similar provision of a local
17 ordinance.

18 (c-6) A county, or a municipality with less than 2,000,000
19 inhabitants, including a home rule county or municipality, may
20 not use an automated traffic law enforcement system to issue
21 violations in instances where a motorcyclist enters an
22 intersection against a red signal indication when the red
23 signal fails to change to a green signal within a reasonable
24 period of time not less than 120 seconds because of a signal
25 malfunction or because the signal has failed to detect the
26 arrival of the motorcycle due to the motorcycle's size or

1 weight.

2 (d) For each violation of a provision of this Code or a
3 local ordinance recorded by an automatic traffic law
4 enforcement system, the county or municipality having
5 jurisdiction shall issue a written notice of the violation to
6 the registered owner of the vehicle as the alleged violator.
7 The notice shall be delivered to the registered owner of the
8 vehicle, by mail, within 30 days after the Secretary of State
9 notifies the municipality or county of the identity of the
10 owner of the vehicle, but in no event later than 90 days after
11 the violation.

12 The notice shall include:

13 (1) the name and address of the registered owner of the
14 vehicle;

15 (2) the registration number of the motor vehicle
16 involved in the violation;

17 (3) the violation charged;

18 (4) the location where the violation occurred;

19 (5) the date and time of the violation;

20 (6) a copy of the recorded images;

21 (7) the amount of the civil penalty imposed and the
22 requirements of any traffic education program imposed and
23 the date by which the civil penalty should be paid and the
24 traffic education program should be completed;

25 (8) a statement that recorded images are evidence of a
26 violation of a red light signal;

1 (9) a warning that failure to pay the civil penalty, to
2 complete a required traffic education program, or to
3 contest liability in a timely manner is an admission of
4 liability and may result in a suspension of the driving
5 ~~privileges of the registered owner of the vehicle;~~

6 (10) a statement that the person may elect to proceed
7 by:

8 (A) paying the fine, completing a required traffic
9 education program, or both; or

10 (B) challenging the charge in court, by mail, or by
11 administrative hearing; and

12 (11) a website address, accessible through the
13 Internet, where the person may view the recorded images of
14 the violation.

15 (e) (Blank). ~~If a person charged with a traffic violation,~~
16 ~~as a result of an automated traffic law enforcement system,~~
17 ~~does not pay the fine or complete a required traffic education~~
18 ~~program, or both, or successfully contest the civil penalty~~
19 ~~resulting from that violation, the Secretary of State shall~~
20 ~~suspend the driving privileges of the registered owner of the~~
21 ~~vehicle under Section 6-306.5 of this Code for failing to~~
22 ~~complete a required traffic education program or to pay any~~
23 ~~fine or penalty due and owing, or both, as a result of a~~
24 ~~combination of 5 violations of the automated traffic law~~
25 ~~enforcement system or the automated speed enforcement system~~
26 ~~under Section 11-208.8 of this Code.~~

1 (f) Based on inspection of recorded images produced by an
2 automated traffic law enforcement system, a notice alleging
3 that the violation occurred shall be evidence of the facts
4 contained in the notice and admissible in any proceeding
5 alleging a violation under this Section.

6 (g) Recorded images made by an automatic traffic law
7 enforcement system are confidential and shall be made available
8 only to the alleged violator and governmental and law
9 enforcement agencies for purposes of adjudicating a violation
10 of this Section, for statistical purposes, or for other
11 governmental purposes. Any recorded image evidencing a
12 violation of this Section, however, may be admissible in any
13 proceeding resulting from the issuance of the citation.

14 (h) The court or hearing officer may consider in defense of
15 a violation:

16 (1) that the motor vehicle or registration plates or
17 digital registration plates of the motor vehicle were
18 stolen before the violation occurred and not under the
19 control of or in the possession of the owner at the time of
20 the violation;

21 (2) that the driver of the vehicle passed through the
22 intersection when the light was red either (i) in order to
23 yield the right-of-way to an emergency vehicle or (ii) as
24 part of a funeral procession; and

25 (3) any other evidence or issues provided by municipal
26 or county ordinance.

1 (i) To demonstrate that the motor vehicle or the
2 registration plates or digital registration plates were stolen
3 before the violation occurred and were not under the control or
4 possession of the owner at the time of the violation, the owner
5 must submit proof that a report concerning the stolen motor
6 vehicle or registration plates was filed with a law enforcement
7 agency in a timely manner.

8 (j) Unless the driver of the motor vehicle received a
9 Uniform Traffic Citation from a police officer at the time of
10 the violation, the motor vehicle owner is subject to a civil
11 penalty not exceeding \$100 or the completion of a traffic
12 education program, or both, plus an additional penalty of not
13 more than \$100 for failure to pay the original penalty or to
14 complete a required traffic education program, or both, in a
15 timely manner, if the motor vehicle is recorded by an automated
16 traffic law enforcement system. A violation for which a civil
17 penalty is imposed under this Section is not a violation of a
18 traffic regulation governing the movement of vehicles and may
19 not be recorded on the driving record of the owner of the
20 vehicle.

21 (j-3) A registered owner who is a holder of a valid
22 commercial driver's license is not required to complete a
23 traffic education program.

24 (j-5) For purposes of the required traffic education
25 program only, a registered owner may submit an affidavit to the
26 court or hearing officer swearing that at the time of the

1 alleged violation, the vehicle was in the custody and control
2 of another person. The affidavit must identify the person in
3 custody and control of the vehicle, including the person's name
4 and current address. The person in custody and control of the
5 vehicle at the time of the violation is required to complete
6 the required traffic education program. If the person in
7 custody and control of the vehicle at the time of the violation
8 completes the required traffic education program, the
9 registered owner of the vehicle is not required to complete a
10 traffic education program.

11 (k) An intersection equipped with an automated traffic law
12 enforcement system must be posted with a sign visible to
13 approaching traffic indicating that the intersection is being
14 monitored by an automated traffic law enforcement system.

15 (k-3) A municipality or county that has one or more
16 intersections equipped with an automated traffic law
17 enforcement system must provide notice to drivers by posting
18 the locations of automated traffic law systems on the
19 municipality or county website.

20 (k-5) An intersection equipped with an automated traffic
21 law enforcement system must have a yellow change interval that
22 conforms with the Illinois Manual on Uniform Traffic Control
23 Devices (IMUTCD) published by the Illinois Department of
24 Transportation.

25 (k-7) A municipality or county operating an automated
26 traffic law enforcement system shall conduct a statistical

1 analysis to assess the safety impact of each automated traffic
2 law enforcement system at an intersection following
3 installation of the system. The statistical analysis shall be
4 based upon the best available crash, traffic, and other data,
5 and shall cover a period of time before and after installation
6 of the system sufficient to provide a statistically valid
7 comparison of safety impact. The statistical analysis shall be
8 consistent with professional judgment and acceptable industry
9 practice. The statistical analysis also shall be consistent
10 with the data required for valid comparisons of before and
11 after conditions and shall be conducted within a reasonable
12 period following the installation of the automated traffic law
13 enforcement system. The statistical analysis required by this
14 subsection (k-7) shall be made available to the public and
15 shall be published on the website of the municipality or
16 county. If the statistical analysis for the 36 month period
17 following installation of the system indicates that there has
18 been an increase in the rate of accidents at the approach to
19 the intersection monitored by the system, the municipality or
20 county shall undertake additional studies to determine the
21 cause and severity of the accidents, and may take any action
22 that it determines is necessary or appropriate to reduce the
23 number or severity of the accidents at that intersection.

24 (1) The compensation paid for an automated traffic law
25 enforcement system must be based on the value of the equipment
26 or the services provided and may not be based on the number of

1 traffic citations issued or the revenue generated by the
2 system.

3 (m) This Section applies only to the counties of Cook,
4 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
5 to municipalities located within those counties.

6 (n) The fee for participating in a traffic education
7 program under this Section shall not exceed \$25.

8 A low-income individual required to complete a traffic
9 education program under this Section who provides proof of
10 eligibility for the federal earned income tax credit under
11 Section 32 of the Internal Revenue Code or the Illinois earned
12 income tax credit under Section 212 of the Illinois Income Tax
13 Act shall not be required to pay any fee for participating in a
14 required traffic education program.

15 (o) (Blank). ~~A municipality or county shall make a~~
16 ~~certified report to the Secretary of State pursuant to Section~~
17 ~~6-306.5 of this Code whenever a registered owner of a vehicle~~
18 ~~has failed to pay any fine or penalty due and owing as a result~~
19 ~~of a combination of 5 offenses for automated traffic law or~~
20 ~~speed enforcement system violations.~~

21 (p) No person who is the lessor of a motor vehicle pursuant
22 to a written lease agreement shall be liable for an automated
23 speed or traffic law enforcement system violation involving
24 such motor vehicle during the period of the lease; provided
25 that upon the request of the appropriate authority received
26 within 120 days after the violation occurred, the lessor

1 provides within 60 days after such receipt the name and address
2 of the lessee. ~~The drivers license number of a lessee may be~~
3 ~~subsequently individually requested by the appropriate~~
4 ~~authority if needed for enforcement of this Section.~~

5 Upon the provision of information by the lessor pursuant to
6 this subsection, the county or municipality may issue the
7 violation to the lessee of the vehicle in the same manner as it
8 would issue a violation to a registered owner of a vehicle
9 pursuant to this Section, and the lessee may be held liable for
10 the violation.

11 (Source: P.A. 101-395, eff. 8-16-19.)

12 (625 ILCS 5/11-208.8)

13 Sec. 11-208.8. Automated speed enforcement systems in
14 safety zones.

15 (a) As used in this Section:

16 "Automated speed enforcement system" means a photographic
17 device, radar device, laser device, or other electrical or
18 mechanical device or devices installed or utilized in a safety
19 zone and designed to record the speed of a vehicle and obtain a
20 clear photograph or other recorded image of the vehicle and the
21 vehicle's registration plate or digital registration plate
22 while the driver is violating Article VI of Chapter 11 of this
23 Code or a similar provision of a local ordinance.

24 An automated speed enforcement system is a system, located
25 in a safety zone which is under the jurisdiction of a

1 municipality, that produces a recorded image of a motor
2 vehicle's violation of a provision of this Code or a local
3 ordinance and is designed to obtain a clear recorded image of
4 the vehicle and the vehicle's license plate. The recorded image
5 must also display the time, date, and location of the
6 violation.

7 "Owner" means the person or entity to whom the vehicle is
8 registered.

9 "Recorded image" means images recorded by an automated
10 speed enforcement system on:

- 11 (1) 2 or more photographs;
12 (2) 2 or more microphotographs;
13 (3) 2 or more electronic images; or
14 (4) a video recording showing the motor vehicle and, on
15 at least one image or portion of the recording, clearly
16 identifying the registration plate or digital registration
17 plate number of the motor vehicle.

18 "Safety zone" means an area that is within one-eighth of a
19 mile from the nearest property line of any public or private
20 elementary or secondary school, or from the nearest property
21 line of any facility, area, or land owned by a school district
22 that is used for educational purposes approved by the Illinois
23 State Board of Education, not including school district
24 headquarters or administrative buildings. A safety zone also
25 includes an area that is within one-eighth of a mile from the
26 nearest property line of any facility, area, or land owned by a

1 park district used for recreational purposes. However, if any
2 portion of a roadway is within either one-eighth mile radius,
3 the safety zone also shall include the roadway extended to the
4 furthest portion of the next furthest intersection. The term
5 "safety zone" does not include any portion of the roadway known
6 as Lake Shore Drive or any controlled access highway with 8 or
7 more lanes of traffic.

8 (a-5) The automated speed enforcement system shall be
9 operational and violations shall be recorded only at the
10 following times:

11 (i) if the safety zone is based upon the property line
12 of any facility, area, or land owned by a school district,
13 only on school days and no earlier than 6 a.m. and no later
14 than 8:30 p.m. if the school day is during the period of
15 Monday through Thursday, or 9 p.m. if the school day is a
16 Friday; and

17 (ii) if the safety zone is based upon the property line
18 of any facility, area, or land owned by a park district, no
19 earlier than one hour prior to the time that the facility,
20 area, or land is open to the public or other patrons, and
21 no later than one hour after the facility, area, or land is
22 closed to the public or other patrons.

23 (b) A municipality that produces a recorded image of a
24 motor vehicle's violation of a provision of this Code or a
25 local ordinance must make the recorded images of a violation
26 accessible to the alleged violator by providing the alleged

1 violator with a website address, accessible through the
2 Internet.

3 (c) Notwithstanding any penalties for any other violations
4 of this Code, the owner of a motor vehicle used in a traffic
5 violation recorded by an automated speed enforcement system
6 shall be subject to the following penalties:

7 (1) if the recorded speed is no less than 6 miles per
8 hour and no more than 10 miles per hour over the legal
9 speed limit, a civil penalty not exceeding \$50, plus an
10 additional penalty of not more than \$50 for failure to pay
11 the original penalty in a timely manner; or

12 (2) if the recorded speed is more than 10 miles per
13 hour over the legal speed limit, a civil penalty not
14 exceeding \$100, plus an additional penalty of not more than
15 \$100 for failure to pay the original penalty in a timely
16 manner.

17 A penalty may not be imposed under this Section if the
18 driver of the motor vehicle received a Uniform Traffic Citation
19 from a police officer for a speeding violation occurring within
20 one-eighth of a mile and 15 minutes of the violation that was
21 recorded by the system. A violation for which a civil penalty
22 is imposed under this Section is not a violation of a traffic
23 regulation governing the movement of vehicles and may not be
24 recorded on the driving record of the owner of the vehicle. A
25 law enforcement officer is not required to be present or to
26 witness the violation. No penalty may be imposed under this

1 Section if the recorded speed of a vehicle is 5 miles per hour
2 or less over the legal speed limit. The municipality may send,
3 in the same manner that notices are sent under this Section, a
4 speed violation warning notice where the violation involves a
5 speed of 5 miles per hour or less above the legal speed limit.

6 (d) The net proceeds that a municipality receives from
7 civil penalties imposed under an automated speed enforcement
8 system, after deducting all non-personnel and personnel costs
9 associated with the operation and maintenance of such system,
10 shall be expended or obligated by the municipality for the
11 following purposes:

12 (i) public safety initiatives to ensure safe passage
13 around schools, and to provide police protection and
14 surveillance around schools and parks, including but not
15 limited to: (1) personnel costs; and (2) non-personnel
16 costs such as construction and maintenance of public safety
17 infrastructure and equipment;

18 (ii) initiatives to improve pedestrian and traffic
19 safety;

20 (iii) construction and maintenance of infrastructure
21 within the municipality, including but not limited to roads
22 and bridges; and

23 (iv) after school programs.

24 (e) For each violation of a provision of this Code or a
25 local ordinance recorded by an automated speed enforcement
26 system, the municipality having jurisdiction shall issue a

1 written notice of the violation to the registered owner of the
2 vehicle as the alleged violator. The notice shall be delivered
3 to the registered owner of the vehicle, by mail, within 30 days
4 after the Secretary of State notifies the municipality of the
5 identity of the owner of the vehicle, but in no event later
6 than 90 days after the violation.

7 (f) The notice required under subsection (e) of this
8 Section shall include:

9 (1) the name and address of the registered owner of the
10 vehicle;

11 (2) the registration number of the motor vehicle
12 involved in the violation;

13 (3) the violation charged;

14 (4) the date, time, and location where the violation
15 occurred;

16 (5) a copy of the recorded image or images;

17 (6) the amount of the civil penalty imposed and the
18 date by which the civil penalty should be paid;

19 (7) a statement that recorded images are evidence of a
20 violation of a speed restriction;

21 (8) a warning that failure to pay the civil penalty or
22 to contest liability in a timely manner is an admission of
23 liability ~~and may result in a suspension of the driving~~
24 ~~privileges of the registered owner of the vehicle;~~

25 (9) a statement that the person may elect to proceed
26 by:

1 (A) paying the fine; or

2 (B) challenging the charge in court, by mail, or by
3 administrative hearing; and

4 (10) a website address, accessible through the
5 Internet, where the person may view the recorded images of
6 the violation.

7 (g) (Blank). ~~If a person charged with a traffic violation,~~
8 ~~as a result of an automated speed enforcement system, does not~~
9 ~~pay the fine or successfully contest the civil penalty~~
10 ~~resulting from that violation, the Secretary of State shall~~
11 ~~suspend the driving privileges of the registered owner of the~~
12 ~~vehicle under Section 6-306.5 of this Code for failing to pay~~
13 ~~any fine or penalty due and owing, or both, as a result of a~~
14 ~~combination of 5 violations of the automated speed enforcement~~
15 ~~system or the automated traffic law under Section 11-208.6 of~~
16 ~~this Code.~~

17 (h) Based on inspection of recorded images produced by an
18 automated speed enforcement system, a notice alleging that the
19 violation occurred shall be evidence of the facts contained in
20 the notice and admissible in any proceeding alleging a
21 violation under this Section.

22 (i) Recorded images made by an automated speed enforcement
23 system are confidential and shall be made available only to the
24 alleged violator and governmental and law enforcement agencies
25 for purposes of adjudicating a violation of this Section, for
26 statistical purposes, or for other governmental purposes. Any

1 recorded image evidencing a violation of this Section, however,
2 may be admissible in any proceeding resulting from the issuance
3 of the citation.

4 (j) The court or hearing officer may consider in defense of
5 a violation:

6 (1) that the motor vehicle or registration plates or
7 digital registration plates of the motor vehicle were
8 stolen before the violation occurred and not under the
9 control or in the possession of the owner at the time of
10 the violation;

11 (2) that the driver of the motor vehicle received a
12 Uniform Traffic Citation from a police officer for a
13 speeding violation occurring within one-eighth of a mile
14 and 15 minutes of the violation that was recorded by the
15 system; and

16 (3) any other evidence or issues provided by municipal
17 ordinance.

18 (k) To demonstrate that the motor vehicle or the
19 registration plates or digital registration plates were stolen
20 before the violation occurred and were not under the control or
21 possession of the owner at the time of the violation, the owner
22 must submit proof that a report concerning the stolen motor
23 vehicle or registration plates was filed with a law enforcement
24 agency in a timely manner.

25 (l) A roadway equipped with an automated speed enforcement
26 system shall be posted with a sign conforming to the national

1 Manual on Uniform Traffic Control Devices that is visible to
2 approaching traffic stating that vehicle speeds are being
3 photo-enforced and indicating the speed limit. The
4 municipality shall install such additional signage as it
5 determines is necessary to give reasonable notice to drivers as
6 to where automated speed enforcement systems are installed.

7 (m) A roadway where a new automated speed enforcement
8 system is installed shall be posted with signs providing 30
9 days notice of the use of a new automated speed enforcement
10 system prior to the issuance of any citations through the
11 automated speed enforcement system.

12 (n) The compensation paid for an automated speed
13 enforcement system must be based on the value of the equipment
14 or the services provided and may not be based on the number of
15 traffic citations issued or the revenue generated by the
16 system.

17 (o) (Blank). ~~A municipality shall make a certified report~~
18 ~~to the Secretary of State pursuant to Section 6-306.5 of this~~
19 ~~Code whenever a registered owner of a vehicle has failed to pay~~
20 ~~any fine or penalty due and owing as a result of a combination~~
21 ~~of 5 offenses for automated speed or traffic law enforcement~~
22 ~~system violations.~~

23 (p) No person who is the lessor of a motor vehicle pursuant
24 to a written lease agreement shall be liable for an automated
25 speed or traffic law enforcement system violation involving
26 such motor vehicle during the period of the lease; provided

1 that upon the request of the appropriate authority received
2 within 120 days after the violation occurred, the lessor
3 provides within 60 days after such receipt the name and address
4 of the lessee. The drivers license number of a lessee may be
5 subsequently individually requested by the appropriate
6 authority if needed for enforcement of this Section.

7 Upon the provision of information by the lessor pursuant to
8 this subsection, the municipality may issue the violation to
9 the lessee of the vehicle in the same manner as it would issue
10 a violation to a registered owner of a vehicle pursuant to this
11 Section, and the lessee may be held liable for the violation.

12 (q) A municipality using an automated speed enforcement
13 system must provide notice to drivers by publishing the
14 locations of all safety zones where system equipment is
15 installed on the website of the municipality.

16 (r) A municipality operating an automated speed
17 enforcement system shall conduct a statistical analysis to
18 assess the safety impact of the system. The statistical
19 analysis shall be based upon the best available crash, traffic,
20 and other data, and shall cover a period of time before and
21 after installation of the system sufficient to provide a
22 statistically valid comparison of safety impact. The
23 statistical analysis shall be consistent with professional
24 judgment and acceptable industry practice. The statistical
25 analysis also shall be consistent with the data required for
26 valid comparisons of before and after conditions and shall be

1 conducted within a reasonable period following the
2 installation of the automated traffic law enforcement system.
3 The statistical analysis required by this subsection shall be
4 made available to the public and shall be published on the
5 website of the municipality.

6 (s) This Section applies only to municipalities with a
7 population of 1,000,000 or more inhabitants.

8 (Source: P.A. 101-395, eff. 8-16-19.)

9 (625 ILCS 5/11-208.9)

10 Sec. 11-208.9. Automated traffic law enforcement system;
11 approaching, overtaking, and passing a school bus.

12 (a) As used in this Section, "automated traffic law
13 enforcement system" means a device with one or more motor
14 vehicle sensors working in conjunction with the visual signals
15 on a school bus, as specified in Sections 12-803 and 12-805 of
16 this Code, to produce recorded images of motor vehicles that
17 fail to stop before meeting or overtaking, from either
18 direction, any school bus stopped at any location for the
19 purpose of receiving or discharging pupils in violation of
20 Section 11-1414 of this Code or a similar provision of a local
21 ordinance.

22 An automated traffic law enforcement system is a system, in
23 a municipality or county operated by a governmental agency,
24 that produces a recorded image of a motor vehicle's violation
25 of a provision of this Code or a local ordinance and is

1 designed to obtain a clear recorded image of the vehicle and
2 the vehicle's license plate. The recorded image must also
3 display the time, date, and location of the violation.

4 (b) As used in this Section, "recorded images" means images
5 recorded by an automated traffic law enforcement system on:

6 (1) 2 or more photographs;

7 (2) 2 or more microphotographs;

8 (3) 2 or more electronic images; or

9 (4) a video recording showing the motor vehicle and, on
10 at least one image or portion of the recording, clearly
11 identifying the registration plate or digital registration
12 plate number of the motor vehicle.

13 (c) A municipality or county that produces a recorded image
14 of a motor vehicle's violation of a provision of this Code or a
15 local ordinance must make the recorded images of a violation
16 accessible to the alleged violator by providing the alleged
17 violator with a website address, accessible through the
18 Internet.

19 (d) For each violation of a provision of this Code or a
20 local ordinance recorded by an automated traffic law
21 enforcement system, the county or municipality having
22 jurisdiction shall issue a written notice of the violation to
23 the registered owner of the vehicle as the alleged violator.
24 The notice shall be delivered to the registered owner of the
25 vehicle, by mail, within 30 days after the Secretary of State
26 notifies the municipality or county of the identity of the

1 owner of the vehicle, but in no event later than 90 days after
2 the violation.

3 (e) The notice required under subsection (d) shall include:

4 (1) the name and address of the registered owner of the
5 vehicle;

6 (2) the registration number of the motor vehicle
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

10 (5) the date and time of the violation;

11 (6) a copy of the recorded images;

12 (7) the amount of the civil penalty imposed and the
13 date by which the civil penalty should be paid;

14 (8) a statement that recorded images are evidence of a
15 violation of overtaking or passing a school bus stopped for
16 the purpose of receiving or discharging pupils;

17 (9) a warning that failure to pay the civil penalty or
18 to contest liability in a timely manner is an admission of
19 liability ~~and may result in a suspension of the driving~~
20 ~~privileges of the registered owner of the vehicle;~~

21 (10) a statement that the person may elect to proceed
22 by:

23 (A) paying the fine; or

24 (B) challenging the charge in court, by mail, or by
25 administrative hearing; and

26 (11) a website address, accessible through the

1 Internet, where the person may view the recorded images of
2 the violation.

3 (f) (Blank). ~~If a person charged with a traffic violation,~~
4 ~~as a result of an automated traffic law enforcement system~~
5 ~~under this Section, does not pay the fine or successfully~~
6 ~~contest the civil penalty resulting from that violation, the~~
7 ~~Secretary of State shall suspend the driving privileges of the~~
8 ~~registered owner of the vehicle under Section 6-306.5 of this~~
9 ~~Code for failing to pay any fine or penalty due and owing as a~~
10 ~~result of a combination of 5 violations of the automated~~
11 ~~traffic law enforcement system or the automated speed~~
12 ~~enforcement system under Section 11-208.8 of this Code.~~

13 (g) Based on inspection of recorded images produced by an
14 automated traffic law enforcement system, a notice alleging
15 that the violation occurred shall be evidence of the facts
16 contained in the notice and admissible in any proceeding
17 alleging a violation under this Section.

18 (h) Recorded images made by an automated traffic law
19 enforcement system are confidential and shall be made available
20 only to the alleged violator and governmental and law
21 enforcement agencies for purposes of adjudicating a violation
22 of this Section, for statistical purposes, or for other
23 governmental purposes. Any recorded image evidencing a
24 violation of this Section, however, may be admissible in any
25 proceeding resulting from the issuance of the citation.

26 (i) The court or hearing officer may consider in defense of

1 a violation:

2 (1) that the motor vehicle or registration plates or
3 digital registration plates of the motor vehicle were
4 stolen before the violation occurred and not under the
5 control of or in the possession of the owner at the time of
6 the violation;

7 (2) that the driver of the motor vehicle received a
8 Uniform Traffic Citation from a police officer for a
9 violation of Section 11-1414 of this Code within one-eighth
10 of a mile and 15 minutes of the violation that was recorded
11 by the system;

12 (3) that the visual signals required by Sections 12-803
13 and 12-805 of this Code were damaged, not activated, not
14 present in violation of Sections 12-803 and 12-805, or
15 inoperable; and

16 (4) any other evidence or issues provided by municipal
17 or county ordinance.

18 (j) To demonstrate that the motor vehicle or the
19 registration plates or digital registration plates were stolen
20 before the violation occurred and were not under the control or
21 possession of the owner at the time of the violation, the owner
22 must submit proof that a report concerning the stolen motor
23 vehicle or registration plates was filed with a law enforcement
24 agency in a timely manner.

25 (k) Unless the driver of the motor vehicle received a
26 Uniform Traffic Citation from a police officer at the time of

1 the violation, the motor vehicle owner is subject to a civil
2 penalty not exceeding \$150 for a first time violation or \$500
3 for a second or subsequent violation, plus an additional
4 penalty of not more than \$100 for failure to pay the original
5 penalty in a timely manner, if the motor vehicle is recorded by
6 an automated traffic law enforcement system. A violation for
7 which a civil penalty is imposed under this Section is not a
8 violation of a traffic regulation governing the movement of
9 vehicles and may not be recorded on the driving record of the
10 owner of the vehicle, but may be recorded by the municipality
11 or county for the purpose of determining if a person is subject
12 to the higher fine for a second or subsequent offense.

13 (l) A school bus equipped with an automated traffic law
14 enforcement system must be posted with a sign indicating that
15 the school bus is being monitored by an automated traffic law
16 enforcement system.

17 (m) A municipality or county that has one or more school
18 buses equipped with an automated traffic law enforcement system
19 must provide notice to drivers by posting a list of school
20 districts using school buses equipped with an automated traffic
21 law enforcement system on the municipality or county website.
22 School districts that have one or more school buses equipped
23 with an automated traffic law enforcement system must provide
24 notice to drivers by posting that information on their
25 websites.

26 (n) A municipality or county operating an automated traffic

1 law enforcement system shall conduct a statistical analysis to
2 assess the safety impact in each school district using school
3 buses equipped with an automated traffic law enforcement system
4 following installation of the system. The statistical analysis
5 shall be based upon the best available crash, traffic, and
6 other data, and shall cover a period of time before and after
7 installation of the system sufficient to provide a
8 statistically valid comparison of safety impact. The
9 statistical analysis shall be consistent with professional
10 judgment and acceptable industry practice. The statistical
11 analysis also shall be consistent with the data required for
12 valid comparisons of before and after conditions and shall be
13 conducted within a reasonable period following the
14 installation of the automated traffic law enforcement system.
15 The statistical analysis required by this subsection shall be
16 made available to the public and shall be published on the
17 website of the municipality or county. If the statistical
18 analysis for the 36-month period following installation of the
19 system indicates that there has been an increase in the rate of
20 accidents at the approach to school buses monitored by the
21 system, the municipality or county shall undertake additional
22 studies to determine the cause and severity of the accidents,
23 and may take any action that it determines is necessary or
24 appropriate to reduce the number or severity of the accidents
25 involving school buses equipped with an automated traffic law
26 enforcement system.

1 (o) The compensation paid for an automated traffic law
2 enforcement system must be based on the value of the equipment
3 or the services provided and may not be based on the number of
4 traffic citations issued or the revenue generated by the
5 system.

6 (p) No person who is the lessor of a motor vehicle pursuant
7 to a written lease agreement shall be liable for an automated
8 speed or traffic law enforcement system violation involving
9 such motor vehicle during the period of the lease; provided
10 that upon the request of the appropriate authority received
11 within 120 days after the violation occurred, the lessor
12 provides within 60 days after such receipt the name and address
13 of the lessee. ~~The drivers license number of a lessee may be~~
14 ~~subsequently individually requested by the appropriate~~
15 ~~authority if needed for enforcement of this Section.~~

16 Upon the provision of information by the lessor pursuant to
17 this subsection, the county or municipality may issue the
18 violation to the lessee of the vehicle in the same manner as it
19 would issue a violation to a registered owner of a vehicle
20 pursuant to this Section, and the lessee may be held liable for
21 the violation.

22 (q) (Blank). ~~A municipality or county shall make a~~
23 ~~certified report to the Secretary of State pursuant to Section~~
24 ~~6-306.5 of this Code whenever a registered owner of a vehicle~~
25 ~~has failed to pay any fine or penalty due and owing as a result~~
26 ~~of a combination of 5 offenses for automated traffic law or~~

1 ~~speed enforcement system violations.~~

2 (r) After a municipality or county enacts an ordinance
3 providing for automated traffic law enforcement systems under
4 this Section, each school district within that municipality or
5 county's jurisdiction may implement an automated traffic law
6 enforcement system under this Section. The elected school board
7 for that district must approve the implementation of an
8 automated traffic law enforcement system. The school district
9 shall be responsible for entering into a contract, approved by
10 the elected school board of that district, with vendors for the
11 installation, maintenance, and operation of the automated
12 traffic law enforcement system. The school district must enter
13 into an intergovernmental agreement, approved by the elected
14 school board of that district, with the municipality or county
15 with jurisdiction over that school district for the
16 administration of the automated traffic law enforcement
17 system. The proceeds from a school district's automated traffic
18 law enforcement system's fines shall be divided equally between
19 the school district and the municipality or county
20 administering the automated traffic law enforcement system.

21 (Source: P.A. 101-395, eff. 8-16-19.)

22 (625 ILCS 5/11-1201.1)

23 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
24 System.

25 (a) For the purposes of this Section, an automated railroad

1 grade crossing enforcement system is a system in a municipality
2 or county operated by a governmental agency that produces a
3 recorded image of a motor vehicle's violation of a provision of
4 this Code or local ordinance and is designed to obtain a clear
5 recorded image of the vehicle and vehicle's license plate. The
6 recorded image must also display the time, date, and location
7 of the violation.

8 As used in this Section, "recorded images" means images
9 recorded by an automated railroad grade crossing enforcement
10 system on:

- 11 (1) 2 or more photographs;
12 (2) 2 or more microphotographs;
13 (3) 2 or more electronic images; or
14 (4) a video recording showing the motor vehicle and, on
15 at least one image or portion of the recording, clearly
16 identifying the registration plate or digital registration
17 plate number of the motor vehicle.

18 (b) The Illinois Commerce Commission may, in cooperation
19 with a local law enforcement agency, establish in any county or
20 municipality an automated railroad grade crossing enforcement
21 system at any railroad grade crossing equipped with a crossing
22 gate designated by local authorities. Local authorities
23 desiring the establishment of an automated railroad crossing
24 enforcement system must initiate the process by enacting a
25 local ordinance requesting the creation of such a system. After
26 the ordinance has been enacted, and before any additional steps

1 toward the establishment of the system are undertaken, the
2 local authorities and the Commission must agree to a plan for
3 obtaining, from any combination of federal, State, and local
4 funding sources, the moneys required for the purchase and
5 installation of any necessary equipment.

6 (b-1) (Blank.)

7 (c) For each violation of Section 11-1201 of this Code or a
8 local ordinance recorded by an automated railroad grade
9 crossing enforcement system, the county or municipality having
10 jurisdiction shall issue a written notice of the violation to
11 the registered owner of the vehicle as the alleged violator.
12 The notice shall be delivered to the registered owner of the
13 vehicle, by mail, no later than 90 days after the violation.

14 The notice shall include:

15 (1) the name and address of the registered owner of the
16 vehicle;

17 (2) the registration number of the motor vehicle
18 involved in the violation;

19 (3) the violation charged;

20 (4) the location where the violation occurred;

21 (5) the date and time of the violation;

22 (6) a copy of the recorded images;

23 (7) the amount of the civil penalty imposed and the
24 date by which the civil penalty should be paid;

25 (8) a statement that recorded images are evidence of a
26 violation of a railroad grade crossing;

1 (9) a warning that failure to pay the civil penalty or
2 to contest liability in a timely manner is an admission of
3 liability ~~and may result in a suspension of the driving~~
4 ~~privileges of the registered owner of the vehicle; and~~

5 (10) a statement that the person may elect to proceed
6 by:

7 (A) paying the fine; or

8 (B) challenging the charge in court, by mail, or by
9 administrative hearing.

10 (d) (Blank). ~~If a person charged with a traffic violation,~~
11 ~~as a result of an automated railroad grade crossing enforcement~~
12 ~~system, does not pay or successfully contest the civil penalty~~
13 ~~resulting from that violation, the Secretary of State shall~~
14 ~~suspend the driving privileges of the registered owner of the~~
15 ~~vehicle under Section 6-306.5 of this Code for failing to pay~~
16 ~~any fine or penalty due and owing as a result of 5 violations~~
17 ~~of the automated railroad grade crossing enforcement system.~~

18 (d-1) (Blank.)

19 (d-2) (Blank.)

20 (e) Based on inspection of recorded images produced by an
21 automated railroad grade crossing enforcement system, a notice
22 alleging that the violation occurred shall be evidence of the
23 facts contained in the notice and admissible in any proceeding
24 alleging a violation under this Section.

25 (e-1) Recorded images made by an automated railroad grade
26 crossing enforcement system are confidential and shall be made

1 available only to the alleged violator and governmental and law
2 enforcement agencies for purposes of adjudicating a violation
3 of this Section, for statistical purposes, or for other
4 governmental purposes. Any recorded image evidencing a
5 violation of this Section, however, may be admissible in any
6 proceeding resulting from the issuance of the citation.

7 (e-2) The court or hearing officer may consider the
8 following in the defense of a violation:

9 (1) that the motor vehicle or registration plates or
10 digital registration plates of the motor vehicle were
11 stolen before the violation occurred and not under the
12 control of or in the possession of the owner at the time of
13 the violation;

14 (2) that the driver of the motor vehicle received a
15 Uniform Traffic Citation from a police officer at the time
16 of the violation for the same offense;

17 (3) any other evidence or issues provided by municipal
18 or county ordinance.

19 (e-3) To demonstrate that the motor vehicle or the
20 registration plates or digital registration plates were stolen
21 before the violation occurred and were not under the control or
22 possession of the owner at the time of the violation, the owner
23 must submit proof that a report concerning the stolen motor
24 vehicle or registration plates was filed with a law enforcement
25 agency in a timely manner.

26 (f) Rail crossings equipped with an automatic railroad

1 grade crossing enforcement system shall be posted with a sign
2 visible to approaching traffic stating that the railroad grade
3 crossing is being monitored, that citations will be issued, and
4 the amount of the fine for violation.

5 (g) The compensation paid for an automated railroad grade
6 crossing enforcement system must be based on the value of the
7 equipment or the services provided and may not be based on the
8 number of citations issued or the revenue generated by the
9 system.

10 (h) (Blank.)

11 (i) If any part or parts of this Section are held by a
12 court of competent jurisdiction to be unconstitutional, the
13 unconstitutionality shall not affect the validity of the
14 remaining parts of this Section. The General Assembly hereby
15 declares that it would have passed the remaining parts of this
16 Section if it had known that the other part or parts of this
17 Section would be declared unconstitutional.

18 (j) Penalty. A civil fine of \$250 shall be imposed for a
19 first violation of this Section, and a civil fine of \$500 shall
20 be imposed for a second or subsequent violation of this
21 Section.

22 (Source: P.A. 101-395, eff. 8-16-19.)

23 (625 ILCS 5/4-214.1 rep.)

24 (625 ILCS 5/6-306.5 rep.)

25 (625 ILCS 5/6-306.6 rep.)

1 Section 10-193. The Illinois Vehicle Code is amended by
2 repealing Sections 4-214.1, 6-306.5, and 6-306.6.

3 Section 10-195. The Snowmobile Registration and Safety Act
4 is amended by changing Section 5-7 as follows:

5 (625 ILCS 40/5-7)

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

10 (a) A person may not operate or be in actual physical
11 control of a snowmobile within this State while:

12 1. The alcohol concentration in that person's blood,
13 other bodily substance, or breath is a concentration at
14 which driving a motor vehicle is prohibited under
15 subdivision (1) of subsection (a) of Section 11-501 of the
16 Illinois Vehicle Code;

17 2. The person is under the influence of alcohol;

18 3. The person is under the influence of any other drug
19 or combination of drugs to a degree that renders that
20 person incapable of safely operating a snowmobile;

21 3.1. The person is under the influence of any
22 intoxicating compound or combination of intoxicating
23 compounds to a degree that renders the person incapable of
24 safely operating a snowmobile;

1 4. The person is under the combined influence of
2 alcohol and any other drug or drugs or intoxicating
3 compound or compounds to a degree that renders that person
4 incapable of safely operating a snowmobile;

5 4.3. The person who is not a CDL holder has a
6 tetrahydrocannabinol concentration in the person's whole
7 blood or other bodily substance at which driving a motor
8 vehicle is prohibited under subdivision (7) of subsection
9 (a) of Section 11-501 of the Illinois Vehicle Code;

10 4.5. The person who is a CDL holder has any amount of a
11 drug, substance, or compound in the person's breath, blood,
12 other bodily substance, or urine resulting from the
13 unlawful use or consumption of cannabis listed in the
14 Cannabis Control Act; or

15 5. There is any amount of a drug, substance, or
16 compound in that person's breath, blood, other bodily
17 substance, or urine resulting from the unlawful use or
18 consumption of a controlled substance listed in the
19 Illinois Controlled Substances Act, methamphetamine as
20 listed in the Methamphetamine Control and Community
21 Protection Act, or intoxicating compound listed in the use
22 of Intoxicating Compounds Act.

23 (b) The fact that a person charged with violating this
24 Section is or has been legally entitled to use alcohol, other
25 drug or drugs, any intoxicating compound or compounds, or any
26 combination of them does not constitute a defense against a

1 charge of violating this Section.

2 (c) Every person convicted of violating this Section or a
3 similar provision of a local ordinance is guilty of a Class A
4 misdemeanor, except as otherwise provided in this Section.

5 (c-1) As used in this Section, "first time offender" means
6 any person who has not had a previous conviction or been
7 assigned supervision for violating this Section or a similar
8 provision of a local ordinance, or any person who has not had a
9 suspension imposed under subsection (e) of Section 5-7.1.

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

12 (1) a violation of the terms of pretrial release when
13 the court has not relieved the defendant of complying with
14 the terms of pretrial release ~~forfeiture of bail or~~
15 ~~collateral deposited to secure a defendant's appearance in~~
16 ~~court when forfeiture has not been vacated; or~~

17 (2) the failure of a defendant to appear for trial.

18 (d) Every person convicted of violating this Section is
19 guilty of a Class 4 felony if:

20 1. The person has a previous conviction under this
21 Section;

22 2. The offense results in personal injury where a
23 person other than the operator suffers great bodily harm or
24 permanent disability or disfigurement, when the violation
25 was a proximate cause of the injuries. A person guilty of a
26 Class 4 felony under this paragraph 2, if sentenced to a

1 term of imprisonment, shall be sentenced to not less than
2 one year nor more than 12 years; or

3 3. The offense occurred during a period in which the
4 person's privileges to operate a snowmobile are revoked or
5 suspended, and the revocation or suspension was for a
6 violation of this Section or was imposed under Section
7 5-7.1.

8 (e) Every person convicted of violating this Section is
9 guilty of a Class 2 felony if the offense results in the death
10 of a person. A person guilty of a Class 2 felony under this
11 subsection (e), if sentenced to a term of imprisonment, shall
12 be sentenced to a term of not less than 3 years and not more
13 than 14 years.

14 (e-1) Every person convicted of violating this Section or a
15 similar provision of a local ordinance who had a child under
16 the age of 16 on board the snowmobile at the time of offense
17 shall be subject to a mandatory minimum fine of \$500 and shall
18 be subject to a mandatory minimum of 5 days of community
19 service in a program benefiting children. The assignment under
20 this subsection shall not be subject to suspension nor shall
21 the person be eligible for probation in order to reduce the
22 assignment.

23 (e-2) Every person found guilty of violating this Section,
24 whose operation of a snowmobile while in violation of this
25 Section proximately caused any incident resulting in an
26 appropriate emergency response, shall be liable for the expense

1 of an emergency response as provided in subsection (i) of
2 Section 11-501.01 of the Illinois Vehicle Code.

3 (e-3) In addition to any other penalties and liabilities, a
4 person who is found guilty of violating this Section, including
5 any person placed on court supervision, shall be fined \$100,
6 payable to the circuit clerk, who shall distribute the money to
7 the law enforcement agency that made the arrest. In the event
8 that more than one agency is responsible for the arrest, the
9 \$100 shall be shared equally. Any moneys received by a law
10 enforcement agency under this subsection (e-3) shall be used to
11 purchase law enforcement equipment or to provide law
12 enforcement training that will assist in the prevention of
13 alcohol related criminal violence throughout the State. Law
14 enforcement equipment shall include, but is not limited to,
15 in-car video cameras, radar and laser speed detection devices,
16 and alcohol breath testers.

17 (f) In addition to any criminal penalties imposed, the
18 Department of Natural Resources shall suspend the snowmobile
19 operation privileges of a person convicted or found guilty of a
20 misdemeanor under this Section for a period of one year, except
21 that first-time offenders are exempt from this mandatory one
22 year suspension.

23 (g) In addition to any criminal penalties imposed, the
24 Department of Natural Resources shall suspend for a period of 5
25 years the snowmobile operation privileges of any person
26 convicted or found guilty of a felony under this Section.

1 (Source: P.A. 99-697, eff. 7-29-16; 100-201, eff. 8-18-17.)

2 Section 10-200. The Clerks of Courts Act is amended by
3 changing Section 27.3b as follows:

4 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

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

19 The Clerk of the circuit court is authorized to enter into
20 contracts with credit card or debit card companies approved by
21 the clerk and to negotiate the payment of convenience and
22 administrative fees normally charged by those companies for
23 allowing the clerk of the circuit court to accept their credit
24 cards or debit cards in payment as authorized herein. The clerk

1 of the circuit court is authorized to enter into contracts with
2 third party fund guarantors, facilitators, and service
3 providers under which those entities may contract directly with
4 customers of the clerk of the circuit court and guarantee and
5 remit the payments to the clerk of the circuit court. Where the
6 offender pays fines, penalties, or costs by credit card or
7 debit card or through a third party fund guarantor,
8 facilitator, or service provider, or anyone paying statutory
9 fees of the circuit court clerk ~~or the posting of cash bail~~,
10 the clerk shall collect a service fee of up to \$5 or the amount
11 charged to the clerk for use of its services by the credit card
12 or debit card issuer, third party fund guarantor, facilitator,
13 or service provider. This service fee shall be in addition to
14 any other fines, penalties, or costs. The clerk of the circuit
15 court is authorized to negotiate the assessment of convenience
16 and administrative fees by the third party fund guarantors,
17 facilitators, and service providers with the revenue earned by
18 the clerk of the circuit court to be remitted to the county
19 general revenue fund.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 Section 10-205. The Attorney Act is amended by changing
22 Section 9 as follows:

23 (705 ILCS 205/9) (from Ch. 13, par. 9)

24 Sec. 9. All attorneys and counselors at law, judges, clerks

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

11 (Source: R.S. 1874, p. 169.)

12 Section 10-210. The Juvenile Court Act of 1987 is amended
13 by changing Sections 1-7, 1-8, and 5-150 as follows:

14 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

17 (A) All juvenile law enforcement records which have not
18 been expunged are confidential and may never be disclosed to
19 the general public or otherwise made widely available. Juvenile
20 law enforcement records may be obtained only under this Section
21 and Section 1-8 and Part 9 of Article V of this Act, when their
22 use is needed for good cause and with an order from the
23 juvenile court, as required by those not authorized to retain
24 them. Inspection, copying, and disclosure of juvenile law

1 enforcement records maintained by law enforcement agencies or
2 records of municipal ordinance violations maintained by any
3 State, local, or municipal agency that relate to a minor who
4 has been investigated, arrested, or taken into custody before
5 his or her 18th birthday shall be restricted to the following:

6 (0.05) The minor who is the subject of the juvenile law
7 enforcement record, his or her parents, guardian, and
8 counsel.

9 (0.10) Judges of the circuit court and members of the
10 staff of the court designated by the judge.

11 (0.15) An administrative adjudication hearing officer
12 or members of the staff designated to assist in the
13 administrative adjudication process.

14 (1) Any local, State, or federal law enforcement
15 officers or designated law enforcement staff of any
16 jurisdiction or agency when necessary for the discharge of
17 their official duties during the investigation or
18 prosecution of a crime or relating to a minor who has been
19 adjudicated delinquent and there has been a previous
20 finding that the act which constitutes the previous offense
21 was committed in furtherance of criminal activities by a
22 criminal street gang, or, when necessary for the discharge
23 of its official duties in connection with a particular
24 investigation of the conduct of a law enforcement officer,
25 an independent agency or its staff created by ordinance and
26 charged by a unit of local government with the duty of

1 investigating the conduct of law enforcement officers. For
2 purposes of this Section, "criminal street gang" has the
3 meaning ascribed to it in Section 10 of the Illinois
4 Streetgang Terrorism Omnibus Prevention Act.

5 (2) Prosecutors, public defenders, probation officers,
6 social workers, or other individuals assigned by the court
7 to conduct a pre-adjudication or pre-disposition
8 investigation, and individuals responsible for supervising
9 or providing temporary or permanent care and custody for
10 minors under the order of the juvenile court, when
11 essential to performing their responsibilities.

12 (3) Federal, State, or local prosecutors, public
13 defenders, probation officers, and designated staff:

14 (a) in the course of a trial when institution of
15 criminal proceedings has been permitted or required
16 under Section 5-805;

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

21 (c) when criminal proceedings have been permitted
22 or required under Section 5-805 and the minor is the
23 subject of a pre-trial investigation, pre-sentence
24 investigation, fitness hearing, or proceedings on an
25 application for probation; or

26 (d) in the course of prosecution or administrative

1 adjudication of a violation of a traffic, boating, or
2 fish and game law, or a county or municipal ordinance.

3 (4) Adult and Juvenile Prisoner Review Board.

4 (5) Authorized military personnel.

5 (5.5) Employees of the federal government authorized
6 by law.

7 (6) Persons engaged in bona fide research, with the
8 permission of the Presiding Judge and the chief executive
9 of the respective law enforcement agency; provided that
10 publication of such research results in no disclosure of a
11 minor's identity and protects the confidentiality of the
12 minor's record.

13 (7) Department of Children and Family Services child
14 protection investigators acting in their official
15 capacity.

16 (8) The appropriate school official only if the agency
17 or officer believes that there is an imminent threat of
18 physical harm to students, school personnel, or others who
19 are present in the school or on school grounds.

20 (A) Inspection and copying shall be limited to
21 juvenile law enforcement records transmitted to the
22 appropriate school official or officials whom the
23 school has determined to have a legitimate educational
24 or safety interest by a local law enforcement agency
25 under a reciprocal reporting system established and
26 maintained between the school district and the local

1 law enforcement agency under Section 10-20.14 of the
2 School Code concerning a minor enrolled in a school
3 within the school district who has been arrested or
4 taken into custody for any of the following offenses:

5 (i) any violation of Article 24 of the Criminal
6 Code of 1961 or the Criminal Code of 2012;

7 (ii) a violation of the Illinois Controlled
8 Substances Act;

9 (iii) a violation of the Cannabis Control Act;

10 (iv) a forcible felony as defined in Section
11 2-8 of the Criminal Code of 1961 or the Criminal
12 Code of 2012;

13 (v) a violation of the Methamphetamine Control
14 and Community Protection Act;

15 (vi) a violation of Section 1-2 of the
16 Harassing and Obscene Communications Act;

17 (vii) a violation of the Hazing Act; or

18 (viii) a violation of Section 12-1, 12-2,
19 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
20 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 The information derived from the juvenile law
23 enforcement records shall be kept separate from and
24 shall not become a part of the official school record
25 of that child and shall not be a public record. The
26 information shall be used solely by the appropriate

1 school official or officials whom the school has
2 determined to have a legitimate educational or safety
3 interest to aid in the proper rehabilitation of the
4 child and to protect the safety of students and
5 employees in the school. If the designated law
6 enforcement and school officials deem it to be in the
7 best interest of the minor, the student may be referred
8 to in-school or community-based social services if
9 those services are available. "Rehabilitation
10 services" may include interventions by school support
11 personnel, evaluation for eligibility for special
12 education, referrals to community-based agencies such
13 as youth services, behavioral healthcare service
14 providers, drug and alcohol prevention or treatment
15 programs, and other interventions as deemed
16 appropriate for the student.

17 (B) Any information provided to appropriate school
18 officials whom the school has determined to have a
19 legitimate educational or safety interest by local law
20 enforcement officials about a minor who is the subject
21 of a current police investigation that is directly
22 related to school safety shall consist of oral
23 information only, and not written juvenile law
24 enforcement records, and shall be used solely by the
25 appropriate school official or officials to protect
26 the safety of students and employees in the school and

1 aid in the proper rehabilitation of the child. The
2 information derived orally from the local law
3 enforcement officials shall be kept separate from and
4 shall not become a part of the official school record
5 of the child and shall not be a public record. This
6 limitation on the use of information about a minor who
7 is the subject of a current police investigation shall
8 in no way limit the use of this information by
9 prosecutors in pursuing criminal charges arising out
10 of the information disclosed during a police
11 investigation of the minor. For purposes of this
12 paragraph, "investigation" means an official
13 systematic inquiry by a law enforcement agency into
14 actual or suspected criminal activity.

15 (9) Mental health professionals on behalf of the
16 Department of Corrections or the Department of Human
17 Services or prosecutors who are evaluating, prosecuting,
18 or investigating a potential or actual petition brought
19 under the Sexually Violent Persons Commitment Act relating
20 to a person who is the subject of juvenile law enforcement
21 records or the respondent to a petition brought under the
22 Sexually Violent Persons Commitment Act who is the subject
23 of the juvenile law enforcement records sought. Any
24 juvenile law enforcement records and any information
25 obtained from those juvenile law enforcement records under
26 this paragraph (9) may be used only in sexually violent

1 persons commitment proceedings.

2 (10) The president of a park district. Inspection and
3 copying shall be limited to juvenile law enforcement
4 records transmitted to the president of the park district
5 by the Department of State Police under Section 8-23 of the
6 Park District Code or Section 16a-5 of the Chicago Park
7 District Act concerning a person who is seeking employment
8 with that park district and who has been adjudicated a
9 juvenile delinquent for any of the offenses listed in
10 subsection (c) of Section 8-23 of the Park District Code or
11 subsection (c) of Section 16a-5 of the Chicago Park
12 District Act.

13 (11) Persons managing and designated to participate in
14 a court diversion program as designated in subsection (6)
15 of Section 5-105.

16 (12) The Public Access Counselor of the Office of the
17 Attorney General, when reviewing juvenile law enforcement
18 records under its powers and duties under the Freedom of
19 Information Act.

20 (13) Collection agencies, contracted or otherwise
21 engaged by a governmental entity, to collect any debts due
22 and owing to the governmental entity.

23 (B)(1) Except as provided in paragraph (2), no law
24 enforcement officer or other person or agency may knowingly
25 transmit to the Department of Corrections, Department of State
26 Police, or to the Federal Bureau of Investigation any

1 fingerprint or photograph relating to a minor who has been
2 arrested or taken into custody before his or her 18th birthday,
3 unless the court in proceedings under this Act authorizes the
4 transmission or enters an order under Section 5-805 permitting
5 or requiring the institution of criminal proceedings.

6 (2) Law enforcement officers or other persons or agencies
7 shall transmit to the Department of State Police copies of
8 fingerprints and descriptions of all minors who have been
9 arrested or taken into custody before their 18th birthday for
10 the offense of unlawful use of weapons under Article 24 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
12 or Class 1 felony, a forcible felony as defined in Section 2-8
13 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
14 Class 2 or greater felony under the Cannabis Control Act, the
15 Illinois Controlled Substances Act, the Methamphetamine
16 Control and Community Protection Act, or Chapter 4 of the
17 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
18 Identification Act. Information reported to the Department
19 pursuant to this Section may be maintained with records that
20 the Department files pursuant to Section 2.1 of the Criminal
21 Identification Act. Nothing in this Act prohibits a law
22 enforcement agency from fingerprinting a minor taken into
23 custody or arrested before his or her 18th birthday for an
24 offense other than those listed in this paragraph (2).

25 (C) The records of law enforcement officers, or of an
26 independent agency created by ordinance and charged by a unit

1 of local government with the duty of investigating the conduct
2 of law enforcement officers, concerning all minors under 18
3 years of age must be maintained separate from the records of
4 arrests and may not be open to public inspection or their
5 contents disclosed to the public. For purposes of obtaining
6 documents under this Section, a civil subpoena is not an order
7 of the court.

8 (1) In cases where the law enforcement, or independent
9 agency, records concern a pending juvenile court case, the
10 party seeking to inspect the records shall provide actual
11 notice to the attorney or guardian ad litem of the minor
12 whose records are sought.

13 (2) In cases where the records concern a juvenile court
14 case that is no longer pending, the party seeking to
15 inspect the records shall provide actual notice to the
16 minor or the minor's parent or legal guardian, and the
17 matter shall be referred to the chief judge presiding over
18 matters pursuant to this Act.

19 (3) In determining whether the records should be
20 available for inspection, the court shall consider the
21 minor's interest in confidentiality and rehabilitation
22 over the moving party's interest in obtaining the
23 information. Any records obtained in violation of this
24 subsection (C) shall not be admissible in any criminal or
25 civil proceeding, or operate to disqualify a minor from
26 subsequently holding public office or securing employment,

1 or operate as a forfeiture of any public benefit, right,
2 privilege, or right to receive any license granted by
3 public authority.

4 (D) Nothing contained in subsection (C) of this Section
5 shall prohibit the inspection or disclosure to victims and
6 witnesses of photographs contained in the records of law
7 enforcement agencies when the inspection and disclosure is
8 conducted in the presence of a law enforcement officer for the
9 purpose of the identification or apprehension of any person
10 subject to the provisions of this Act or for the investigation
11 or prosecution of any crime.

12 (E) Law enforcement officers, and personnel of an
13 independent agency created by ordinance and charged by a unit
14 of local government with the duty of investigating the conduct
15 of law enforcement officers, may not disclose the identity of
16 any minor in releasing information to the general public as to
17 the arrest, investigation or disposition of any case involving
18 a minor.

19 (F) Nothing contained in this Section shall prohibit law
20 enforcement agencies from communicating with each other by
21 letter, memorandum, teletype, or intelligence alert bulletin
22 or other means the identity or other relevant information
23 pertaining to a person under 18 years of age if there are
24 reasonable grounds to believe that the person poses a real and
25 present danger to the safety of the public or law enforcement
26 officers. The information provided under this subsection (F)

1 shall remain confidential and shall not be publicly disclosed,
2 except as otherwise allowed by law.

3 (G) Nothing in this Section shall prohibit the right of a
4 Civil Service Commission or appointing authority of any federal
5 government, state, county or municipality examining the
6 character and fitness of an applicant for employment with a law
7 enforcement agency, correctional institution, or fire
8 department from obtaining and examining the records of any law
9 enforcement agency relating to any record of the applicant
10 having been arrested or taken into custody before the
11 applicant's 18th birthday.

12 (G-5) Information identifying victims and alleged victims
13 of sex offenses shall not be disclosed or open to the public
14 under any circumstances. Nothing in this Section shall prohibit
15 the victim or alleged victim of any sex offense from
16 voluntarily disclosing his or her own identity.

17 (H) The changes made to this Section by Public Act 98-61
18 apply to law enforcement records of a minor who has been
19 arrested or taken into custody on or after January 1, 2014 (the
20 effective date of Public Act 98-61).

21 (H-5) Nothing in this Section shall require any court or
22 adjudicative proceeding for traffic, boating, fish and game
23 law, or municipal and county ordinance violations to be closed
24 to the public.

25 (I) Willful violation of this Section is a Class C
26 misdemeanor and each violation is subject to a fine of \$1,000.

1 This subsection (I) shall not apply to the person who is the
2 subject of the record.

3 (J) A person convicted of violating this Section is liable
4 for damages in the amount of \$1,000 or actual damages,
5 whichever is greater.

6 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
7 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.
8 12-20-18.)

9 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

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

12 (A) A juvenile adjudication shall never be considered a
13 conviction nor shall an adjudicated individual be considered a
14 criminal. Unless expressly allowed by law, a juvenile
15 adjudication shall not operate to impose upon the individual
16 any of the civil disabilities ordinarily imposed by or
17 resulting from conviction. Unless expressly allowed by law,
18 adjudications shall not prejudice or disqualify the individual
19 in any civil service application or appointment, from holding
20 public office, or from receiving any license granted by public
21 authority. All juvenile court records which have not been
22 expunged are sealed and may never be disclosed to the general
23 public or otherwise made widely available. Sealed juvenile
24 court records may be obtained only under this Section and
25 Section 1-7 and Part 9 of Article V of this Act, when their use

1 is needed for good cause and with an order from the juvenile
2 court. Inspection and copying of juvenile court records
3 relating to a minor who is the subject of a proceeding under
4 this Act shall be restricted to the following:

5 (1) The minor who is the subject of record, his or her
6 parents, guardian, and counsel.

7 (2) Law enforcement officers and law enforcement
8 agencies when such information is essential to executing an
9 arrest or search warrant or other compulsory process, or to
10 conducting an ongoing investigation or relating to a minor
11 who has been adjudicated delinquent and there has been a
12 previous finding that the act which constitutes the
13 previous offense was committed in furtherance of criminal
14 activities by a criminal street gang.

15 Before July 1, 1994, for the purposes of this Section,
16 "criminal street gang" means any ongoing organization,
17 association, or group of 3 or more persons, whether formal
18 or informal, having as one of its primary activities the
19 commission of one or more criminal acts and that has a
20 common name or common identifying sign, symbol or specific
21 color apparel displayed, and whose members individually or
22 collectively engage in or have engaged in a pattern of
23 criminal activity.

24 Beginning July 1, 1994, for purposes of this Section,
25 "criminal street gang" has the meaning ascribed to it in
26 Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (3) Judges, hearing officers, prosecutors, public
3 defenders, probation officers, social workers, or other
4 individuals assigned by the court to conduct a
5 pre-adjudication or pre-disposition investigation, and
6 individuals responsible for supervising or providing
7 temporary or permanent care and custody for minors under
8 the order of the juvenile court when essential to
9 performing their responsibilities.

10 (4) Judges, federal, State, and local prosecutors,
11 public defenders, probation officers, and designated
12 staff:

13 (a) in the course of a trial when institution of
14 criminal proceedings has been permitted or required
15 under Section 5-805;

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

20 (c) when criminal proceedings have been permitted
21 or required under Section 5-805 and a minor is the
22 subject of a pre-trial investigation, pre-sentence
23 investigation or fitness hearing, or proceedings on an
24 application for probation; or

25 (d) when a minor becomes 18 years of age or older,
26 and is the subject of criminal proceedings, including a

1 hearing to determine the conditions of pretrial
2 release ~~amount of bail~~, a pre-trial investigation, a
3 pre-sentence investigation, a fitness hearing, or
4 proceedings on an application for probation.

5 (5) Adult and Juvenile Prisoner Review Boards.

6 (6) Authorized military personnel.

7 (6.5) Employees of the federal government authorized
8 by law.

9 (7) Victims, their subrogees and legal
10 representatives; however, such persons shall have access
11 only to the name and address of the minor and information
12 pertaining to the disposition or alternative adjustment
13 plan of the juvenile court.

14 (8) Persons engaged in bona fide research, with the
15 permission of the presiding judge of the juvenile court and
16 the chief executive of the agency that prepared the
17 particular records; provided that publication of such
18 research results in no disclosure of a minor's identity and
19 protects the confidentiality of the record.

20 (9) The Secretary of State to whom the Clerk of the
21 Court shall report the disposition of all cases, as
22 required in Section 6-204 of the Illinois Vehicle Code.
23 However, information reported relative to these offenses
24 shall be privileged and available only to the Secretary of
25 State, courts, and police officers.

26 (10) The administrator of a bonafide substance abuse

1 student assistance program with the permission of the
2 presiding judge of the juvenile court.

3 (11) Mental health professionals on behalf of the
4 Department of Corrections or the Department of Human
5 Services or prosecutors who are evaluating, prosecuting,
6 or investigating a potential or actual petition brought
7 under the Sexually Violent Persons Commitment Act relating
8 to a person who is the subject of juvenile court records or
9 the respondent to a petition brought under the Sexually
10 Violent Persons Commitment Act, who is the subject of
11 juvenile court records sought. Any records and any
12 information obtained from those records under this
13 paragraph (11) may be used only in sexually violent persons
14 commitment proceedings.

15 (12) Collection agencies, contracted or otherwise
16 engaged by a governmental entity, to collect any debts due
17 and owing to the governmental entity.

18 (A-1) Findings and exclusions of paternity entered in
19 proceedings occurring under Article II of this Act shall be
20 disclosed, in a manner and form approved by the Presiding Judge
21 of the Juvenile Court, to the Department of Healthcare and
22 Family Services when necessary to discharge the duties of the
23 Department of Healthcare and Family Services under Article X of
24 the Illinois Public Aid Code.

25 (B) A minor who is the victim in a juvenile proceeding
26 shall be provided the same confidentiality regarding

1 disclosure of identity as the minor who is the subject of
2 record.

3 (C)(0.1) In cases where the records concern a pending
4 juvenile court case, the requesting party seeking to inspect
5 the juvenile court records shall provide actual notice to the
6 attorney or guardian ad litem of the minor whose records are
7 sought.

8 (0.2) In cases where the juvenile court records concern a
9 juvenile court case that is no longer pending, the requesting
10 party seeking to inspect the juvenile court records shall
11 provide actual notice to the minor or the minor's parent or
12 legal guardian, and the matter shall be referred to the chief
13 judge presiding over matters pursuant to this Act.

14 (0.3) In determining whether juvenile court records should
15 be made available for inspection and whether inspection should
16 be limited to certain parts of the file, the court shall
17 consider the minor's interest in confidentiality and
18 rehabilitation over the requesting party's interest in
19 obtaining the information. The State's Attorney, the minor, and
20 the minor's parents, guardian, and counsel shall at all times
21 have the right to examine court files and records.

22 (0.4) Any records obtained in violation of this Section
23 shall not be admissible in any criminal or civil proceeding, or
24 operate to disqualify a minor from subsequently holding public
25 office, or operate as a forfeiture of any public benefit,
26 right, privilege, or right to receive any license granted by

1 public authority.

2 (D) Pending or following any adjudication of delinquency
3 for any offense defined in Sections 11-1.20 through 11-1.60 or
4 12-13 through 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the victim of any such offense shall
6 receive the rights set out in Sections 4 and 6 of the Bill of
7 Rights for Victims and Witnesses of Violent Crime Act; and the
8 juvenile who is the subject of the adjudication,
9 notwithstanding any other provision of this Act, shall be
10 treated as an adult for the purpose of affording such rights to
11 the victim.

12 (E) Nothing in this Section shall affect the right of a
13 Civil Service Commission or appointing authority of the federal
14 government, or any state, county, or municipality examining the
15 character and fitness of an applicant for employment with a law
16 enforcement agency, correctional institution, or fire
17 department to ascertain whether that applicant was ever
18 adjudicated to be a delinquent minor and, if so, to examine the
19 records of disposition or evidence which were made in
20 proceedings under this Act.

21 (F) Following any adjudication of delinquency for a crime
22 which would be a felony if committed by an adult, or following
23 any adjudication of delinquency for a violation of Section
24 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, the State's Attorney shall ascertain
26 whether the minor respondent is enrolled in school and, if so,

1 shall provide a copy of the dispositional order to the
2 principal or chief administrative officer of the school. Access
3 to the dispositional order shall be limited to the principal or
4 chief administrative officer of the school and any guidance
5 counselor designated by him or her.

6 (G) Nothing contained in this Act prevents the sharing or
7 disclosure of information or records relating or pertaining to
8 juveniles subject to the provisions of the Serious Habitual
9 Offender Comprehensive Action Program when that information is
10 used to assist in the early identification and treatment of
11 habitual juvenile offenders.

12 (H) When a court hearing a proceeding under Article II of
13 this Act becomes aware that an earlier proceeding under Article
14 II had been heard in a different county, that court shall
15 request, and the court in which the earlier proceedings were
16 initiated shall transmit, an authenticated copy of the juvenile
17 court record, including all documents, petitions, and orders
18 filed and the minute orders, transcript of proceedings, and
19 docket entries of the court.

20 (I) The Clerk of the Circuit Court shall report to the
21 Department of State Police, in the form and manner required by
22 the Department of State Police, the final disposition of each
23 minor who has been arrested or taken into custody before his or
24 her 18th birthday for those offenses required to be reported
25 under Section 5 of the Criminal Identification Act. Information
26 reported to the Department under this Section may be maintained

1 with records that the Department files under Section 2.1 of the
2 Criminal Identification Act.

3 (J) The changes made to this Section by Public Act 98-61
4 apply to juvenile law enforcement records of a minor who has
5 been arrested or taken into custody on or after January 1, 2014
6 (the effective date of Public Act 98-61).

7 (K) Willful violation of this Section is a Class C
8 misdemeanor and each violation is subject to a fine of \$1,000.
9 This subsection (K) shall not apply to the person who is the
10 subject of the record.

11 (L) A person convicted of violating this Section is liable
12 for damages in the amount of \$1,000 or actual damages,
13 whichever is greater.

14 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;
15 100-1162, eff. 12-20-18.)

16 (705 ILCS 405/5-150)

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

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

21 (a) in subsequent proceedings under this Act
22 concerning the same minor; or

23 (b) in criminal proceedings when the court is to
24 determine the conditions of pretrial release ~~amount of~~
25 ~~bail~~, fitness of the defendant or in sentencing under the

1 Unified Code of Corrections; or

2 (c) in proceedings under this Act or in criminal
3 proceedings in which anyone who has been adjudicated
4 delinquent under Section 5-105 is to be a witness including
5 the minor or defendant if he or she testifies, and then
6 only for purposes of impeachment and pursuant to the rules
7 of evidence for criminal trials; or

8 (d) in civil proceedings concerning causes of action
9 arising out of the incident or incidents which initially
10 gave rise to the proceedings under this Act.

11 (2) No adjudication or disposition under this Act shall
12 operate to disqualify a minor from subsequently holding public
13 office nor shall operate as a forfeiture of any right,
14 privilege or right to receive any license granted by public
15 authority.

16 (3) The court which adjudicated that a minor has committed
17 any offense relating to motor vehicles prescribed in Sections
18 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
19 Secretary of State of that adjudication and the notice shall
20 constitute sufficient grounds for revoking that minor's
21 driver's license or permit as provided in Section 6-205 of the
22 Illinois Vehicle Code; no minor shall be considered a criminal
23 by reason thereof, nor shall any such adjudication be
24 considered a conviction.

25 (Source: P.A. 90-590, eff. 1-1-99.)

1 Section 10-215. The Criminal Code of 2012 is amended by
2 changing Sections 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15 as
3 follows:

4 (720 ILCS 5/26.5-5)

5 Sec. 26.5-5. Sentence.

6 (a) Except as provided in subsection (b), a person who
7 violates any of the provisions of Section 26.5-1, 26.5-2, or
8 26.5-3 of this Article is guilty of a Class B misdemeanor.
9 Except as provided in subsection (b), a second or subsequent
10 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
11 is a Class A misdemeanor, for which the court shall impose a
12 minimum of 14 days in jail or, if public or community service
13 is established in the county in which the offender was
14 convicted, 240 hours of public or community service.

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

18 (1) The person has 3 or more prior violations in the
19 last 10 years of harassment by telephone, harassment
20 through electronic communications, or any similar offense
21 of any other state;

22 (2) The person has previously violated the harassment
23 by telephone provisions, or the harassment through
24 electronic communications provisions, or committed any
25 similar offense in any other state with the same victim or

1 a member of the victim's family or household;

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

8 (4) In the course of the offense, the offender
9 threatened to kill the victim or any member of the victim's
10 family or household;

11 (5) The person has been convicted in the last 10 years
12 of a forcible felony as defined in Section 2-8 of the
13 Criminal Code of 1961 or the Criminal Code of 2012;

14 (6) The person violates paragraph (5) of Section 26.5-2
15 or paragraph (4) of Section 26.5-3; or

16 (7) The person was at least 18 years of age at the time
17 of the commission of the offense and the victim was under
18 18 years of age at the time of the commission of the
19 offense.

20 (c) The court may order any person convicted under this
21 Article to submit to a psychiatric examination.

22 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

23 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

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

1 (a) A person who knowingly resists or obstructs the
2 performance by one known to the person to be a peace officer,
3 firefighter, or correctional institution employee of any
4 authorized act within his or her official capacity commits a
5 Class A misdemeanor.

6 (a-5) In addition to any other sentence that may be
7 imposed, a court shall order any person convicted of resisting
8 or obstructing a peace officer, firefighter, or correctional
9 institution employee to be sentenced to a minimum of 48
10 consecutive hours of imprisonment or ordered to perform
11 community service for not less than 100 hours as may be
12 determined by the court. The person shall not be eligible for
13 probation in order to reduce the sentence of imprisonment or
14 community service.

15 (a-7) A person convicted for a violation of this Section
16 whose violation was the proximate cause of an injury to a peace
17 officer, firefighter, or correctional institution employee is
18 guilty of a Class 4 felony.

19 (b) For purposes of this Section, "correctional
20 institution employee" means any person employed to supervise
21 and control inmates incarcerated in a penitentiary, State farm,
22 reformatory, prison, jail, house of correction, police
23 detention area, half-way house, or other institution or place
24 for the incarceration or custody of persons under sentence for
25 offenses or awaiting trial or sentence for offenses, under
26 arrest for an offense, a violation of probation, a violation of

1 parole, a violation of aftercare release, a violation of
2 mandatory supervised release, or awaiting a ~~bail setting~~
3 hearing or preliminary hearing on setting the conditions of
4 pretrial release, or who are sexually dangerous persons or who
5 are sexually violent persons; and "firefighter" means any
6 individual, either as an employee or volunteer, of a regularly
7 constituted fire department of a municipality or fire
8 protection district who performs fire fighting duties,
9 including, but not limited to, the fire chief, assistant fire
10 chief, captain, engineer, driver, ladder person, hose person,
11 pipe person, and any other member of a regularly constituted
12 fire department. "Firefighter" also means a person employed by
13 the Office of the State Fire Marshal to conduct arson
14 investigations.

15 (c) It is an affirmative defense to a violation of this
16 Section if a person resists or obstructs the performance of one
17 known by the person to be a firefighter by returning to or
18 remaining in a dwelling, residence, building, or other
19 structure to rescue or to attempt to rescue any person.

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

23 (Source: P.A. 98-558, eff. 1-1-14.)

24 (720 ILCS 5/31A-0.1)

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

1 Article:

2 "Deliver" or "delivery" means the actual, constructive or
3 attempted transfer of possession of an item of contraband, with
4 or without consideration, whether or not there is an agency
5 relationship.

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

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

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

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

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

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

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

24 (v) "Weapon" means any knife, dagger, dirk, billy,
25 razor, stiletto, broken bottle, or other piece of glass
26 which could be used as a dangerous weapon. This term

1 includes any of the devices or implements designated in
2 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of
3 this Code, or any other dangerous weapon or instrument of
4 like character.

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

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

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

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

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

26 (vii) "Firearm ammunition" means any self-contained

1 cartridge or shotgun shell, by whatever name known, which
2 is designed to be used or adaptable to use in a firearm,
3 including but not limited to:

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

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

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

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

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

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

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

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

1 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14.)

2 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

3 Sec. 32-10. Violation of conditions of pretrial release
4 ~~bail bond~~.

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

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

25 (b) Whoever, having been released pretrial under

1 conditions ~~admitted to bail~~ for appearance before any court of
2 this State, while charged with a criminal offense in which the
3 victim is a family or household member as defined in Article
4 112A of the Code of Criminal Procedure of 1963, knowingly
5 violates a condition of that release as set forth in Section
6 110-10, subsection (d) of the Code of Criminal Procedure of
7 1963, commits a Class A misdemeanor.

8 (c) Whoever, having been released pretrial under
9 conditions ~~admitted to bail~~ for appearance before any court of
10 this State for a felony, Class A misdemeanor or a criminal
11 offense in which the victim is a family or household member as
12 defined in Article 112A of the Code of Criminal Procedure of
13 1963, is charged with any other felony, Class A misdemeanor, or
14 a criminal offense in which the victim is a family or household
15 member as defined in Article 112A of the Code of Criminal
16 Procedure of 1963 while on this release, must appear before the
17 court ~~before bail is statutorily set~~.

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

24 (Source: P.A. 97-1108, eff. 1-1-13.)

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

26 (Source: P.A. 97-1108, eff. 1-1-13.)

1 Section 10-216. The Criminal Code of 2012 is amended by
2 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 and by adding
3 Sections 7-15, 7-16, and 33-9 as follows:

4 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

5 Sec. 7-5. Peace officer's use of force in making arrest.

6 (a) A peace officer, or any person whom he has summoned or
7 directed to assist him, need not retreat or desist from efforts
8 to make a lawful arrest because of resistance or threatened
9 resistance to the arrest. He is justified in the use of any
10 force which he reasonably believes, based on the totality of
11 the circumstances, to be necessary to effect the arrest and of
12 any force which he reasonably believes, based on the totality
13 of the circumstances, to be necessary to defend himself or
14 another from bodily harm while making the arrest. However, he
15 is justified in using force likely to cause death or great
16 bodily harm only when he reasonably believes, based on the
17 totality of the circumstances, that such force is necessary to
18 prevent death or great bodily harm to himself or such other
19 person, or when he reasonably believes, based on the totality
20 of the circumstances, both that:

21 (1) Such force is necessary to prevent the arrest from
22 being defeated by resistance or escape; the officer
23 reasonably believes that the person to be arrested cannot
24 be apprehended at a later date, and the officer reasonably

1 believes that the person to be arrested is likely to cause
2 great bodily harm to another; and

3 (2) The person to be arrested just ~~has~~ committed or
4 attempted a forcible felony which involves the infliction
5 or threatened infliction of great bodily harm or is
6 attempting to escape by use of a deadly weapon, or
7 otherwise indicates that he will endanger human life or
8 inflict great bodily harm unless arrested without delay.

9 As used in this subsection, "retreat" does not mean
10 tactical repositioning or other de-escalation tactics.

11 (a-5) Where feasible, a peace officer shall, prior to the
12 use of force, make reasonable efforts to identify himself or
13 herself as a peace officer and to warn that deadly force may be
14 used, unless the officer has reasonable grounds to believe that
15 the person is aware of those facts.

16 (a-10) A peace officer shall not use deadly force against a
17 person based on the danger that the person poses to himself or
18 herself if an reasonable officer would believe the person does
19 not pose an imminent threat of death or serious bodily injury
20 to the peace officer or to another person.

21 (a-15) A peace officer shall not use deadly force against a
22 person who is suspected of committing a property offense,
23 unless that offense is terrorism or unless deadly force is
24 otherwise authorized by law.

25 (b) A peace officer making an arrest pursuant to an invalid
26 warrant is justified in the use of any force which he would be

1 justified in using if the warrant were valid, unless he knows
2 that the warrant is invalid.

3 (c) The authority to use physical force conferred on peace
4 officers by this Article is a serious responsibility that shall
5 be exercised judiciously and with respect for human rights and
6 dignity and for the sanctity of every human life.

7 (d) Peace officers shall use deadly force only when
8 reasonably necessary in defense of human life. In determining
9 whether deadly force is reasonably necessary, officers shall
10 evaluate each situation in light of the particular
11 circumstances of each case and shall use other available
12 resources and techniques, if reasonably safe and feasible to a
13 reasonable officer.

14 (e) The decision by a peace officer to use force shall be
15 evaluated carefully and thoroughly, in a manner that reflects
16 the gravity of that authority and the serious consequences of
17 the use of force by peace officers, in order to ensure that
18 officers use force consistent with law and agency policies.

19 (f) The decision by a peace officer to use force shall be
20 evaluated from the perspective of a reasonable officer in the
21 same situation, based on the totality of the circumstances
22 known to or perceived by the officer at the time of the
23 decision, rather than with the benefit of hindsight, and that
24 the totality of the circumstances shall account for occasions
25 when officers may be forced to make quick judgments about using
26 force.

1 (g) Law enforcement agencies are encouraged to adopt and
2 develop policies designed to protect individuals with
3 physical, mental health, developmental, or intellectual
4 disabilities, who are significantly more likely to experience
5 greater levels of physical force during police interactions, as
6 these disabilities may affect the ability of a person to
7 understand or comply with commands from peace officers.

8 (h) As used in this Section:

9 (1) "Deadly force" means any use of force that creates
10 a substantial risk of causing death or serious bodily
11 injury, including, but not limited to, the discharge of a
12 firearm.

13 (2) A threat of death or serious bodily injury is
14 "imminent" when, based on the totality of the
15 circumstances, a reasonable officer in the same situation
16 would believe that a person has the present ability,
17 opportunity, and apparent intent to immediately cause
18 death or serious bodily injury to the peace officer or
19 another person. An imminent harm is not merely a fear of
20 future harm, no matter how great the fear and no matter how
21 great the likelihood of the harm, but is one that, from
22 appearances, must be instantly confronted and addressed.

23 (3) "Totality of the circumstances" means all facts
24 known to the peace officer at the time, or that would be
25 known to a reasonable officer in the same situation,
26 including the conduct of the officer and the subject

1 leading up to the use of deadly force.

2 (Source: P.A. 84-1426.)

3 (720 ILCS 5/7-5.5)

4 Sec. 7-5.5. Prohibited use of force by a peace officer.

5 (a) A peace officer, or any person acting on behalf of a
6 peace officer, shall not use a chokehold or restraint above the
7 shoulders with risk of asphyxiation in the performance of his
8 or her duties, unless deadly force is justified under Article 7
9 of this Code.

10 (b) A peace officer, or any person acting on behalf of a
11 peace officer, shall not use a chokehold or restraint above the
12 shoulders with risk of asphyxiation, or any lesser contact with
13 the throat or neck area of another, in order to prevent the
14 destruction of evidence by ingestion.

15 (c) As used in this Section, "chokehold" means applying any
16 direct pressure to the throat, windpipe, or airway of another
17 ~~with the intent to reduce or prevent the intake of air.~~
18 ~~"Chokehold" does not include any holding involving contact with~~
19 ~~the neck that is not intended to reduce the intake of air.~~

20 (d) As used in this Section, "restraint above the shoulders
21 with risk of positional asphyxiation" means a use of a
22 technique used to restrain a person above the shoulders,
23 including the neck or head, in a position which interferes with
24 the person's ability to breathe after the person no longer
25 poses a threat to the officer or any other person.

1 (e) A peace officer, or any person acting on behalf of a
2 peace officer, shall not:

3 (i) use force as punishment or retaliation;

4 (ii) discharge kinetic impact projectiles and all
5 other non-or less-lethal projectiles in a manner that
6 targets the head, pelvis, or back;

7 (iii) discharge firearms or kinetic impact projectiles
8 indiscriminately into a crowd; or

9 (iv) use chemical agents or irritants, including
10 pepper spray and tear gas, prior to issuing an order to
11 disperse in a sufficient manner to ensure the order is
12 heard and repeated if necessary, followed by sufficient
13 time and space to allow compliance with the order.

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

15 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

16 Sec. 7-9. Use of force to prevent escape.

17 (a) A peace officer or other person who has an arrested
18 person in his custody is justified in the use of ~~such~~ force,
19 except deadly force, to prevent the escape of the arrested
20 person from custody as he would be justified in using if he
21 were arresting such person.

22 (b) A guard or other peace officer is justified in the use
23 of force, ~~including force likely to cause death or great bodily~~
24 ~~harm,~~ which he reasonably believes to be necessary to prevent
25 the escape from a penal institution of a person whom the

1 officer reasonably believes to be lawfully detained in such
2 institution under sentence for an offense or awaiting trial or
3 commitment for an offense.

4 (c) Deadly force shall not be used to prevent escape under
5 this Section unless, based on the totality of the
6 circumstances, deadly force is necessary to prevent death or
7 great bodily harm to himself or such other person.

8 (Source: Laws 1961, p. 1983.)

9 (720 ILCS 5/7-15 new)

10 Sec. 7-15. Duty to render aid. It is the policy of the
11 State of Illinois that all law enforcement officers must, as
12 soon as reasonably practical, determine if a person is injured,
13 whether as a result of a use of force or otherwise, and render
14 medical aid and assistance consistent with training and request
15 emergency medical assistance if necessary. "Render medical aid
16 and assistance" includes, but is not limited to, (i) performing
17 emergency life-saving procedures such as cardiopulmonary
18 resuscitation or the administration of an automated external
19 defibrillator; and (ii) the carrying, or the making of
20 arrangements for the carrying, of such person to a physician,
21 surgeon, or hospital for medical or surgical treatment if it is
22 apparent that treatment is necessary, or if such carrying is
23 requested by the injured person.

24 (720 ILCS 5/7-16 new)

1 Sec. 7-16. Duty to intervene.

2 (a) A peace officer, or any person acting on behalf of a
3 peace officer, shall have an affirmative duty to intervene to
4 prevent or stop another peace officer in his or her presence
5 from using any unauthorized force or force that exceeds the
6 degree of force permitted, if any, without regard for chain of
7 command.

8 (b) A peace officer, or any person acting on behalf of a
9 peace officer, who intervenes as required by this Section shall
10 report the intervention to the person designated/identified by
11 the law enforcement entity in a manner prescribed by the
12 agency. The report required by this Section must include the
13 date, time, and place of the occurrence; the identity, if
14 known, and description of the participants; and a description
15 of the intervention actions taken and whether they were
16 successful. In no event shall the report be submitted more than
17 5 days after the incident.

18 (c) A member of a law enforcement agency shall not
19 discipline nor retaliate in any way against a peace officer for
20 intervening as required in this Section or for reporting
21 unconstitutional or unlawful conduct, or for failing to follow
22 what the officer reasonably believes is an unconstitutional or
23 unlawful directive.

24 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

25 Sec. 9-1. First degree murder; death penalties;

1 exceptions; separate hearings; proof; findings; appellate
2 procedures; reversals.

3 (a) A person who kills an individual without lawful
4 justification commits first degree murder if, in performing the
5 acts which cause the death:

6 (1) he or she either intends to kill or do great bodily
7 harm to that individual or another, or knows that such acts
8 will cause death to that individual or another; or

9 (2) he or she knows that such acts create a strong
10 probability of death or great bodily harm to that
11 individual or another; or

12 (3) he or she, acting alone or with one or more
13 participants, commits or attempts to commit a forcible
14 felony other than second degree murder, and in the course
15 of or in furtherance of such crime or flight therefrom, he
16 or she or another participant causes the death of a person
17 ~~he or she is attempting or committing a forcible felony~~
18 ~~other than second degree murder.~~

19 (b) Aggravating Factors. A defendant who at the time of the
20 commission of the offense has attained the age of 18 or more
21 and who has been found guilty of first degree murder may be
22 sentenced to death if:

23 (1) the murdered individual was a peace officer or
24 fireman killed in the course of performing his official
25 duties, to prevent the performance of his or her official
26 duties, or in retaliation for performing his or her

1 official duties, and the defendant knew or should have
2 known that the murdered individual was a peace officer or
3 fireman; or

4 (2) the murdered individual was an employee of an
5 institution or facility of the Department of Corrections,
6 or any similar local correctional agency, killed in the
7 course of performing his or her official duties, to prevent
8 the performance of his or her official duties, or in
9 retaliation for performing his or her official duties, or
10 the murdered individual was an inmate at such institution
11 or facility and was killed on the grounds thereof, or the
12 murdered individual was otherwise present in such
13 institution or facility with the knowledge and approval of
14 the chief administrative officer thereof; or

15 (3) the defendant has been convicted of murdering two
16 or more individuals under subsection (a) of this Section or
17 under any law of the United States or of any state which is
18 substantially similar to subsection (a) of this Section
19 regardless of whether the deaths occurred as the result of
20 the same act or of several related or unrelated acts so
21 long as the deaths were the result of either an intent to
22 kill more than one person or of separate acts which the
23 defendant knew would cause death or create a strong
24 probability of death or great bodily harm to the murdered
25 individual or another; or

26 (4) the murdered individual was killed as a result of

1 the hijacking of an airplane, train, ship, bus, or other
2 public conveyance; or

3 (5) the defendant committed the murder pursuant to a
4 contract, agreement, or understanding by which he or she
5 was to receive money or anything of value in return for
6 committing the murder or procured another to commit the
7 murder for money or anything of value; or

8 (6) the murdered individual was killed in the course of
9 another felony if:

10 (a) the murdered individual:

11 (i) was actually killed by the defendant, or

12 (ii) received physical injuries personally
13 inflicted by the defendant substantially
14 contemporaneously with physical injuries caused by
15 one or more persons for whose conduct the defendant
16 is legally accountable under Section 5-2 of this
17 Code, and the physical injuries inflicted by
18 either the defendant or the other person or persons
19 for whose conduct he is legally accountable caused
20 the death of the murdered individual; and

21 (b) in performing the acts which caused the death
22 of the murdered individual or which resulted in
23 physical injuries personally inflicted by the
24 defendant on the murdered individual under the
25 circumstances of subdivision (ii) of subparagraph (a)
26 of paragraph (6) of subsection (b) of this Section, the

1 defendant acted with the intent to kill the murdered
2 individual or with the knowledge that his acts created
3 a strong probability of death or great bodily harm to
4 the murdered individual or another; and

5 (c) the other felony was an inherently violent
6 crime or the attempt to commit an inherently violent
7 crime. In this subparagraph (c), "inherently violent
8 crime" includes, but is not limited to, armed robbery,
9 robbery, predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, aggravated
11 kidnapping, aggravated vehicular hijacking, aggravated
12 arson, aggravated stalking, residential burglary, and
13 home invasion; or

14 (7) the murdered individual was under 12 years of age
15 and the death resulted from exceptionally brutal or heinous
16 behavior indicative of wanton cruelty; or

17 (8) the defendant committed the murder with intent to
18 prevent the murdered individual from testifying or
19 participating in any criminal investigation or prosecution
20 or giving material assistance to the State in any
21 investigation or prosecution, either against the defendant
22 or another; or the defendant committed the murder because
23 the murdered individual was a witness in any prosecution or
24 gave material assistance to the State in any investigation
25 or prosecution, either against the defendant or another;
26 for purposes of this paragraph (8), "participating in any

1 criminal investigation or prosecution" is intended to
2 include those appearing in the proceedings in any capacity
3 such as trial judges, prosecutors, defense attorneys,
4 investigators, witnesses, or jurors; or

5 (9) the defendant, while committing an offense
6 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
7 407 or 407.1 or subsection (b) of Section 404 of the
8 Illinois Controlled Substances Act, or while engaged in a
9 conspiracy or solicitation to commit such offense,
10 intentionally killed an individual or counseled,
11 commanded, induced, procured or caused the intentional
12 killing of the murdered individual; or

13 (10) the defendant was incarcerated in an institution
14 or facility of the Department of Corrections at the time of
15 the murder, and while committing an offense punishable as a
16 felony under Illinois law, or while engaged in a conspiracy
17 or solicitation to commit such offense, intentionally
18 killed an individual or counseled, commanded, induced,
19 procured or caused the intentional killing of the murdered
20 individual; or

21 (11) the murder was committed in a cold, calculated and
22 premeditated manner pursuant to a preconceived plan,
23 scheme or design to take a human life by unlawful means,
24 and the conduct of the defendant created a reasonable
25 expectation that the death of a human being would result
26 therefrom; or

1 (12) the murdered individual was an emergency medical
2 technician - ambulance, emergency medical technician -
3 intermediate, emergency medical technician - paramedic,
4 ambulance driver, or other medical assistance or first aid
5 personnel, employed by a municipality or other
6 governmental unit, killed in the course of performing his
7 official duties, to prevent the performance of his official
8 duties, or in retaliation for performing his official
9 duties, and the defendant knew or should have known that
10 the murdered individual was an emergency medical
11 technician - ambulance, emergency medical technician -
12 intermediate, emergency medical technician - paramedic,
13 ambulance driver, or other medical assistance or first aid
14 personnel; or

15 (13) the defendant was a principal administrator,
16 organizer, or leader of a calculated criminal drug
17 conspiracy consisting of a hierarchical position of
18 authority superior to that of all other members of the
19 conspiracy, and the defendant counseled, commanded,
20 induced, procured, or caused the intentional killing of the
21 murdered person; or

22 (14) the murder was intentional and involved the
23 infliction of torture. For the purpose of this Section
24 torture means the infliction of or subjection to extreme
25 physical pain, motivated by an intent to increase or
26 prolong the pain, suffering or agony of the victim; or

1 (15) the murder was committed as a result of the
2 intentional discharge of a firearm by the defendant from a
3 motor vehicle and the victim was not present within the
4 motor vehicle; or

5 (16) the murdered individual was 60 years of age or
6 older and the death resulted from exceptionally brutal or
7 heinous behavior indicative of wanton cruelty; or

8 (17) the murdered individual was a person with a
9 disability and the defendant knew or should have known that
10 the murdered individual was a person with a disability. For
11 purposes of this paragraph (17), "person with a disability"
12 means a person who suffers from a permanent physical or
13 mental impairment resulting from disease, an injury, a
14 functional disorder, or a congenital condition that
15 renders the person incapable of adequately providing for
16 his or her own health or personal care; or

17 (18) the murder was committed by reason of any person's
18 activity as a community policing volunteer or to prevent
19 any person from engaging in activity as a community
20 policing volunteer; or

21 (19) the murdered individual was subject to an order of
22 protection and the murder was committed by a person against
23 whom the same order of protection was issued under the
24 Illinois Domestic Violence Act of 1986; or

25 (20) the murdered individual was known by the defendant
26 to be a teacher or other person employed in any school and

1 the teacher or other employee is upon the grounds of a
2 school or grounds adjacent to a school, or is in any part
3 of a building used for school purposes; or

4 (21) the murder was committed by the defendant in
5 connection with or as a result of the offense of terrorism
6 as defined in Section 29D-14.9 of this Code; or

7 (22) the murdered individual was a member of a
8 congregation engaged in prayer or other religious
9 activities at a church, synagogue, mosque, or other
10 building, structure, or place used for religious worship.

11 (b-5) Aggravating Factor; Natural Life Imprisonment. A
12 defendant who has been found guilty of first degree murder and
13 who at the time of the commission of the offense had attained
14 the age of 18 years or more may be sentenced to natural life
15 imprisonment if (i) the murdered individual was a physician,
16 physician assistant, psychologist, nurse, or advanced practice
17 registered nurse, (ii) the defendant knew or should have known
18 that the murdered individual was a physician, physician
19 assistant, psychologist, nurse, or advanced practice
20 registered nurse, and (iii) the murdered individual was killed
21 in the course of acting in his or her capacity as a physician,
22 physician assistant, psychologist, nurse, or advanced practice
23 registered nurse, or to prevent him or her from acting in that
24 capacity, or in retaliation for his or her acting in that
25 capacity.

26 (c) Consideration of factors in Aggravation and

1 Mitigation.

2 The court shall consider, or shall instruct the jury to
3 consider any aggravating and any mitigating factors which are
4 relevant to the imposition of the death penalty. Aggravating
5 factors may include but need not be limited to those factors
6 set forth in subsection (b). Mitigating factors may include but
7 need not be limited to the following:

8 (1) the defendant has no significant history of prior
9 criminal activity;

10 (2) the murder was committed while the defendant was
11 under the influence of extreme mental or emotional
12 disturbance, although not such as to constitute a defense
13 to prosecution;

14 (3) the murdered individual was a participant in the
15 defendant's homicidal conduct or consented to the
16 homicidal act;

17 (4) the defendant acted under the compulsion of threat
18 or menace of the imminent infliction of death or great
19 bodily harm;

20 (5) the defendant was not personally present during
21 commission of the act or acts causing death;

22 (6) the defendant's background includes a history of
23 extreme emotional or physical abuse;

24 (7) the defendant suffers from a reduced mental
25 capacity.

26 Provided, however, that an action that does not otherwise

1 mitigate first degree murder cannot qualify as a mitigating
2 factor for first degree murder because of the discovery,
3 knowledge, or disclosure of the victim's sexual orientation as
4 defined in Section 1-103 of the Illinois Human Rights Act.

5 (d) Separate sentencing hearing.

6 Where requested by the State, the court shall conduct a
7 separate sentencing proceeding to determine the existence of
8 factors set forth in subsection (b) and to consider any
9 aggravating or mitigating factors as indicated in subsection
10 (c). The proceeding shall be conducted:

11 (1) before the jury that determined the defendant's
12 guilt; or

13 (2) before a jury impanelled for the purpose of the
14 proceeding if:

15 A. the defendant was convicted upon a plea of
16 guilty; or

17 B. the defendant was convicted after a trial before
18 the court sitting without a jury; or

19 C. the court for good cause shown discharges the
20 jury that determined the defendant's guilt; or

21 (3) before the court alone if the defendant waives a
22 jury for the separate proceeding.

23 (e) Evidence and Argument.

24 During the proceeding any information relevant to any of
25 the factors set forth in subsection (b) may be presented by
26 either the State or the defendant under the rules governing the

1 admission of evidence at criminal trials. Any information
2 relevant to any additional aggravating factors or any
3 mitigating factors indicated in subsection (c) may be presented
4 by the State or defendant regardless of its admissibility under
5 the rules governing the admission of evidence at criminal
6 trials. The State and the defendant shall be given fair
7 opportunity to rebut any information received at the hearing.

8 (f) Proof.

9 The burden of proof of establishing the existence of any of
10 the factors set forth in subsection (b) is on the State and
11 shall not be satisfied unless established beyond a reasonable
12 doubt.

13 (g) Procedure - Jury.

14 If at the separate sentencing proceeding the jury finds
15 that none of the factors set forth in subsection (b) exists,
16 the court shall sentence the defendant to a term of
17 imprisonment under Chapter V of the Unified Code of
18 Corrections. If there is a unanimous finding by the jury that
19 one or more of the factors set forth in subsection (b) exist,
20 the jury shall consider aggravating and mitigating factors as
21 instructed by the court and shall determine whether the
22 sentence of death shall be imposed. If the jury determines
23 unanimously, after weighing the factors in aggravation and
24 mitigation, that death is the appropriate sentence, the court
25 shall sentence the defendant to death. If the court does not
26 concur with the jury determination that death is the

1 appropriate sentence, the court shall set forth reasons in
2 writing including what facts or circumstances the court relied
3 upon, along with any relevant documents, that compelled the
4 court to non-concur with the sentence. This document and any
5 attachments shall be part of the record for appellate review.
6 The court shall be bound by the jury's sentencing
7 determination.

8 If after weighing the factors in aggravation and
9 mitigation, one or more jurors determines that death is not the
10 appropriate sentence, the court shall sentence the defendant to
11 a term of imprisonment under Chapter V of the Unified Code of
12 Corrections.

13 (h) Procedure - No Jury.

14 In a proceeding before the court alone, if the court finds
15 that none of the factors found in subsection (b) exists, the
16 court shall sentence the defendant to a term of imprisonment
17 under Chapter V of the Unified Code of Corrections.

18 If the Court determines that one or more of the factors set
19 forth in subsection (b) exists, the Court shall consider any
20 aggravating and mitigating factors as indicated in subsection
21 (c). If the Court determines, after weighing the factors in
22 aggravation and mitigation, that death is the appropriate
23 sentence, the Court shall sentence the defendant to death.

24 If the court finds that death is not the appropriate
25 sentence, the court shall sentence the defendant to a term of
26 imprisonment under Chapter V of the Unified Code of

1 Corrections.

2 (h-5) Decertification as a capital case.

3 In a case in which the defendant has been found guilty of
4 first degree murder by a judge or jury, or a case on remand for
5 resentencing, and the State seeks the death penalty as an
6 appropriate sentence, on the court's own motion or the written
7 motion of the defendant, the court may decertify the case as a
8 death penalty case if the court finds that the only evidence
9 supporting the defendant's conviction is the uncorroborated
10 testimony of an informant witness, as defined in Section 115-21
11 of the Code of Criminal Procedure of 1963, concerning the
12 confession or admission of the defendant or that the sole
13 evidence against the defendant is a single eyewitness or single
14 accomplice without any other corroborating evidence. If the
15 court decertifies the case as a capital case under either of
16 the grounds set forth above, the court shall issue a written
17 finding. The State may pursue its right to appeal the
18 decertification pursuant to Supreme Court Rule 604(a)(1). If
19 the court does not decertify the case as a capital case, the
20 matter shall proceed to the eligibility phase of the sentencing
21 hearing.

22 (i) Appellate Procedure.

23 The conviction and sentence of death shall be subject to
24 automatic review by the Supreme Court. Such review shall be in
25 accordance with rules promulgated by the Supreme Court. The
26 Illinois Supreme Court may overturn the death sentence, and

1 order the imposition of imprisonment under Chapter V of the
2 Unified Code of Corrections if the court finds that the death
3 sentence is fundamentally unjust as applied to the particular
4 case. If the Illinois Supreme Court finds that the death
5 sentence is fundamentally unjust as applied to the particular
6 case, independent of any procedural grounds for relief, the
7 Illinois Supreme Court shall issue a written opinion explaining
8 this finding.

9 (j) Disposition of reversed death sentence.

10 In the event that the death penalty in this Act is held to
11 be unconstitutional by the Supreme Court of the United States
12 or of the State of Illinois, any person convicted of first
13 degree murder shall be sentenced by the court to a term of
14 imprisonment under Chapter V of the Unified Code of
15 Corrections.

16 In the event that any death sentence pursuant to the
17 sentencing provisions of this Section is declared
18 unconstitutional by the Supreme Court of the United States or
19 of the State of Illinois, the court having jurisdiction over a
20 person previously sentenced to death shall cause the defendant
21 to be brought before the court, and the court shall sentence
22 the defendant to a term of imprisonment under Chapter V of the
23 Unified Code of Corrections.

24 (k) Guidelines for seeking the death penalty.

25 The Attorney General and State's Attorneys Association
26 shall consult on voluntary guidelines for procedures governing

1 whether or not to seek the death penalty. The guidelines do not
2 have the force of law and are only advisory in nature.

3 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
4 100-863, eff. 8-14-18; 101-223, eff. 1-1-20.)

5 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

6 Sec. 33-3. Official misconduct.

7 (a) A public officer or employee or special government
8 agent commits misconduct when, in his official capacity or
9 capacity as a special government agent, he or she commits any
10 of the following acts:

11 (1) Intentionally or recklessly fails to perform any
12 mandatory duty as required by law; or

13 (2) Knowingly performs an act which he knows he is
14 forbidden by law to perform; or

15 (3) With intent to obtain a personal advantage for
16 himself or another, he performs an act in excess of his
17 lawful authority; or

18 (4) Solicits or knowingly accepts for the performance
19 of any act a fee or reward which he knows is not authorized
20 by law.

21 (b) An employee of a law enforcement agency commits
22 misconduct when he or she knowingly uses or communicates,
23 directly or indirectly, information acquired in the course of
24 employment, with the intent to obstruct, impede, or prevent the
25 investigation, apprehension, or prosecution of any criminal

1 offense or person. Nothing in this subsection (b) shall be
2 construed to impose liability for communicating to a
3 confidential resource, who is participating or aiding law
4 enforcement, in an ongoing investigation.

5 (c) A public officer or employee or special government
6 agent convicted of violating any provision of this Section
7 forfeits his or her office or employment or position as a
8 special government agent. In addition, he or she commits a
9 Class 3 felony.

10 (d) For purposes of this Section:

11 "Special ~~, "special~~ government agent" has the meaning
12 ascribed to it in subsection (1) of Section 4A-101 of the
13 Illinois Governmental Ethics Act.

14 (Source: P.A. 98-867, eff. 1-1-15.)

15 (720 ILCS 5/33-9 new)

16 Sec. 33-9. Law enforcement misconduct.

17 (a) A law enforcement officer or a person acting on behalf
18 of a law enforcement officer commits law enforcement misconduct
19 when, in the performance of his or her official duties, he or
20 she knowingly and intentionally:

21 (1) misrepresents or fails to provide facts describing
22 an incident in any report or during any investigations
23 regarding the law enforcement employee's conduct;

24 (2) withholds any knowledge of the misrepresentations
25 of another law enforcement officer from the law enforcement

1 employee's supervisor, investigator, or other person or
2 entity tasked with holding the law enforcement officer
3 accountable; or

4 (3) fails to comply with State law or their department
5 policy requiring the use of officer-worn body cameras.

6 (b) Sentence. Law enforcement misconduct is a Class 3
7 felony.

8 Section 10-255. The Code of Criminal Procedure of 1963 is
9 amended by changing the heading of Article 110 by changing
10 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
11 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1,
12 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,
13 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1,
14 115-4.1, and 122-6 and by adding Section 110-1.5 as follows:

15 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

16 Sec. 102-6. Pretrial release ~~"Bail"~~.

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

1 (Source: Laws 1963, p. 2836.)

2 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

3 Sec. 102-7. Conditions of pretrial release ~~"Bail bond"~~.

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

9 (Source: Laws 1963, p. 2836.)

10 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

11 Sec. 103-5. Speedy trial.)

12 (a) Every person in custody in this State for an alleged
13 offense shall be tried by the court having jurisdiction within
14 120 days from the date he or she was taken into custody unless
15 delay is occasioned by the defendant, by an examination for
16 fitness ordered pursuant to Section 104-13 of this Act, by a
17 fitness hearing, by an adjudication of unfitness to stand
18 trial, by a continuance allowed pursuant to Section 114-4 of
19 this Act after a court's determination of the defendant's
20 physical incapacity for trial, or by an interlocutory appeal.
21 Delay shall be considered to be agreed to by the defendant
22 unless he or she objects to the delay by making a written
23 demand for trial or an oral demand for trial on the record. The
24 provisions of this subsection (a) do not apply to a person on

1 pretrial release ~~bail~~ or recognizance for an offense but who is
2 in custody for a violation of his or her parole, aftercare
3 release, or mandatory supervised release for another offense.

4 The 120-day term must be one continuous period of
5 incarceration. In computing the 120-day term, separate periods
6 of incarceration may not be combined. If a defendant is taken
7 into custody a second (or subsequent) time for the same
8 offense, the term will begin again at day zero.

9 (b) Every person on pretrial release ~~bail~~ or recognizance
10 shall be tried by the court having jurisdiction within 160 days
11 from the date defendant demands trial unless delay is
12 occasioned by the defendant, by an examination for fitness
13 ordered pursuant to Section 104-13 of this Act, by a fitness
14 hearing, by an adjudication of unfitness to stand trial, by a
15 continuance allowed pursuant to Section 114-4 of this Act after
16 a court's determination of the defendant's physical incapacity
17 for trial, or by an interlocutory appeal. The defendant's
18 failure to appear for any court date set by the court operates
19 to waive the defendant's demand for trial made under this
20 subsection.

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

1 this subsection (b) shall be in writing; and in the case of a
2 defendant not in custody, the demand for trial shall include
3 the date of any prior demand made under this provision while
4 the defendant was in custody.

5 (c) If the court determines that the State has exercised
6 without success due diligence to obtain evidence material to
7 the case and that there are reasonable grounds to believe that
8 such evidence may be obtained at a later day the court may
9 continue the cause on application of the State for not more
10 than an additional 60 days. If the court determines that the
11 State has exercised without success due diligence to obtain
12 results of DNA testing that is material to the case and that
13 there are reasonable grounds to believe that such results may
14 be obtained at a later day, the court may continue the cause on
15 application of the State for not more than an additional 120
16 days.

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

21 (e) If a person is simultaneously in custody upon more than
22 one charge pending against him in the same county, or
23 simultaneously demands trial upon more than one charge pending
24 against him in the same county, he shall be tried, or adjudged
25 guilty after waiver of trial, upon at least one such charge
26 before expiration relative to any of such pending charges of

1 the period prescribed by subsections (a) and (b) of this
2 Section. Such person shall be tried upon all of the remaining
3 charges thus pending within 160 days from the date on which
4 judgment relative to the first charge thus prosecuted is
5 rendered pursuant to the Unified Code of Corrections or, if
6 such trial upon such first charge is terminated without
7 judgment and there is no subsequent trial of, or adjudication
8 of guilt after waiver of trial of, such first charge within a
9 reasonable time, the person shall be tried upon all of the
10 remaining charges thus pending within 160 days from the date on
11 which such trial is terminated; if either such period of 160
12 days expires without the commencement of trial of, or
13 adjudication of guilt after waiver of trial of, any of such
14 remaining charges thus pending, such charge or charges shall be
15 dismissed and barred for want of prosecution unless delay is
16 occasioned by the defendant, by an examination for fitness
17 ordered pursuant to Section 104-13 of this Act, by a fitness
18 hearing, by an adjudication of unfitness for trial, by a
19 continuance allowed pursuant to Section 114-4 of this Act after
20 a court's determination of the defendant's physical incapacity
21 for trial, or by an interlocutory appeal; provided, however,
22 that if the court determines that the State has exercised
23 without success due diligence to obtain evidence material to
24 the case and that there are reasonable grounds to believe that
25 such evidence may be obtained at a later day the court may
26 continue the cause on application of the State for not more

1 than an additional 60 days.

2 (f) Delay occasioned by the defendant shall temporarily
3 suspend for the time of the delay the period within which a
4 person shall be tried as prescribed by subsections (a), (b), or
5 (e) of this Section and on the day of expiration of the delay
6 the said period shall continue at the point at which it was
7 suspended. Where such delay occurs within 21 days of the end of
8 the period within which a person shall be tried as prescribed
9 by subsections (a), (b), or (e) of this Section, the court may
10 continue the cause on application of the State for not more
11 than an additional 21 days beyond the period prescribed by
12 subsections (a), (b), or (e). This subsection (f) shall become
13 effective on, and apply to persons charged with alleged
14 offenses committed on or after, March 1, 1977.

15 (Source: P.A. 98-558, eff. 1-1-14.)

16 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

17 Sec. 103-7. Posting notice of rights.

18 Every sheriff, chief of police or other person who is in
19 charge of any jail, police station or other building where
20 persons under arrest are held in custody pending investigation,
21 pretrial release ~~bail~~ or other criminal proceedings, shall post
22 in every room, other than cells, of such buildings where
23 persons are held in custody, in conspicuous places where it may
24 be seen and read by persons in custody and others, a poster,
25 printed in large type, containing a verbatim copy in the

1 English language of the provisions of Sections 103-2, 103-3,
2 103-4, 109-1, 110-2, 110-4, ~~and sub parts (a) and (b) of~~
3 ~~Sections 110-7~~ and 113-3 of this Code. Each person who is in
4 charge of any courthouse or other building in which any trial
5 of an offense is conducted shall post in each room primarily
6 used for such trials and in each room in which defendants are
7 confined or wait, pending trial, in conspicuous places where it
8 may be seen and read by persons in custody and others, a
9 poster, printed in large type, containing a verbatim copy in
10 the English language of the provisions of Sections 103-6,
11 113-1, 113-4 and 115-1 and of subparts (a) and (b) of Section
12 113-3 of this Code.

13 (Source: Laws 1965, p. 2622.)

14 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

15 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
16 may seize or transport unwillingly any person found in this
17 State who is allegedly in violation of a bail bond posted in
18 some other state or conditions of pretrial release. The return
19 of any such person to another state may be accomplished only as
20 provided by the laws of this State. Any bail bondsman who
21 violates this Section is fully subject to the criminal and
22 civil penalties provided by the laws of this State for his
23 actions.

24 (Source: P.A. 84-694.)

1 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

2 Sec. 104-13. Fitness Examination.

3 (a) When the issue of fitness involves the defendant's
4 mental condition, the court shall order an examination of the
5 defendant by one or more licensed physicians, clinical
6 psychologists, or psychiatrists chosen by the court. No
7 physician, clinical psychologist or psychiatrist employed by
8 the Department of Human Services shall be ordered to perform,
9 in his official capacity, an examination under this Section.

10 (b) If the issue of fitness involves the defendant's
11 physical condition, the court shall appoint one or more
12 physicians and in addition, such other experts as it may deem
13 appropriate to examine the defendant and to report to the court
14 regarding the defendant's condition.

15 (c) An examination ordered under this Section shall be
16 given at the place designated by the person who will conduct
17 the examination, except that if the defendant is being held in
18 custody, the examination shall take place at such location as
19 the court directs. No examinations under this Section shall be
20 ordered to take place at mental health or developmental
21 disabilities facilities operated by the Department of Human
22 Services. If the defendant fails to keep appointments without
23 reasonable cause or if the person conducting the examination
24 reports to the court that diagnosis requires hospitalization or
25 extended observation, the court may order the defendant
26 admitted to an appropriate facility for an examination, other

1 than a screening examination, for not more than 7 days. The
2 court may, upon a showing of good cause, grant an additional 7
3 days to complete the examination.

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

7 (e) Upon request by the defense and if the defendant is
8 indigent, the court may appoint, in addition to the expert or
9 experts chosen pursuant to subsection (a) of this Section, a
10 qualified expert selected by the defendant to examine him and
11 to make a report as provided in Section 104-15. Upon the filing
12 with the court of a verified statement of services rendered,
13 the court shall enter an order on the county board to pay such
14 expert a reasonable fee stated in the order.

15 (Source: P.A. 89-507, eff. 7-1-97.)

16 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

17 Sec. 104-17. Commitment for treatment; treatment plan.

18 (a) If the defendant is eligible to be or has been released
19 on pretrial release ~~bail~~ or on his own recognizance, the court
20 shall select the least physically restrictive form of treatment
21 therapeutically appropriate and consistent with the treatment
22 plan. The placement may be ordered either on an inpatient or an
23 outpatient basis.

24 (b) If the defendant's disability is mental, the court may
25 order him placed for treatment in the custody of the Department

1 of Human Services, or the court may order him placed in the
2 custody of any other appropriate public or private mental
3 health facility or treatment program which has agreed to
4 provide treatment to the defendant. If the court orders the
5 defendant placed in the custody of the Department of Human
6 Services, the Department shall evaluate the defendant to
7 determine to which secure facility the defendant shall be
8 transported and, within 20 days of the transmittal by the clerk
9 of the circuit court of the placement court order, notify the
10 sheriff of the designated facility. Upon receipt of that
11 notice, the sheriff shall promptly transport the defendant to
12 the designated facility. If the defendant is placed in the
13 custody of the Department of Human Services, the defendant
14 shall be placed in a secure setting. During the period of time
15 required to determine the appropriate placement the defendant
16 shall remain in jail. If during the course of evaluating the
17 defendant for placement, the Department of Human Services
18 determines that the defendant is currently fit to stand trial,
19 it shall immediately notify the court and shall submit a
20 written report within 7 days. In that circumstance the
21 placement shall be held pending a court hearing on the
22 Department's report. Otherwise, upon completion of the
23 placement process, the sheriff shall be notified and shall
24 transport the defendant to the designated facility. If, within
25 20 days of the transmittal by the clerk of the circuit court of
26 the placement court order, the Department fails to notify the

1 sheriff of the identity of the facility to which the defendant
2 shall be transported, the sheriff shall contact a designated
3 person within the Department to inquire about when a placement
4 will become available at the designated facility and bed
5 availability at other facilities. If, within 20 days of the
6 transmittal by the clerk of the circuit court of the placement
7 court order, the Department fails to notify the sheriff of the
8 identity of the facility to which the defendant shall be
9 transported, the sheriff shall notify the Department of its
10 intent to transfer the defendant to the nearest secure mental
11 health facility operated by the Department and inquire as to
12 the status of the placement evaluation and availability for
13 admission to such facility operated by the Department by
14 contacting a designated person within the Department. The
15 Department shall respond to the sheriff within 2 business days
16 of the notice and inquiry by the sheriff seeking the transfer
17 and the Department shall provide the sheriff with the status of
18 the evaluation, information on bed and placement availability,
19 and an estimated date of admission for the defendant and any
20 changes to that estimated date of admission. If the Department
21 notifies the sheriff during the 2 business day period of a
22 facility operated by the Department with placement
23 availability, the sheriff shall promptly transport the
24 defendant to that facility. The placement may be ordered either
25 on an inpatient or an outpatient basis.

26 (c) If the defendant's disability is physical, the court

1 may order him placed under the supervision of the Department of
2 Human Services which shall place and maintain the defendant in
3 a suitable treatment facility or program, or the court may
4 order him placed in an appropriate public or private facility
5 or treatment program which has agreed to provide treatment to
6 the defendant. The placement may be ordered either on an
7 inpatient or an outpatient basis.

8 (d) The clerk of the circuit court shall within 5 days of
9 the entry of the order transmit to the Department, agency or
10 institution, if any, to which the defendant is remanded for
11 treatment, the following:

12 (1) a certified copy of the order to undergo treatment.
13 Accompanying the certified copy of the order to undergo
14 treatment shall be the complete copy of any report prepared
15 under Section 104-15 of this Code or other report prepared
16 by a forensic examiner for the court;

17 (2) the county and municipality in which the offense
18 was committed;

19 (3) the county and municipality in which the arrest
20 took place;

21 (4) a copy of the arrest report, criminal charges,
22 arrest record; and

23 (5) all additional matters which the Court directs the
24 clerk to transmit.

25 (e) Within 30 days of entry of an order to undergo
26 treatment, the person supervising the defendant's treatment

1 shall file with the court, the State, and the defense a report
2 assessing the facility's or program's capacity to provide
3 appropriate treatment for the defendant and indicating his
4 opinion as to the probability of the defendant's attaining
5 fitness within a period of time from the date of the finding of
6 unfitness. For a defendant charged with a felony, the period of
7 time shall be one year. For a defendant charged with a
8 misdemeanor, the period of time shall be no longer than the
9 sentence if convicted of the most serious offense. If the
10 report indicates that there is a substantial probability that
11 the defendant will attain fitness within the time period, the
12 treatment supervisor shall also file a treatment plan which
13 shall include:

14 (1) A diagnosis of the defendant's disability;

15 (2) A description of treatment goals with respect to
16 rendering the defendant fit, a specification of the
17 proposed treatment modalities, and an estimated timetable
18 for attainment of the goals;

19 (3) An identification of the person in charge of
20 supervising the defendant's treatment.

21 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18.)

22 (725 ILCS 5/106D-1)

23 Sec. 106D-1. Defendant's appearance by closed circuit
24 television and video conference.

25 (a) Whenever the appearance in person in court, in either a

1 civil or criminal proceeding, is required of anyone held in a
2 place of custody or confinement operated by the State or any of
3 its political subdivisions, including counties and
4 municipalities, the chief judge of the circuit by rule may
5 permit the personal appearance to be made by means of two-way
6 audio-visual communication, including closed circuit
7 television and computerized video conference, in the following
8 proceedings:

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

12 (2) the waiver of a preliminary hearing;

13 (3) the arraignment on an information or indictment at
14 which a plea of not guilty will be entered;

15 (4) the presentation of a jury waiver;

16 (5) any status hearing;

17 (6) any hearing conducted under the Sexually Violent
18 Persons Commitment Act at which no witness testimony will
19 be taken; and

20 (7) at any hearing conducted under the Sexually Violent
21 Persons Commitment Act at which no witness testimony will
22 be taken.

23 (b) The two-way audio-visual communication facilities must
24 provide two-way audio-visual communication between the court
25 and the place of custody or confinement, and must include a
26 secure line over which the person in custody and his or her

1 counsel, if any, may communicate.

2 (c) Nothing in this Section shall be construed to prohibit
3 other court appearances through the use of two-way audio-visual
4 communication, upon waiver of any right the person in custody
5 or confinement may have to be present physically.

6 (d) Nothing in this Section shall be construed to establish
7 a right of any person held in custody or confinement to appear
8 in court through two-way audio-visual communication or to
9 require that any governmental entity, or place of custody or
10 confinement, provide two-way audio-visual communication.

11 (Source: P.A. 95-263, eff. 8-17-07.)

12 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

13 Sec. 107-4. Arrest by peace officer from other
14 jurisdiction.

15 (a) As used in this Section:

16 (1) "State" means any State of the United States and
17 the District of Columbia.

18 (2) "Peace Officer" means any peace officer or member
19 of any duly organized State, County, or Municipal peace
20 unit, any police force of another State, the United States
21 Department of Defense, or any police force whose members,
22 by statute, are granted and authorized to exercise powers
23 similar to those conferred upon any peace officer employed
24 by a law enforcement agency of this State.

25 (3) "Fresh pursuit" means the immediate pursuit of a

1 person who is endeavoring to avoid arrest.

2 (4) "Law enforcement agency" means a municipal police
3 department or county sheriff's office of this State.

4 (a-3) Any peace officer employed by a law enforcement
5 agency of this State may conduct temporary questioning pursuant
6 to Section 107-14 of this Code and may make arrests in any
7 jurisdiction within this State: (1) if the officer is engaged
8 in the investigation of criminal activity that occurred in the
9 officer's primary jurisdiction and the temporary questioning
10 or arrest relates to, arises from, or is conducted pursuant to
11 that investigation; or (2) if the officer, while on duty as a
12 peace officer, becomes personally aware of the immediate
13 commission of a felony or misdemeanor violation of the laws of
14 this State; or (3) if the officer, while on duty as a peace
15 officer, is requested by an appropriate State or local law
16 enforcement official to render aid or assistance to the
17 requesting law enforcement agency that is outside the officer's
18 primary jurisdiction; or (4) in accordance with Section
19 2605-580 of the Department of State Police Law of the Civil
20 Administrative Code of Illinois. While acting pursuant to this
21 subsection, an officer has the same authority as within his or
22 her own jurisdiction.

23 (a-7) The law enforcement agency of the county or
24 municipality in which any arrest is made under this Section
25 shall be immediately notified of the arrest.

26 (b) Any peace officer of another State who enters this

1 State in fresh pursuit and continues within this State in fresh
2 pursuit of a person in order to arrest him on the ground that
3 he has committed an offense in the other State has the same
4 authority to arrest and hold the person in custody as peace
5 officers of this State have to arrest and hold a person in
6 custody on the ground that he has committed an offense in this
7 State.

8 (c) If an arrest is made in this State by a peace officer
9 of another State in accordance with the provisions of this
10 Section he shall without unnecessary delay take the person
11 arrested before the circuit court of the county in which the
12 arrest was made. Such court shall conduct a hearing for the
13 purpose of determining the lawfulness of the arrest. If the
14 court determines that the arrest was lawful it shall commit the
15 person arrested, to await for a reasonable time the issuance of
16 an extradition warrant by the Governor of this State, or admit
17 him to pretrial release ~~bail~~ for such purpose. If the court
18 determines that the arrest was unlawful it shall discharge the
19 person arrested.

20 (Source: P.A. 98-576, eff. 1-1-14.)

21 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

22 Sec. 107-9. Issuance of arrest warrant upon complaint.

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

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

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

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

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

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

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

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

21 (d) The warrant of arrest shall:

22 (1) Be in writing;

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

1 certainty;

2 (3) Set forth the nature of the offense;

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

5 (5) Be signed by the judge of the court with the title
6 of his office;

7 (6) Command that the person against whom the complaint
8 was made be arrested and brought before the court issuing
9 the warrant or if he is absent or unable to act before the
10 nearest or most accessible court in the same county;

11 (7) Specify the conditions of pretrial release ~~amount~~
12 ~~of bail~~; and

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

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

22 (f) The arrest warrant may be issued electronically or
23 electromagnetically by use of electronic mail or a facsimile
24 transmission machine and any arrest warrant shall have the same
25 validity as a written warrant.

26 (Source: P.A. 101-239, eff. 1-1-20.)

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

2 Sec. 109-1. Person arrested; release from law enforcement
3 custody and court appearance; geographical constraints prevent
4 in-person appearances.

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

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

1 into court within 21 days.

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

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

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

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

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

26 (3) schedule ~~Schedule~~ a preliminary hearing in

1 appropriate cases;

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

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

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

22 (d) At the initial appearance of a defendant in any
23 criminal proceeding, the court must advise the defendant in
24 open court that any foreign national who is arrested or
25 detained has the right to have notice of the arrest or
26 detention given to his or her country's consular

1 representatives and the right to communicate with those
2 consular representatives if the notice has not already been
3 provided. The court must make a written record of so advising
4 the defendant.

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

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

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

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

1 eff. 1-1-18.)

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

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

19 (b) Notwithstanding the provisions of subsection (a), any
20 person arrested in a county other than the one in which a
21 warrant for his arrest was issued, may waive the right to be
22 taken before a judge in the county where the arrest was made.
23 If a person so arrested waives such right, the arresting agency
24 shall surrender such person to a law enforcement agency of the
25 county that issued the warrant without unnecessary delay. The

1 provisions of Section 109-1 shall then apply to the person so
2 arrested.

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

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

10 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

11 Sec. 109-3. Preliminary examination.)

12 (a) The judge shall hold the defendant to answer to the
13 court having jurisdiction of the offense if from the evidence
14 it appears there is probable cause to believe an offense has
15 been committed by the defendant, as provided in Section 109-3.1
16 of this Code, if the offense is a felony.

17 (b) If the defendant waives preliminary examination the
18 judge shall hold him to answer and may, or on the demand of the
19 prosecuting attorney shall, cause the witnesses for the State
20 to be examined. After hearing the testimony if it appears that
21 there is not probable cause to believe the defendant guilty of
22 any offense the judge shall discharge him.

23 (c) During the examination of any witness or when the
24 defendant is making a statement or testifying the judge may and
25 on the request of the defendant or State shall exclude all

1 other witnesses. He may also cause the witnesses to be kept
2 separate and to be prevented from communicating with each other
3 until all are examined.

4 (d) If the defendant is held to answer the judge may
5 require any material witness for the State or defendant to
6 enter into a written undertaking to appear at the trial, and
7 may provide for the forfeiture of a sum certain in the event
8 the witness does not appear at the trial. Any witness who
9 refuses to execute a recognizance may be committed by the judge
10 to the custody of the sheriff until trial or further order of
11 the court having jurisdiction of the cause. Any witness who
12 executes a recognizance and fails to comply with its terms
13 shall, in addition to any forfeiture provided in the
14 recognizance, be subject to the penalty provided in Section
15 32-10 of the Criminal Code of 2012 for violation of the
16 conditions of pretrial release ~~bail bond~~.

17 (e) During preliminary hearing or examination the
18 defendant may move for an order of suppression of evidence
19 pursuant to Section 114-11 or 114-12 of this Act or for other
20 reasons, and may move for dismissal of the charge pursuant to
21 Section 114-1 of this Act or for other reasons.

22 (Source: P.A. 97-1150, eff. 1-25-13.)

23 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

24 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
25 case involving a person charged with a felony in this State,

1 alleged to have been committed on or after January 1, 1984, the
2 provisions of this Section shall apply.

3 (b) Every person in custody in this State for the alleged
4 commission of a felony shall receive either a preliminary
5 examination as provided in Section 109-3 or an indictment by
6 Grand Jury as provided in Section 111-2, within 30 days from
7 the date he or she was taken into custody. Every person on
8 pretrial release ~~bail~~ or recognizance for the alleged
9 commission of a felony shall receive either a preliminary
10 examination as provided in Section 109-3 or an indictment by
11 Grand Jury as provided in Section 111-2, within 60 days from
12 the date he or she was arrested.

13 The provisions of this paragraph shall not apply in the
14 following situations:

15 (1) when delay is occasioned by the defendant; or

16 (2) when the defendant has been indicted by the Grand Jury
17 on the felony offense for which he or she was initially taken
18 into custody or on an offense arising from the same transaction
19 or conduct of the defendant that was the basis for the felony
20 offense or offenses initially charged; or

21 (3) when a competency examination is ordered by the court;
22 or

23 (4) when a competency hearing is held; or

24 (5) when an adjudication of incompetency for trial has been
25 made; or

26 (6) when the case has been continued by the court under

1 Section 114-4 of this Code after a determination that the
2 defendant is physically incompetent to stand trial.

3 (c) Delay occasioned by the defendant shall temporarily
4 suspend, for the time of the delay, the period within which the
5 preliminary examination must be held. On the day of expiration
6 of the delay the period in question shall continue at the point
7 at which it was suspended.

8 (Source: P.A. 83-644.)

9 (725 ILCS 5/Art. 110 heading)

10 ARTICLE 110. PRETRIAL RELEASE ~~BAIL~~

11 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

12 Sec. 110-1. Definitions. (a) (Blank). ~~"Security" is that~~
13 ~~which is required to be pledged to insure the payment of bail.~~

14 (b) "Sureties" encompasses the monetary and nonmonetary
15 requirements set by the court as conditions for release either
16 before or after conviction. ~~"Surety" is one who executes a bail~~
17 ~~bond and binds himself to pay the bail if the person in custody~~
18 ~~fails to comply with all conditions of the bail bond.~~

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

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

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

9 (Source: P.A. 85-892.)

10 (725 ILCS 5/110-1.5 new)

11 Sec. 110-1.5. Abolition of monetary bail. On and after
12 January 1, 2023, the requirement of posting monetary bail is
13 abolished, except as provided in the Uniform Criminal
14 Extradition Act, the Driver License Compact, or the Nonresident
15 Violator Compact which are compacts that have been entered into
16 between this State and its sister states.

17 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

18 Sec. 110-2. Release on own recognizance.

19 (a) It is presumed that a defendant is entitled to release
20 on personal recognizance on the condition that the defendant
21 attend all required court proceedings and the defendant does
22 not commit any criminal offense, and complies with all terms of
23 pretrial release, including, but not limited to, orders of
24 protection under both Section 112A-4 of this Code and Section

1 214 of the Illinois Domestic Violence Act of 1986, all civil no
2 contact orders, and all stalking no contact orders.

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

8 (c) Detention only shall be imposed when it is determined
9 that the defendant poses a specific, real and present threat to
10 a person, or has a high likelihood of willful flight. If the
11 court deems that the defendant is to be released on personal
12 recognizance, the court may require that a written admonishment
13 be signed by ~~When from all the circumstances the court is of~~
14 ~~the opinion that the defendant will appear as required either~~
15 ~~before or after conviction and the defendant will not pose a~~
16 ~~danger to any person or the community and that the defendant~~
17 ~~will comply with all conditions of bond, which shall include~~
18 ~~the defendant's current address with a written admonishment to~~
19 the defendant requiring that he or she must comply with the
20 provisions of Section 110-12 of this Code regarding any change
21 in his or her address. ~~The,~~ the defendant may be released on
22 his or her own recognizance upon signature. The defendant's
23 address shall at all times remain a matter of public record
24 with the clerk of the court. A failure to appear as required by
25 such recognizance shall constitute an offense subject to the
26 penalty provided in Section 32-10 of the Criminal Code of 2012

1 for violation of the conditions of pretrial release bail bond,
2 ~~and any obligated sum fixed in the recognizance shall be~~
3 ~~forfeited and collected in accordance with subsection (g) of~~
4 ~~Section 110-7 of this Code.~~

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

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

1 ~~present~~ a danger to any person or the community and that the
2 defendant will comply with all conditions of pretrial release
3 ~~bond~~.

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

6 (Source: P.A. 97-1150, eff. 1-25-13.)

7 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

8 Sec. 110-3. Options for warrant alternatives ~~Issuance of~~
9 ~~warrant~~.

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

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

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

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

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

1 ~~evidence that his failure to appear was not intentional.~~

2 (Source: P.A. 86-298; 86-984; 86-1028.)

3 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

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

5 (a) All persons charged with an offense shall be eligible
6 for pretrial release before conviction. Pretrial release may
7 only be denied when a person is charged with an offense listed
8 in Section 110-6.1 or when the defendant has a high likelihood
9 of willful flight, and after the court has held a hearing under
10 Section 110-6.1. All persons shall be bailable before
11 ~~conviction, except the following offenses where the proof is~~
12 ~~evident or the presumption great that the defendant is guilty~~
13 ~~of the offense: capital offenses; offenses for which a sentence~~
14 ~~of life imprisonment may be imposed as a consequence of~~
15 ~~conviction; felony offenses for which a sentence of~~
16 ~~imprisonment, without conditional and revocable release, shall~~
17 ~~be imposed by law as a consequence of conviction, where the~~
18 ~~court after a hearing, determines that the release of the~~
19 ~~defendant would pose a real and present threat to the physical~~
20 ~~safety of any person or persons; stalking or aggravated~~
21 ~~stalking, where the court, after a hearing, determines that the~~
22 ~~release of the defendant would pose a real and present threat~~
23 ~~to the physical safety of the alleged victim of the offense and~~
24 ~~denial of bail is necessary to prevent fulfillment of the~~
25 ~~threat upon which the charge is based; or unlawful use of~~

1 ~~weapons in violation of item (4) of subsection (a) of Section~~
2 ~~24-1 of the Criminal Code of 1961 or the Criminal Code of 2012~~
3 ~~when that offense occurred in a school or in any conveyance~~
4 ~~owned, leased, or contracted by a school to transport students~~
5 ~~to or from school or a school related activity, or on any~~
6 ~~public way within 1,000 feet of real property comprising any~~
7 ~~school, where the court, after a hearing, determines that the~~
8 ~~release of the defendant would pose a real and present threat~~
9 ~~to the physical safety of any person and denial of bail is~~
10 ~~necessary to prevent fulfillment of that threat; or making a~~
11 ~~terrorist threat in violation of Section 29D-20 of the Criminal~~
12 ~~Code of 1961 or the Criminal Code of 2012 or an attempt to~~
13 ~~commit the offense of making a terrorist threat, where the~~
14 ~~court, after a hearing, determines that the release of the~~
15 ~~defendant would pose a real and present threat to the physical~~
16 ~~safety of any person and denial of bail is necessary to prevent~~
17 ~~fulfillment of that threat.~~

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

25 (c) Where it is alleged that pretrial ~~bail~~ should be denied
26 to a person upon the grounds that the person presents a real

1 and present threat to the physical safety of any person or
2 persons, the burden of proof of such allegations shall be upon
3 the State.

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

8 (Source: P.A. 97-1150, eff. 1-25-13.)

9 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

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

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

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

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

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

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

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

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

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

22 (b) The court shall impose any conditions that are
23 mandatory under Section 110-10. The court may impose any
24 conditions that are permissible under Section 110-10., whether
25 ~~the evidence shows that as part of the offense there was a use~~
26 ~~of violence or threatened use of violence, whether the offense~~

1 ~~involved corruption of public officials or employees, whether~~
2 ~~there was physical harm or threats of physical harm to any~~
3 ~~public official, public employee, judge, prosecutor, juror or~~
4 ~~witness, senior citizen, child, or person with a disability,~~
5 ~~whether evidence shows that during the offense or during the~~
6 ~~arrest the defendant possessed or used a firearm, machine gun,~~
7 ~~explosive or metal piercing ammunition or explosive bomb device~~
8 ~~or any military or paramilitary armament, whether the evidence~~
9 ~~shows that the offense committed was related to or in~~
10 ~~furtherance of the criminal activities of an organized gang or~~
11 ~~was motivated by the defendant's membership in or allegiance to~~
12 ~~an organized gang, the condition of the victim, any written~~
13 ~~statement submitted by the victim or proffer or representation~~
14 ~~by the State regarding the impact which the alleged criminal~~
15 ~~conduct has had on the victim and the victim's concern, if any,~~
16 ~~with further contact with the defendant if released on bail,~~
17 ~~whether the offense was based on racial, religious, sexual~~
18 ~~orientation or ethnic hatred, the likelihood of the filing of a~~
19 ~~greater charge, the likelihood of conviction, the sentence~~
20 ~~applicable upon conviction, the weight of the evidence against~~
21 ~~such defendant, whether there exists motivation or ability to~~
22 ~~flee, whether there is any verification as to prior residence,~~
23 ~~education, or family ties in the local jurisdiction, in another~~
24 ~~county, state or foreign country, the defendant's employment,~~
25 ~~financial resources, character and mental condition, past~~
26 ~~conduct, prior use of alias names or dates of birth, and length~~

1 ~~of residence in the community, the consent of the defendant to~~
2 ~~periodic drug testing in accordance with Section 110-6.5,~~
3 ~~whether a foreign national defendant is lawfully admitted in~~
4 ~~the United States of America, whether the government of the~~
5 ~~foreign national maintains an extradition treaty with the~~
6 ~~United States by which the foreign government will extradite to~~
7 ~~the United States its national for a trial for a crime~~
8 ~~allegedly committed in the United States, whether the defendant~~
9 ~~is currently subject to deportation or exclusion under the~~
10 ~~immigration laws of the United States, whether the defendant,~~
11 ~~although a United States citizen, is considered under the law~~
12 ~~of any foreign state a national of that state for the purposes~~
13 ~~of extradition or non-extradition to the United States, the~~
14 ~~amount of unrecovered proceeds lost as a result of the alleged~~
15 ~~offense, the source of bail funds tendered or sought to be~~
16 ~~tendered for bail, whether from the totality of the court's~~
17 ~~consideration, the loss of funds posted or sought to be posted~~
18 ~~for bail will not deter the defendant from flight, whether the~~
19 ~~evidence shows that the defendant is engaged in significant~~
20 ~~possession, manufacture, or delivery of a controlled substance~~
21 ~~or cannabis, either individually or in consort with others,~~
22 ~~whether at the time of the offense charged he or she was on~~
23 ~~bond or pre-trial release pending trial, probation, periodic~~
24 ~~imprisonment or conditional discharge pursuant to this Code or~~
25 ~~the comparable Code of any other state or federal jurisdiction,~~
26 ~~whether the defendant is on bond or pre-trial release pending~~

1 ~~the imposition or execution of sentence or appeal of sentence~~
2 ~~for any offense under the laws of Illinois or any other state~~
3 ~~or federal jurisdiction, whether the defendant is under parole,~~
4 ~~aftercare release, mandatory supervised release, or work~~
5 ~~release from the Illinois Department of Corrections or Illinois~~
6 ~~Department of Juvenile Justice or any penal institution or~~
7 ~~corrections department of any state or federal jurisdiction,~~
8 ~~the defendant's record of convictions, whether the defendant~~
9 ~~has been convicted of a misdemeanor or ordinance offense in~~
10 ~~Illinois or similar offense in other state or federal~~
11 ~~jurisdiction within the 10 years preceding the current charge~~
12 ~~or convicted of a felony in Illinois, whether the defendant was~~
13 ~~convicted of an offense in another state or federal~~
14 ~~jurisdiction that would be a felony if committed in Illinois~~
15 ~~within the 20 years preceding the current charge or has been~~
16 ~~convicted of such felony and released from the penitentiary~~
17 ~~within 20 years preceding the current charge if a penitentiary~~
18 ~~sentence was imposed in Illinois or other state or federal~~
19 ~~jurisdiction, the defendant's records of juvenile adjudication~~
20 ~~of delinquency in any jurisdiction, any record of appearance or~~
21 ~~failure to appear by the defendant at court proceedings,~~
22 ~~whether there was flight to avoid arrest or prosecution,~~
23 ~~whether the defendant escaped or attempted to escape to avoid~~
24 ~~arrest, whether the defendant refused to identify himself or~~
25 ~~herself, or whether there was a refusal by the defendant to be~~
26 ~~fingerprinted as required by law. Information used by the court~~

1 ~~in its findings or stated in or offered in connection with this~~
2 ~~Section may be by way of proffer based upon reliable~~
3 ~~information offered by the State or defendant. All evidence~~
4 ~~shall be admissible if it is relevant and reliable regardless~~
5 ~~of whether it would be admissible under the rules of evidence~~
6 ~~applicable at criminal trials. If the State presents evidence~~
7 ~~that the offense committed by the defendant was related to or~~
8 ~~in furtherance of the criminal activities of an organized gang~~
9 ~~or was motivated by the defendant's membership in or allegiance~~
10 ~~to an organized gang, and if the court determines that the~~
11 ~~evidence may be substantiated, the court shall prohibit the~~
12 ~~defendant from associating with other members of the organized~~
13 ~~gang as a condition of bail or release. For the purposes of~~
14 ~~this Section, "organized gang" has the meaning ascribed to it~~
15 ~~in Section 10 of the Illinois Streetgang Terrorism Omnibus~~
16 ~~Prevention Act.~~

17 ~~(a 5) There shall be a presumption that any conditions of~~
18 ~~release imposed shall be non monetary in nature and the court~~
19 ~~shall impose the least restrictive conditions or combination of~~
20 ~~conditions necessary to reasonably assure the appearance of the~~
21 ~~defendant for further court proceedings and protect the~~
22 ~~integrity of the judicial proceedings from a specific threat to~~
23 ~~a witness or participant. Conditions of release may include,~~
24 ~~but not be limited to, electronic home monitoring, curfews,~~
25 ~~drug counseling, stay away orders, and in person reporting.~~
26 ~~The court shall consider the defendant's socio economic~~

1 ~~circumstance when setting conditions of release or imposing~~
2 ~~monetary bail.~~

3 ~~(b) The amount of bail shall be:~~

4 ~~(1) Sufficient to assure compliance with the~~
5 ~~conditions set forth in the bail bond, which shall include~~
6 ~~the defendant's current address with a written~~
7 ~~admonishment to the defendant that he or she must comply~~
8 ~~with the provisions of Section 110-12 regarding any change~~
9 ~~in his or her address. The defendant's address shall at all~~
10 ~~times remain a matter of public record with the clerk of~~
11 ~~the court.~~

12 ~~(2) Not oppressive.~~

13 ~~(3) Considerate of the financial ability of the~~
14 ~~accused.~~

15 ~~(4) When a person is charged with a drug related~~
16 ~~offense involving possession or delivery of cannabis or~~
17 ~~possession or delivery of a controlled substance as defined~~
18 ~~in the Cannabis Control Act, the Illinois Controlled~~
19 ~~Substances Act, or the Methamphetamine Control and~~
20 ~~Community Protection Act, the full street value of the~~
21 ~~drugs seized shall be considered. "Street value" shall be~~
22 ~~determined by the court on the basis of a proffer by the~~
23 ~~State based upon reliable information of a law enforcement~~
24 ~~official contained in a written report as to the amount~~
25 ~~seized and such proffer may be used by the court as to the~~
26 ~~current street value of the smallest unit of the drug~~

1 ~~seized.~~

2 ~~(b-5) Upon the filing of a written request demonstrating~~
3 ~~reasonable cause, the State's Attorney may request a source of~~
4 ~~bail hearing either before or after the posting of any funds.~~
5 ~~If the hearing is granted, before the posting of any bail, the~~
6 ~~accused must file a written notice requesting that the court~~
7 ~~conduct a source of bail hearing. The notice must be~~
8 ~~accompanied by justifying affidavits stating the legitimate~~
9 ~~and lawful source of funds for bail. At the hearing, the court~~
10 ~~shall inquire into any matters stated in any justifying~~
11 ~~affidavits, and may also inquire into matters appropriate to~~
12 ~~the determination which shall include, but are not limited to,~~
13 ~~the following:~~

14 ~~(1) the background, character, reputation, and~~
15 ~~relationship to the accused of any surety; and~~

16 ~~(2) the source of any money or property deposited by~~
17 ~~any surety, and whether any such money or property~~
18 ~~constitutes the fruits of criminal or unlawful conduct; and~~

19 ~~(3) the source of any money posted as cash bail, and~~
20 ~~whether any such money constitutes the fruits of criminal~~
21 ~~or unlawful conduct; and~~

22 ~~(4) the background, character, reputation, and~~
23 ~~relationship to the accused of the person posting cash~~
24 ~~bail.~~

25 ~~Upon setting the hearing, the court shall examine, under~~
26 ~~oath, any persons who may possess material information.~~

1 ~~The State's Attorney has a right to attend the hearing, to~~
2 ~~call witnesses and to examine any witness in the proceeding.~~
3 ~~The court shall, upon request of the State's Attorney, continue~~
4 ~~the proceedings for a reasonable period to allow the State's~~
5 ~~Attorney to investigate the matter raised in any testimony or~~
6 ~~affidavit. If the hearing is granted after the accused has~~
7 ~~posted bail, the court shall conduct a hearing consistent with~~
8 ~~this subsection (b 5). At the conclusion of the hearing, the~~
9 ~~court must issue an order either approving or disapproving the~~
10 ~~bail.~~

11 ~~(c) When a person is charged with an offense punishable by~~
12 ~~fine only the amount of the bail shall not exceed double the~~
13 ~~amount of the maximum penalty.~~

14 ~~(d) When a person has been convicted of an offense and only~~
15 ~~a fine has been imposed the amount of the bail shall not exceed~~
16 ~~double the amount of the fine.~~

17 ~~(e) The State may appeal any order granting bail or setting~~
18 ~~a given amount for bail.~~

19 (b) ~~(f)~~ When a person is charged with a violation of an
20 order of protection under Section 12-3.4 or 12-30 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 or when a
22 person is charged with domestic battery, aggravated domestic
23 battery, kidnapping, aggravated kidnaping, unlawful restraint,
24 aggravated unlawful restraint, stalking, aggravated stalking,
25 cyberstalking, harassment by telephone, harassment through
26 electronic communications, or an attempt to commit first degree

1 murder committed against an intimate partner regardless
2 whether an order of protection has been issued against the
3 person,

4 (1) whether the alleged incident involved harassment
5 or abuse, as defined in the Illinois Domestic Violence Act
6 of 1986;

7 (2) whether the person has a history of domestic
8 violence, as defined in the Illinois Domestic Violence Act,
9 or a history of other criminal acts;

10 (3) based on the mental health of the person;

11 (4) whether the person has a history of violating the
12 orders of any court or governmental entity;

13 (5) whether the person has been, or is, potentially a
14 threat to any other person;

15 (6) whether the person has access to deadly weapons or
16 a history of using deadly weapons;

17 (7) whether the person has a history of abusing alcohol
18 or any controlled substance;

19 (8) based on the severity of the alleged incident that
20 is the basis of the alleged offense, including, but not
21 limited to, the duration of the current incident, and
22 whether the alleged incident involved the use of a weapon,
23 physical injury, sexual assault, strangulation, abuse
24 during the alleged victim's pregnancy, abuse of pets, or
25 forcible entry to gain access to the alleged victim;

26 (9) whether a separation of the person from the victim

1 of abuse ~~alleged-victim~~ or a termination of the
2 relationship between the person and the victim of abuse
3 ~~alleged-victim~~ has recently occurred or is pending;

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

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

11 (11.5) any other factors deemed by the court to have a
12 reasonable bearing upon the defendant's propensity or
13 reputation for violent, abusive or assaultive behavior, or
14 lack of that behavior

15 ~~(12) based on any information contained in the~~
16 ~~complaint and any police reports, affidavits, or other~~
17 ~~documents accompanying the complaint,~~
18 ~~the court may, in its discretion, order the respondent to~~
19 ~~undergo a risk assessment evaluation using a recognized,~~
20 ~~evidence-based instrument conducted by an Illinois Department~~
21 ~~of Human Services approved partner abuse intervention program~~
22 ~~provider, pretrial service, probation, or parole agency. These~~
23 ~~agencies shall have access to summaries of the defendant's~~
24 ~~criminal history, which shall not include victim interviews or~~
25 ~~information, for the risk evaluation. Based on the information~~
26 ~~collected from the 12 points to be considered at a bail hearing~~

1 ~~under this subsection (f), the results of any risk evaluation~~
2 ~~conducted and the other circumstances of the violation, the~~
3 ~~court may order that the person, as a condition of bail, be~~
4 ~~placed under electronic surveillance as provided in Section~~
5 ~~5-8A-7 of the Unified Code of Corrections. Upon making a~~
6 ~~determination whether or not to order the respondent to undergo~~
7 ~~a risk assessment evaluation or to be placed under electronic~~
8 ~~surveillance and risk assessment, the court shall document in~~
9 ~~the record the court's reasons for making those determinations.~~
10 ~~The cost of the electronic surveillance and risk assessment~~
11 ~~shall be paid by, or on behalf, of the defendant. As used in~~
12 ~~this subsection (f), "intimate partner" means a spouse or a~~
13 ~~current or former partner in a cohabitation or dating~~
14 ~~relationship.~~

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

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

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

1 of any such history.

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

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

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

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

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

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

25 (e) If a person remains in pretrial detention after his or
26 her pretrial conditions hearing after having been ordered

1 released with pretrial conditions, the court shall hold a
2 hearing to determine the reason for continued detention. If the
3 reason for continued detention is due to the unavailability or
4 the defendant's ineligibility for one or more pretrial
5 conditions previously ordered by the court or directed by a
6 pretrial services agency, the court shall reopen the conditions
7 of release hearing to determine what available pretrial
8 conditions exist that will reasonably assure the appearance of
9 a defendant as required or the safety of any other person and
10 the likelihood of compliance by the defendant with all the
11 conditions of pretrial release. The inability of Defendant to
12 pay for a condition of release or any other ineligibility for a
13 condition of pretrial release shall not be used as a
14 justification for the pretrial detention of that Defendant.

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

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

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

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

16 (j) Crime Victims shall be given notice by the State's
17 Attorney's office of this hearing as required in paragraph (1)
18 of subsection (b) of Section 4.5 of the Rights of Crime Victims
19 and Witnesses Act and shall be informed of their opportunity at
20 this hearing to obtain an order of protection under Article
21 112A of this Code.

22 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18; revised
23 7-12-19.)

24 (725 ILCS 5/110-5.2)

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

1 detainee.

2 (a) It is the policy of this State that a pre-trial
3 detainee shall not be required to deliver a child while in
4 custody absent a finding by the court that continued pre-trial
5 custody is necessary to protect the public or the victim of the
6 offense on which the charge is based.

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

11 (1) that the release of the pregnant pre-trial detainee
12 would pose a real and present threat to the physical safety
13 of the alleged victim of the offense and continuing custody
14 is necessary to prevent the fulfillment of the threat upon
15 which the charge is based; or

16 (2) that the release of the pregnant pre-trial detainee
17 would pose a real and present threat to the physical safety
18 of any person or persons or the general public.

19 (c) The court may order a pregnant or post-partum detainee
20 to be subject to electronic monitoring as a condition of
21 pre-trial release or order other condition or combination of
22 conditions the court reasonably determines are in the best
23 interest of the detainee and the public.

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

1 (Source: P.A. 100-630, eff. 1-1-19.)

2 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

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

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

10 (1) if the defendant is charged with a detainable
11 felony as defined in 110-6.1, a defendant may be detained
12 after the State files a verified petition for such a
13 hearing, and gives the defendant notice as prescribed in
14 110-6.1; or

15 (2) in accordance with subsection (b) of this section.

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

22 (1) When the defendant is charged with a felony or
23 class A misdemeanor offense and while free on pretrial
24 release bail is charged with a subsequent felony or class A
25 misdemeanor offense that is alleged to have occurred during

1 the defendant's pretrial release, the state may file a
2 verified petition for revocation of pretrial release.

3 (2) When a defendant on pretrial release is charged
4 with a violation of an order of protection issued under
5 Section 112A-14 of this Code, or Section 214 of the
6 Illinois Domestic Violence Act of 1986 or previously was
7 convicted of a violation of an order of protection under
8 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, and the subject of the order of
10 protection is the same person as the victim in the
11 underlying matter, the state shall file a verified petition
12 for revocation of pretrial release.

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

24 (4) The court before which the previous felony matter
25 is pending may revoke the defendant's pretrial release only
26 if it finds, after considering all relevant circumstances

1 including, but not limited to, the nature and seriousness
2 of the violation or criminal act alleged, by the court
3 finds clear and convincing evidence that no condition or
4 combination of conditions of release would reasonably
5 assure the appearance of the defendant for later hearings
6 or prevent the defendant from being charged with a
7 subsequent felony or class A misdemeanor.

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

11 (6) If the case that caused the revocation is
12 dismissed, the defendant is found not guilty in the case
13 causing the revocation, or the defendant completes a
14 lawfully imposed sentence on the case causing the
15 revocation, the court shall, without unnecessary delay,
16 hold a hearing on conditions of release pursuant to section
17 110-5 and release the defendant with or without
18 modification of conditions of pretrial release.

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

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

24 (1) fails to appear in court as required by their
25 conditions of release;

26 (2) is charged with a class B or C misdemeanor, petty

1 offense, traffic offense, or ordinance violation that is
2 alleged to have occurred during the defendant's pretrial
3 release; or

4 (3) violates any other condition of release set by the
5 court,

6 the court shall follow the procedures set forth in Section
7 110-3 to ensure the defendant's appearance in court to address
8 the violation.

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

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

20 1. The defendant committed an act that violated a term
21 of their pretrial release;

22 2. The defendant had actual knowledge that their action
23 would violate a court order;

24 3. The violation of the court order was willful; and

25 4. The violation was not caused by a lack of access to
26 financial monetary resources.

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

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

9 (g) Modification of Pretrial Conditions

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

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

1 Witnesses Act.

2 (h) Notice to Victims: Crime Victims shall be given notice
3 by the State's Attorney's office of all hearings in this
4 section as required in paragraph (1) of subsection (b) of
5 Section 4.5 of the Rights of Crime Victims and Witnesses Act
6 and shall be informed of their opportunity at these hearing to
7 obtain an order of protection under Article 112A of this Code.
8 ~~Upon verified application by the State or the defendant or on~~
9 ~~its own motion the court before which the proceeding is pending~~
10 ~~may increase or reduce the amount of bail or may alter the~~
11 ~~conditions of the bail bond or grant bail where it has been~~
12 ~~previously revoked or denied. If bail has been previously~~
13 ~~revoked pursuant to subsection (f) of this Section or if bail~~
14 ~~has been denied to the defendant pursuant to subsection (e) of~~
15 ~~Section 110-6.1 or subsection (e) of Section 110-6.3, the~~
16 ~~defendant shall be required to present a verified application~~
17 ~~setting forth in detail any new facts not known or obtainable~~
18 ~~at the time of the previous revocation or denial of bail~~
19 ~~proceedings. If the court grants bail where it has been~~
20 ~~previously revoked or denied, the court shall state on the~~
21 ~~record of the proceedings the findings of facts and conclusion~~
22 ~~of law upon which such order is based.~~

23 ~~(a-5) In addition to any other available motion or~~
24 ~~procedure under this Code, a person in custody solely for a~~
25 ~~Category B offense due to an inability to post monetary bail~~
26 ~~shall be brought before the court at the next available court~~

1 ~~date or 7 calendar days from the date bail was set, whichever~~
2 ~~is earlier, for a rehearing on the amount or conditions of bail~~
3 ~~or release pending further court proceedings. The court may~~
4 ~~reconsider conditions of release for any other person whose~~
5 ~~inability to post monetary bail is the sole reason for~~
6 ~~continued incarceration, including a person in custody for a~~
7 ~~Category A offense or a Category A offense and a Category B~~
8 ~~offense. The court may deny the rehearing permitted under this~~
9 ~~subsection (a-5) if the person has failed to appear as required~~
10 ~~before the court and is incarcerated based on a warrant for~~
11 ~~failure to appear on the same original criminal offense.~~

12 ~~(b) Violation of the conditions of Section 110-10 of this~~
13 ~~Code or any special conditions of bail as ordered by the court~~
14 ~~shall constitute grounds for the court to increase the amount~~
15 ~~of bail, or otherwise alter the conditions of bail, or, where~~
16 ~~the alleged offense committed on bail is a forcible felony in~~
17 ~~Illinois or a Class 2 or greater offense under the Illinois~~
18 ~~Controlled Substances Act, the Cannabis Control Act, or the~~
19 ~~Methamphetamine Control and Community Protection Act, revoke~~
20 ~~bail pursuant to the appropriate provisions of subsection (c)~~
21 ~~of this Section.~~

22 ~~(c) Reasonable notice of such application by the defendant~~
23 ~~shall be given to the State.~~

24 ~~(d) Reasonable notice of such application by the State~~
25 ~~shall be given to the defendant, except as provided in~~
26 ~~subsection (c).~~

~~(c) Upon verified application by the State stating facts or circumstances constituting a violation or a threatened violation of any of the conditions of the bail bond the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters set forth in the application. If the actual court before which the proceeding is pending is absent or otherwise unavailable another court may issue a warrant pursuant to this Section. When the defendant is charged with a felony offense and while free on bail is charged with a subsequent felony offense and is the subject of a proceeding set forth in Section 109-1 or 109-3 of this Code, upon the filing of a verified petition by the State alleging a violation of Section 110-10 (a) (4) of this Code, the court shall without prior notice to the defendant, grant leave to file such application and shall order the transfer of the defendant and the application without unnecessary delay to the court before which the previous felony matter is pending for a hearing as provided in subsection (b) or this subsection of this Section. The defendant shall be held without bond pending transfer to and a hearing before such court. At the conclusion of the hearing based on a violation of the conditions of Section 110-10 of this Code or any special conditions of bail as ordered by the court the court may enter an order increasing the amount of bail or alter the conditions of bail as deemed appropriate.~~

1 ~~(f) Where the alleged violation consists of the violation~~
2 ~~of one or more felony statutes of any jurisdiction which would~~
3 ~~be a forcible felony in Illinois or a Class 2 or greater~~
4 ~~offense under the Illinois Controlled Substances Act, the~~
5 ~~Cannabis Control Act, or the Methamphetamine Control and~~
6 ~~Community Protection Act and the defendant is on bail for the~~
7 ~~alleged commission of a felony, or where the defendant is on~~
8 ~~bail for a felony domestic battery (enhanced pursuant to~~
9 ~~subsection (b) of Section 12-3.2 of the Criminal Code of 1961~~
10 ~~or the Criminal Code of 2012), aggravated domestic battery,~~
11 ~~aggravated battery, unlawful restraint, aggravated unlawful~~
12 ~~restraint or domestic battery in violation of item (1) of~~
13 ~~subsection (a) of Section 12-3.2 of the Criminal Code of 1961~~
14 ~~or the Criminal Code of 2012 against a family or household~~
15 ~~member as defined in Section 112A-3 of this Code and the~~
16 ~~violation is an offense of domestic battery against the same~~
17 ~~victim the court shall, on the motion of the State or its own~~
18 ~~motion, revoke bail in accordance with the following~~
19 ~~provisions:~~

20 ~~(1) The court shall hold the defendant without bail~~
21 ~~pending the hearing on the alleged breach; however, if the~~
22 ~~defendant is not admitted to bail the hearing shall be~~
23 ~~commenced within 10 days from the date the defendant is~~
24 ~~taken into custody or the defendant may not be held any~~
25 ~~longer without bail, unless delay is occasioned by the~~
26 ~~defendant. Where defendant occasions the delay, the~~

1 ~~running of the 10 day period is temporarily suspended and~~
2 ~~resumes at the termination of the period of delay. Where~~
3 ~~defendant occasions the delay with 5 or fewer days~~
4 ~~remaining in the 10 day period, the court may grant a~~
5 ~~period of up to 5 additional days to the State for good~~
6 ~~cause shown. The State, however, shall retain the right to~~
7 ~~proceed to hearing on the alleged violation at any time,~~
8 ~~upon reasonable notice to the defendant and the court.~~

9 ~~(2) At a hearing on the alleged violation the State has~~
10 ~~the burden of going forward and proving the violation by~~
11 ~~clear and convincing evidence. The evidence shall be~~
12 ~~presented in open court with the opportunity to testify, to~~
13 ~~present witnesses in his behalf, and to cross-examine~~
14 ~~witnesses if any are called by the State, and~~
15 ~~representation by counsel and if the defendant is indigent~~
16 ~~to have counsel appointed for him. The rules of evidence~~
17 ~~applicable in criminal trials in this State shall not~~
18 ~~govern the admissibility of evidence at such hearing.~~
19 ~~Information used by the court in its findings or stated in~~
20 ~~or offered in connection with hearings for increase or~~
21 ~~revocation of bail may be by way of proffer based upon~~
22 ~~reliable information offered by the State or defendant. All~~
23 ~~evidence shall be admissible if it is relevant and reliable~~
24 ~~regardless of whether it would be admissible under the~~
25 ~~rules of evidence applicable at criminal trials. A motion~~
26 ~~by the defendant to suppress evidence or to suppress a~~

1 ~~confession shall not be entertained at such a hearing.~~
2 ~~Evidence that proof may have been obtained as a result of~~
3 ~~an unlawful search and seizure or through improper~~
4 ~~interrogation is not relevant to this hearing.~~

5 ~~(3) Upon a finding by the court that the State has~~
6 ~~established by clear and convincing evidence that the~~
7 ~~defendant has committed a forcible felony or a Class 2 or~~
8 ~~greater offense under the Illinois Controlled Substances~~
9 ~~Act, the Cannabis Control Act, or the Methamphetamine~~
10 ~~Control and Community Protection Act while admitted to~~
11 ~~bail, or where the defendant is on bail for a felony~~
12 ~~domestic battery (enhanced pursuant to subsection (b) of~~
13 ~~Section 12-3.2 of the Criminal Code of 1961 or the Criminal~~
14 ~~Code of 2012), aggravated domestic battery, aggravated~~
15 ~~battery, unlawful restraint, aggravated unlawful restraint~~
16 ~~or domestic battery in violation of item (1) of subsection~~
17 ~~(a) of Section 12-3.2 of the Criminal Code of 1961 or the~~
18 ~~Criminal Code of 2012 against a family or household member~~
19 ~~as defined in Section 112A-3 of this Code and the violation~~
20 ~~is an offense of domestic battery, against the same victim,~~
21 ~~the court shall revoke the bail of the defendant and hold~~
22 ~~the defendant for trial without bail. Neither the finding~~
23 ~~of the court nor any transcript or other record of the~~
24 ~~hearing shall be admissible in the State's case in chief,~~
25 ~~but shall be admissible for impeachment, or as provided in~~
26 ~~Section 115-10.1 of this Code or in a perjury proceeding.~~

1 ~~(4) If the bail of any defendant is revoked pursuant to~~
2 ~~paragraph (f) (3) of this Section, the defendant may demand~~
3 ~~and shall be entitled to be brought to trial on the offense~~
4 ~~with respect to which he was formerly released on bail~~
5 ~~within 90 days after the date on which his bail was~~
6 ~~revoked. If the defendant is not brought to trial within~~
7 ~~the 90 day period required by the preceding sentence, he~~
8 ~~shall not be held longer without bail. In computing the 90~~
9 ~~day period, the court shall omit any period of delay~~
10 ~~resulting from a continuance granted at the request of the~~
11 ~~defendant.~~

12 ~~(5) If the defendant either is arrested on a warrant~~
13 ~~issued pursuant to this Code or is arrested for an~~
14 ~~unrelated offense and it is subsequently discovered that~~
15 ~~the defendant is a subject of another warrant or warrants~~
16 ~~issued pursuant to this Code, the defendant shall be~~
17 ~~transferred promptly to the court which issued such~~
18 ~~warrant. If, however, the defendant appears initially~~
19 ~~before a court other than the court which issued such~~
20 ~~warrant, the non-issuing court shall not alter the amount~~
21 ~~of bail set on such warrant unless the court sets forth on~~
22 ~~the record of proceedings the conclusions of law and facts~~
23 ~~which are the basis for such altering of another court's~~
24 ~~bond. The non-issuing court shall not alter another courts~~
25 ~~bail set on a warrant unless the interests of justice and~~
26 ~~public safety are served by such action.~~

1 ~~(g) The State may appeal any order where the court has~~
2 ~~increased or reduced the amount of bail or altered the~~
3 ~~conditions of the bail bond or granted bail where it has~~
4 ~~previously been revoked.~~

5 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

6 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

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

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

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

1 (3) the victim of abuse was a family or household
2 member as defined by paragraph (6) of Section 103 of the
3 Illinois Domestic Violence Act of 1986, and the person
4 charged, at the time of the alleged offense, was subject to
5 the terms of an order of protection issued under Section
6 112A-14 of this Code, or Section 214 of the Illinois
7 Domestic Violence Act of 1986 or previously was convicted
8 of a violation of an order of protection under Section
9 12-3.4 or 12-30 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 or a violent crime if the victim was
11 a family or household member as defined by paragraph (6) of
12 the Illinois Domestic Violence Act of 1986 at the time of
13 the offense or a violation of a substantially similar
14 municipal ordinance or law of this or any other state or
15 the United States if the victim was a family or household
16 member as defined by paragraph (6) of Section 103 of the
17 Illinois Domestic Violence Act of 1986 at the time of the
18 offense, and it is alleged that the defendant's pre-trial
19 release poses a real and present threat to the physical
20 safety of any person or persons;

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

26 (5) the defendant is charged with any offense under

1 Article 11 of the Criminal Code of 2012, except for
2 Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal
3 Code of 2012, or similar provisions of the Criminal Code of
4 1961 and it is alleged that the defendant's pretrial
5 release poses a real and present threat to the physical
6 safety of any person or persons;

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

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

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

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

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

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

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

26 (G) Section 24-3.3 (unlawful sale or delivery of

1 firearms on the premises of any school);

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

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

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

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

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

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

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

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

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

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

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

23 (b) If the charged offense is a felony, the Court shall
24 hold a hearing pursuant to 109-3 of this Code to
25 determine whether there is probable cause the
26 defendant has committed an offense, unless a grand jury

1 has returned a true bill of indictment against the
2 defendant. If there is a finding of no probable cause,
3 the defendant shall be released. No such finding is
4 necessary if the defendant is charged with a
5 misdemeanor.

6 (c) Timing of petition.

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

14 (2) (2) Upon filing, the court shall immediately hold a
15 hearing on the petition unless a continuance is requested.
16 If a continuance is requested, the hearing shall be held
17 within 48 hours of the defendant's first appearance if the
18 defendant is charged with a Class X, Class 1, Class 2, or
19 Class 3 felony, and within 24 hours if the defendant is
20 charged with a Class 4 or misdemeanor offense. The Court
21 may deny and or grant the request for continuance. If the
22 court decides to grant the continuance, the Court retains
23 the discretion to detain or release the defendant in the
24 time between the filing of the petition and the hearing.

25 (d) Contents of petition.

26 (1) The petition shall be verified by the State and

1 shall state the grounds upon which it contends the
2 defendant should be denied pretrial release, including the
3 identity of the specific person or persons the State
4 believes the defendant poses a danger to.

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

6 (e) Eligibility: All defendants shall be presumed eligible
7 for pretrial release, and the State shall bear the burden of
8 proving by clear and convincing evidence that: ~~The hearing~~
9 ~~shall be held immediately upon the defendant's appearance~~
10 ~~before the court, unless for good cause shown the defendant or~~
11 ~~the State seeks a continuance. A continuance on motion of the~~
12 ~~defendant may not exceed 5 calendar days, and a continuance on~~
13 ~~the motion of the State may not exceed 3 calendar days. The~~
14 ~~defendant may be held in custody during such continuance.~~

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

17 (1) the proof is evident or the presumption great that
18 the defendant has committed an offense listed in paragraphs
19 (1) through (6) of subsection (a) ~~for which a sentence of~~
20 ~~imprisonment, without probation, periodic imprisonment or~~
21 ~~conditional discharge, must be imposed by law as a~~
22 ~~consequence of conviction, and~~

23 (2) the defendant poses a real and present threat to
24 the ~~physical~~ safety of a specific, identifiable ~~any~~ person
25 or persons, by conduct which may include, but is not
26 limited to, a forcible felony, the obstruction of justice,

1 intimidation, injury, or abuse as defined by paragraph (1)
2 of Section 103 of the Illinois Domestic Violence Act of
3 1986 ~~physical harm, an offense under the Illinois~~
4 ~~Controlled Substances Act which is a Class X felony, or an~~
5 ~~offense under the Methamphetamine Control and Community~~
6 ~~Protection Act which is a Class X felony, and~~

7 (3) ~~the court finds that~~ no condition or combination of
8 conditions set forth in subsection (b) of Section 110-10 of
9 this Article can mitigate the real and present threat to
10 the safety of any , ~~can reasonably assure the physical~~
11 ~~safety of any other person or persons~~ or the defendant's
12 willful flight.

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

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

24 (2) The State or defendant may present evidence at the
25 hearing ~~(A) Information used by the court in its findings~~
26 ~~or stated in or offered at such hearing may be by way of~~

1 proffer based upon reliable information ~~offered by the~~
2 ~~State or by defendant.~~

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

9 (4) If the defense seeks to call the complaining
10 witness as a witness in its favor, it shall petition the
11 court for permission. ~~The defendant has the right to~~
12 ~~present witnesses in his favor.~~ When the ends of justice so
13 require, the court may exercise ~~exercises~~ its discretion
14 and compel the appearance of a complaining witness. The
15 court shall state on the record reasons for granting a
16 defense request to compel the presence of a complaining
17 witness. In making a determination under this section, the
18 court shall state on the record the reason for granting a
19 defense request to compel the presence of a complaining
20 witness, and only grant the request if the court finds by
21 clear and convincing evidence that the defendant will be
22 materially prejudiced if the complaining witness does not
23 appear. Cross-examination of a complaining witness at the
24 pretrial detention hearing for the purpose of impeaching
25 the witness' credibility is insufficient reason to compel
26 the presence of the witness. In deciding whether to compel

1 the appearance of a complaining witness, the court shall be
2 considerate of the emotional and physical well-being of the
3 witness. The pre-trial detention hearing is not to be used
4 for purposes of discovery, and the post arraignment rules
5 of discovery do not apply. ~~The State shall tender to the~~
6 ~~defendant, prior to the hearing, copies of defendant's~~
7 ~~criminal history, if any, if available, and any written or~~
8 ~~recorded statements and the substance of any oral~~
9 ~~statements made by any person, if relied upon by the State~~
10 ~~in its petition.~~

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

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

1 ~~of the prosecution.~~

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

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

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

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

20 (2) The history and characteristics of the defendant
21 including:

22 (A) Any evidence of the defendant's prior criminal
23 history indicative of violent, abusive or assaultive
24 behavior, or lack of such behavior. Such evidence may
25 include testimony or documents received in juvenile
26 proceedings, criminal, quasi-criminal, civil

1 commitment, domestic relations or other proceedings.

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

6 (3) The identity of any person or persons to whose
7 safety the defendant is believed to pose a threat, and the
8 nature of the threat;

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

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

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

16 (7) Whether the defendant is known to possess or have
17 access to any weapon or weapons;

18 (8) ~~(7)~~ Whether, at the time of the current offense or
19 any other offense or arrest, the defendant was on
20 probation, parole, aftercare release, mandatory supervised
21 release or other release from custody pending trial,
22 sentencing, appeal or completion of sentence for an offense
23 under federal or state law;

24 (9) ~~(8)~~ Any other factors, including those listed in
25 Section 110-5 of this Article deemed by the court to have a
26 reasonable bearing upon the defendant's propensity or

1 reputation for violent, abusive or assaultive behavior, or
2 lack of such behavior.

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

5 (1) briefly summarize the evidence of the defendant's
6 guilt or innocence, culpability and the court's ~~its~~ reasons
7 for concluding that the defendant should be denied pretrial
8 release ~~held without bail~~;

9 (2) direct that the defendant be committed to the
10 custody of the sheriff for confinement in the county jail
11 pending trial;

12 (3) direct that the defendant be given a reasonable
13 opportunity for private consultation with counsel, and for
14 communication with others of his or her choice by
15 visitation, mail and telephone; and

16 (4) direct that the sheriff deliver the defendant as
17 required for appearances in connection with court
18 proceedings.

19 (i) Detention. ~~(f)~~ If the court enters an order for the
20 detention of the defendant pursuant to subsection (e) of this
21 Section, the defendant shall be brought to trial on the offense
22 for which he is detained within 90 days after the date on which
23 the order for detention was entered. If the defendant is not
24 brought to trial within the 90 day period required by the
25 preceding sentence, he shall not be denied pretrial release
26 ~~held longer without bail~~. In computing the 90 day period, the

1 court shall omit any period of delay resulting from a
2 continuance granted at the request of the defendant.

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

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

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

13 (m) Victim notice.

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

20 (Source: P.A. 98-558, eff. 1-1-14.)

21 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

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

23 (a) The court may order that a person who has been found
24 guilty of an offense and who is waiting imposition or execution
25 of sentence be held without release ~~bond~~ unless the court finds

1 by clear and convincing evidence that the person is not likely
2 to flee or pose a danger to any other person or the community
3 if released under Sections 110-5 and 110-10 of this Act.

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

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

11 (2) that the appeal is not for purpose of delay and
12 raises a substantial question of law or fact likely to
13 result in reversal or an order for a new trial.

14 (Source: P.A. 96-1200, eff. 7-22-10.)

15 (725 ILCS 5/110-6.4)

16 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
17 Court may establish a statewide risk-assessment tool to be used
18 in proceedings to assist the court in establishing conditions
19 of pretrial release ~~bail~~ for a defendant by assessing the
20 defendant's likelihood of appearing at future court
21 proceedings or determining if the defendant poses a real and
22 present threat to the physical safety of any person or persons.
23 The Supreme Court shall consider establishing a
24 risk-assessment tool that does not discriminate on the basis of
25 race, gender, educational level, socio-economic status, or

1 neighborhood. If a risk-assessment tool is utilized within a
2 circuit that does not require a personal interview to be
3 completed, the Chief Judge of the circuit or the director of
4 the pretrial services agency may exempt the requirement under
5 Section 9 and subsection (a) of Section 7 of the Pretrial
6 Services Act.

7 For the purpose of this Section, "risk-assessment tool"
8 means an empirically validated, evidence-based screening
9 instrument that demonstrates reduced instances of a
10 defendant's failure to appear for further court proceedings or
11 prevents future criminal activity.

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

13 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

14 Sec. 110-10. Conditions of pretrial release ~~bail bond~~.

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

19 (1) Appear to answer the charge in the court having
20 jurisdiction on a day certain and thereafter as ordered by
21 the court until discharged or final order of the court;

22 (2) Submit himself or herself to the orders and process
23 of the court;

24 (3) (Blank); ~~Not depart this State without leave of the~~
25 ~~court,~~

1 (4) Not violate any criminal statute of any
2 jurisdiction;

3 (5) At a time and place designated by the court,
4 surrender all firearms in his or her possession to a law
5 enforcement officer designated by the court to take custody
6 of and impound the firearms and physically surrender his or
7 her Firearm Owner's Identification Card to the clerk of the
8 circuit court when the offense the person has been charged
9 with is a forcible felony, stalking, aggravated stalking,
10 domestic battery, any violation of the Illinois Controlled
11 Substances Act, the Methamphetamine Control and Community
12 Protection Act, or the Cannabis Control Act that is
13 classified as a Class 2 or greater felony, or any felony
14 violation of Article 24 of the Criminal Code of 1961 or the
15 Criminal Code of 2012; the court may, however, forgo the
16 imposition of this condition when the circumstances of the
17 case clearly do not warrant it or when its imposition would
18 be impractical; if the Firearm Owner's Identification Card
19 is confiscated, the clerk of the circuit court shall mail
20 the confiscated card to the Illinois State Police; all
21 legally possessed firearms shall be returned to the person
22 upon the charges being dismissed, or if the person is found
23 not guilty, unless the finding of not guilty is by reason
24 of insanity; and

25 (6) At a time and place designated by the court, submit
26 to a psychological evaluation when the person has been

1 charged with a violation of item (4) of subsection (a) of
2 Section 24-1 of the Criminal Code of 1961 or the Criminal
3 Code of 2012 and that violation occurred in a school or in
4 any conveyance owned, leased, or contracted by a school to
5 transport students to or from school or a school-related
6 activity, or on any public way within 1,000 feet of real
7 property comprising any school.

8 Psychological evaluations ordered pursuant to this Section
9 shall be completed promptly and made available to the State,
10 the defendant, and the court. As a further condition of
11 pretrial release ~~bail~~ under these circumstances, the court
12 shall order the defendant to refrain from entering upon the
13 property of the school, including any conveyance owned, leased,
14 or contracted by a school to transport students to or from
15 school or a school-related activity, or on any public way
16 within 1,000 feet of real property comprising any school. Upon
17 receipt of the psychological evaluation, either the State or
18 the defendant may request a change in the conditions of
19 pretrial release ~~bail~~, pursuant to Section 110-6 of this Code.
20 The court may change the conditions of pretrial release ~~bail~~ to
21 include a requirement that the defendant follow the
22 recommendations of the psychological evaluation, including
23 undergoing psychiatric treatment. The conclusions of the
24 psychological evaluation and any statements elicited from the
25 defendant during its administration are not admissible as
26 evidence of guilt during the course of any trial on the charged

1 offense, unless the defendant places his or her mental
2 competency in issue.

3 (b) The court may impose other conditions, such as the
4 following, if the court finds that such conditions are
5 reasonably necessary to assure the defendant's appearance in
6 court, protect the public from the defendant, or prevent the
7 defendant's unlawful interference with the orderly
8 administration of justice:

9 (0.05) Not depart this State without leave of the
10 court;

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

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

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

17 (4) Refrain from going to certain described
18 geographical areas or premises;

19 (5) Refrain from engaging in certain activities or
20 indulging in intoxicating liquors or in certain drugs;

21 (6) Undergo treatment for drug addiction or
22 alcoholism;

23 (7) Undergo medical or psychiatric treatment;

24 (8) Work or pursue a course of study or vocational
25 training;

26 (9) Attend or reside in a facility designated by the

1 court;

2 (10) Support his or her dependents;

3 (11) If a minor resides with his or her parents or in a
4 foster home, attend school, attend a non-residential
5 program for youths, and contribute to his or her own
6 support at home or in a foster home;

7 (12) Observe any curfew ordered by the court;

8 (13) Remain in the custody of such designated person or
9 organization agreeing to supervise his release. Such third
10 party custodian shall be responsible for notifying the
11 court if the defendant fails to observe the conditions of
12 release which the custodian has agreed to monitor, and
13 shall be subject to contempt of court for failure so to
14 notify the court;

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

21 (14.1) The court may ~~shall~~ impose upon a defendant who
22 is charged with any alcohol, cannabis, methamphetamine, or
23 controlled substance violation and is placed under direct
24 supervision of the Pretrial Services Agency, Probation
25 Department or Court Services Department in a pretrial ~~bond~~
26 home supervision capacity with the use of an approved

1 monitoring device, as a condition of such pretrial
2 monitoring bail—bond, a fee that represents costs
3 incidental to the electronic monitoring for each day of
4 such pretrial bail supervision ordered by the court, unless
5 after determining the inability of the defendant to pay the
6 fee, the court assesses a lesser fee or no fee as the case
7 may be. The fee shall be collected by the clerk of the
8 circuit court, except as provided in an administrative
9 order of the Chief Judge of the circuit court. The clerk of
10 the circuit court shall pay all monies collected from this
11 fee to the county treasurer for deposit in the substance
12 abuse services fund under Section 5-1086.1 of the Counties
13 Code, except as provided in an administrative order of the
14 Chief Judge of the circuit court.

15 The Chief Judge of the circuit court of the county may
16 by administrative order establish a program for electronic
17 monitoring of offenders with regard to drug-related and
18 alcohol-related offenses, in which a vendor supplies and
19 monitors the operation of the electronic monitoring
20 device, and collects the fees on behalf of the county. The
21 program shall include provisions for indigent offenders
22 and the collection of unpaid fees. The program shall not
23 unduly burden the offender and shall be subject to review
24 by the Chief Judge.

25 The Chief Judge of the circuit court may suspend any
26 additional charges or fees for late payment, interest, or

1 damage to any device;

2 (14.2) The court may ~~shall~~ impose upon all defendants,
3 including those defendants subject to paragraph (14.1)
4 above, placed under direct supervision of the Pretrial
5 Services Agency, Probation Department or Court Services
6 Department in a pretrial ~~bond~~ home supervision capacity
7 with the use of an approved monitoring device, as a
8 condition of such release ~~bail-bond~~, a fee which shall
9 represent costs incidental to such electronic monitoring
10 for each day of such ~~bail~~ supervision ordered by the court,
11 unless after determining the inability of the defendant to
12 pay the fee, the court assesses a lesser fee or no fee as
13 the case may be. The fee shall be collected by the clerk of
14 the circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The clerk of
16 the circuit court shall pay all monies collected from this
17 fee to the county treasurer who shall use the monies
18 collected to defray the costs of corrections. The county
19 treasurer shall deposit the fee collected in the county
20 working cash fund under Section 6-27001 or Section 6-29002
21 of the Counties Code, as the case may be, except as
22 provided in an administrative order of the Chief Judge of
23 the circuit court.

24 The Chief Judge of the circuit court of the county may
25 by administrative order establish a program for electronic
26 monitoring of offenders with regard to drug-related and

1 alcohol-related offenses, in which a vendor supplies and
2 monitors the operation of the electronic monitoring
3 device, and collects the fees on behalf of the county. The
4 program shall include provisions for indigent offenders
5 and the collection of unpaid fees. The program shall not
6 unduly burden the offender and shall be subject to review
7 by the Chief Judge.

8 The Chief Judge of the circuit court may suspend any
9 additional charges or fees for late payment, interest, or
10 damage to any device;

11 (14.3) The Chief Judge of the Judicial Circuit may
12 establish reasonable fees to be paid by a person receiving
13 pretrial services while under supervision of a pretrial
14 services agency, probation department, or court services
15 department. Reasonable fees may be charged for pretrial
16 services including, but not limited to, pretrial
17 supervision, diversion programs, electronic monitoring,
18 victim impact services, drug and alcohol testing, DNA
19 testing, GPS electronic monitoring, assessments and
20 evaluations related to domestic violence and other
21 victims, and victim mediation services. The person
22 receiving pretrial services may be ordered to pay all costs
23 incidental to pretrial services in accordance with his or
24 her ability to pay those costs;

25 (14.4) For persons charged with violating Section
26 11-501 of the Illinois Vehicle Code, refrain from operating

1 a motor vehicle not equipped with an ignition interlock
2 device, as defined in Section 1-129.1 of the Illinois
3 Vehicle Code, pursuant to the rules promulgated by the
4 Secretary of State for the installation of ignition
5 interlock devices. Under this condition the court may allow
6 a defendant who is not self-employed to operate a vehicle
7 owned by the defendant's employer that is not equipped with
8 an ignition interlock device in the course and scope of the
9 defendant's employment;

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

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

17 (17) Such other reasonable conditions as the court may
18 impose.

19 (c) When a person is charged with an offense under Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
21 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, involving a victim who is a minor under
23 18 years of age living in the same household with the defendant
24 at the time of the offense, in ~~granting bail or~~ releasing the
25 defendant ~~on his own recognizance~~, the judge shall impose
26 conditions to restrict the defendant's access to the victim

1 which may include, but are not limited to conditions that he
2 will:

- 3 1. Vacate the household.
- 4 2. Make payment of temporary support to his dependents.
- 5 3. Refrain from contact or communication with the child
6 victim, except as ordered by the court.

7 (d) When a person is charged with a criminal offense and
8 the victim is a family or household member as defined in
9 Article 112A, conditions shall be imposed at the time of the
10 defendant's release ~~on bond~~ that restrict the defendant's
11 access to the victim. Unless provided otherwise by the court,
12 the restrictions shall include requirements that the defendant
13 do the following:

14 (1) refrain from contact or communication with the
15 victim for a minimum period of 72 hours following the
16 defendant's release; and

17 (2) refrain from entering or remaining at the victim's
18 residence for a minimum period of 72 hours following the
19 defendant's release.

20 (e) Local law enforcement agencies shall develop
21 standardized pretrial release ~~bond~~ forms for use in cases
22 involving family or household members as defined in Article
23 112A, including specific conditions of pretrial release ~~bond~~ as
24 provided in subsection (d). Failure of any law enforcement
25 department to develop or use those forms shall in no way limit
26 the applicability and enforcement of subsections (d) and (f).

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

6 (1) Duly prosecute his appeal;

7 (2) Appear at such time and place as the court may
8 direct;

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

10 (4) Comply with such other reasonable conditions as the
11 court may impose; and

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

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

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

25 (Source: P.A. 101-138, eff. 1-1-20.)

1 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

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

7 (Source: Laws 1963, p. 2836.)

8 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

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

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

1 Sec. 111-2. Commencement of prosecutions.

2 (a) All prosecutions of felonies shall be by information or
3 by indictment. No prosecution may be pursued by information
4 unless a preliminary hearing has been held or waived in
5 accordance with Section 109-3 and at that hearing probable
6 cause to believe the defendant committed an offense was found,
7 and the provisions of Section 109-3.1 of this Code have been
8 complied with.

9 (b) All other prosecutions may be by indictment,
10 information or complaint.

11 (c) Upon the filing of an information or indictment in open
12 court charging the defendant with the commission of a sex
13 offense defined in any Section of Article 11 of the Criminal
14 Code of 1961 or the Criminal Code of 2012, and a minor as
15 defined in Section 1-3 of the Juvenile Court Act of 1987 is
16 alleged to be the victim of the commission of the acts of the
17 defendant in the commission of such offense, the court may
18 appoint a guardian ad litem for the minor as provided in
19 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
20 1987.

21 (d) Upon the filing of an information or indictment in open
22 court, the court shall immediately issue a warrant for the
23 arrest of each person charged with an offense directed to a
24 peace officer or some other person specifically named
25 commanding him to arrest such person.

26 (e) When the offense is eligible for pretrial release

1 ~~bailable~~, the judge shall endorse on the warrant the conditions
2 of pretrial release ~~amount of bail~~ required by the order of the
3 court, and if the court orders the process returnable
4 forthwith, the warrant shall require that the accused be
5 arrested and brought immediately into court.

6 (f) Where the prosecution of a felony is by information or
7 complaint after preliminary hearing, or after a waiver of
8 preliminary hearing in accordance with paragraph (a) of this
9 Section, such prosecution may be for all offenses, arising from
10 the same transaction or conduct of a defendant even though the
11 complaint or complaints filed at the preliminary hearing
12 charged only one or some of the offenses arising from that
13 transaction or conduct.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

17 (a) When violation is crime. A violation of any protective
18 order, whether issued in a civil, quasi-criminal proceeding,
19 shall be enforced by a criminal court when:

20 (1) The respondent commits the crime of violation of a
21 domestic violence order of protection pursuant to Section
22 12-3.4 or 12-30 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, by having knowingly violated:

24 (i) remedies described in paragraphs (1), (2),
25 (3), (14), or (14.5) of subsection (b) of Section

112A-14 of this Code,

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory, or

(iii) ~~or~~ any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012.

Prosecution for a violation of a domestic violence order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the domestic violence order of protection; or

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraphs (5), (6), or (8) of subsection (b) of Section 112A-14 of this Code, or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (5), (6), or (8) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid

1 domestic violence order of protection, which is
2 authorized under the laws of another state, tribe or
3 United States territory.

4 (3) The respondent commits the crime of violation of a
5 civil no contact order when the respondent violates Section
6 12-3.8 of the Criminal Code of 2012. Prosecution for a
7 violation of a civil no contact order shall not bar
8 concurrent prosecution for any other crime, including any
9 crime that may have been committed at the time of the
10 violation of the civil no contact order.

11 (4) The respondent commits the crime of violation of a
12 stalking no contact order when the respondent violates
13 Section 12-3.9 of the Criminal Code of 2012. Prosecution
14 for a violation of a stalking no contact order shall not
15 bar concurrent prosecution for any other crime, including
16 any crime that may have been committed at the time of the
17 violation of the stalking no contact order.

18 (b) When violation is contempt of court. A violation of any
19 valid protective order, whether issued in a civil or criminal
20 proceeding, may be enforced through civil or criminal contempt
21 procedures, as appropriate, by any court with jurisdiction,
22 regardless where the act or acts which violated the protective
23 order were committed, to the extent consistent with the venue
24 provisions of this Article. Nothing in this Article shall
25 preclude any Illinois court from enforcing any valid protective
26 order issued in another state. Illinois courts may enforce

1 protective orders through both criminal prosecution and
2 contempt proceedings, unless the action which is second in time
3 is barred by collateral estoppel or the constitutional
4 prohibition against double jeopardy.

5 (1) In a contempt proceeding where the petition for a
6 rule to show cause sets forth facts evidencing an immediate
7 danger that the respondent will flee the jurisdiction,
8 conceal a child, or inflict physical abuse on the
9 petitioner or minor children or on dependent adults in
10 petitioner's care, the court may order the attachment of
11 the respondent without prior service of the rule to show
12 cause or the petition for a rule to show cause. Bond shall
13 be set unless specifically denied in writing.

14 (2) A petition for a rule to show cause for violation
15 of a protective order shall be treated as an expedited
16 proceeding.

17 (c) Violation of custody, allocation of parental
18 responsibility, or support orders. A violation of remedies
19 described in paragraphs (5), (6), (8), or (9) of subsection (b)
20 of Section 112A-14 of this Code may be enforced by any remedy
21 provided by Section 607.5 of the Illinois Marriage and
22 Dissolution of Marriage Act. The court may enforce any order
23 for support issued under paragraph (12) of subsection (b) of
24 Section 112A-14 of this Code in the manner provided for under
25 Parts V and VII of the Illinois Marriage and Dissolution of
26 Marriage Act.

1 (d) Actual knowledge. A protective order may be enforced
2 pursuant to this Section if the respondent violates the order
3 after respondent has actual knowledge of its contents as shown
4 through one of the following means:

5 (1) (Blank).

6 (2) (Blank).

7 (3) By service of a protective order under subsection
8 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

9 (4) By other means demonstrating actual knowledge of
10 the contents of the order.

11 (e) The enforcement of a protective order in civil or
12 criminal court shall not be affected by either of the
13 following:

14 (1) The existence of a separate, correlative order
15 entered under Section 112A-15 of this Code.

16 (2) Any finding or order entered in a conjoined
17 criminal proceeding.

18 (f) Circumstances. The court, when determining whether or
19 not a violation of a protective order has occurred, shall not
20 require physical manifestations of abuse on the person of the
21 victim.

22 (g) Penalties.

23 (1) Except as provided in paragraph (3) of this
24 subsection (g), where the court finds the commission of a
25 crime or contempt of court under subsections (a) or (b) of
26 this Section, the penalty shall be the penalty that

1 generally applies in such criminal or contempt
2 proceedings, and may include one or more of the following:
3 incarceration, payment of restitution, a fine, payment of
4 attorneys' fees and costs, or community service.

5 (2) The court shall hear and take into account evidence
6 of any factors in aggravation or mitigation before deciding
7 an appropriate penalty under paragraph (1) of this
8 subsection (g).

9 (3) To the extent permitted by law, the court is
10 encouraged to:

11 (i) increase the penalty for the knowing violation
12 of any protective order over any penalty previously
13 imposed by any court for respondent's violation of any
14 protective order or penal statute involving petitioner
15 as victim and respondent as defendant;

16 (ii) impose a minimum penalty of 24 hours
17 imprisonment for respondent's first violation of any
18 protective order; and

19 (iii) impose a minimum penalty of 48 hours
20 imprisonment for respondent's second or subsequent
21 violation of a protective order

22 unless the court explicitly finds that an increased penalty
23 or that period of imprisonment would be manifestly unjust.

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

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

4 (ii) to revoke or modify an order of probation,
5 conditional discharge, or supervision, pursuant to
6 Section 5-6-4 of the Unified Code of Corrections;

7 (iii) to revoke or modify a sentence of periodic
8 imprisonment, pursuant to Section 5-7-2 of the Unified
9 Code of Corrections.

10 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
11 100-597, eff. 6-29-18; revised 7-12-19.)

12 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

13 Sec. 114-1. Motion to dismiss charge.

14 (a) Upon the written motion of the defendant made prior to
15 trial before or after a plea has been entered the court may
16 dismiss the indictment, information or complaint upon any of
17 the following grounds:

18 (1) The defendant has not been placed on trial in
19 compliance with Section 103-5 of this Code.

20 (2) The prosecution of the offense is barred by
21 Sections 3-3 through 3-8 of the Criminal Code of 2012.

22 (3) The defendant has received immunity from
23 prosecution for the offense charged.

24 (4) The indictment was returned by a Grand Jury which
25 was improperly selected and which results in substantial

1 injustice to the defendant.

2 (5) The indictment was returned by a Grand Jury which
3 acted contrary to Article 112 of this Code and which
4 results in substantial injustice to the defendant.

5 (6) The court in which the charge has been filed does
6 not have jurisdiction.

7 (7) The county is an improper place of trial.

8 (8) The charge does not state an offense.

9 (9) The indictment is based solely upon the testimony
10 of an incompetent witness.

11 (10) The defendant is misnamed in the charge and the
12 misnomer results in substantial injustice to the
13 defendant.

14 (11) The requirements of Section 109-3.1 have not been
15 complied with.

16 (b) The court shall require any motion to dismiss to be
17 filed within a reasonable time after the defendant has been
18 arraigned. Any motion not filed within such time or an
19 extension thereof shall not be considered by the court and the
20 grounds therefor, except as to subsections (a) (6) and (a) (8) of
21 this Section, are waived.

22 (c) If the motion presents only an issue of law the court
23 shall determine it without the necessity of further pleadings.
24 If the motion alleges facts not of record in the case the State
25 shall file an answer admitting or denying each of the factual
26 allegations of the motion.

1 (d) When an issue of fact is presented by a motion to
2 dismiss and the answer of the State the court shall conduct a
3 hearing and determine the issues.

4 (d-5) When a defendant seeks dismissal of the charge upon
5 the ground set forth in subsection (a)(7) of this Section, the
6 defendant shall make a prima facie showing that the county is
7 an improper place of trial. Upon such showing, the State shall
8 have the burden of proving, by a preponderance of the evidence,
9 that the county is the proper place of trial.

10 (d-6) When a defendant seeks dismissal of the charge upon
11 the grounds set forth in subsection (a)(2) of this Section, the
12 prosecution shall have the burden of proving, by a
13 preponderance of the evidence, that the prosecution of the
14 offense is not barred by Sections 3-3 through 3-8 of the
15 Criminal Code of 2012.

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

24 (f) If the court determines that the motion to dismiss
25 based upon the grounds set forth in subsections (a)(6) and
26 (a)(7) is well founded it may, instead of dismissal, order the

1 cause transferred to a court of competent jurisdiction or to a
2 proper place of trial.

3 (Source: P.A. 100-434, eff. 1-1-18.)

4 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

5 Sec. 115-4.1. Absence of defendant.

6 (a) When a defendant after arrest and an initial court
7 appearance for a non-capital felony or a misdemeanor, fails to
8 appear for trial, at the request of the State and after the
9 State has affirmatively proven through substantial evidence
10 that the defendant is willfully avoiding trial, the court may
11 commence trial in the absence of the defendant. Absence of a
12 defendant as specified in this Section shall not be a bar to
13 indictment of a defendant, return of information against a
14 defendant, or arraignment of a defendant for the charge for
15 which pretrial release ~~bail~~ has been granted. If a defendant
16 fails to appear at arraignment, the court may enter a plea of
17 "not guilty" on his behalf. If a defendant absents himself
18 before trial on a capital felony, trial may proceed as
19 specified in this Section provided that the State certifies
20 that it will not seek a death sentence following conviction.
21 Trial in the defendant's absence shall be by jury unless the
22 defendant had previously waived trial by jury. The absent
23 defendant must be represented by retained or appointed counsel.
24 The court, at the conclusion of all of the proceedings, may
25 order the clerk of the circuit court to pay counsel such sum as

1 the court deems reasonable, from any bond monies which were
2 posted by the defendant with the clerk, after the clerk has
3 first deducted all court costs. If trial had previously
4 commenced in the presence of the defendant and the defendant
5 willfully absents himself for two successive court days, the
6 court shall proceed to trial. All procedural rights guaranteed
7 by the United States Constitution, Constitution of the State of
8 Illinois, statutes of the State of Illinois, and rules of court
9 shall apply to the proceedings the same as if the defendant
10 were present in court and had not either had his or her
11 pretrial release revoked ~~forfeited his bail bond~~ or escaped
12 from custody. The court may set the case for a trial which may
13 be conducted under this Section despite the failure of the
14 defendant to appear at the hearing at which the trial date is
15 set. When such trial date is set the clerk shall send to the
16 defendant, by certified mail at his last known address
17 indicated on his bond slip, notice of the new date which has
18 been set for trial. Such notification shall be required when
19 the defendant was not personally present in open court at the
20 time when the case was set for trial.

21 (b) The absence of a defendant from a trial conducted
22 pursuant to this Section does not operate as a bar to
23 concluding the trial, to a judgment of conviction resulting
24 therefrom, or to a final disposition of the trial in favor of
25 the defendant.

26 (c) Upon a verdict of not guilty, the court shall enter

1 judgment for the defendant. Upon a verdict of guilty, the court
2 shall set a date for the hearing of post-trial motions and
3 shall hear such motion in the absence of the defendant. If
4 post-trial motions are denied, the court shall proceed to
5 conduct a sentencing hearing and to impose a sentence upon the
6 defendant.

7 (d) A defendant who is absent for part of the proceedings
8 of trial, post-trial motions, or sentencing, does not thereby
9 forfeit his right to be present at all remaining proceedings.

10 (e) When a defendant who in his absence has been either
11 convicted or sentenced or both convicted and sentenced appears
12 before the court, he must be granted a new trial or new
13 sentencing hearing if the defendant can establish that his
14 failure to appear in court was both without his fault and due
15 to circumstances beyond his control. A hearing with notice to
16 the State's Attorney on the defendant's request for a new trial
17 or a new sentencing hearing must be held before any such
18 request may be granted. At any such hearing both the defendant
19 and the State may present evidence.

20 (f) If the court grants only the defendant's request for a
21 new sentencing hearing, then a new sentencing hearing shall be
22 held in accordance with the provisions of the Unified Code of
23 Corrections. At any such hearing, both the defendant and the
24 State may offer evidence of the defendant's conduct during his
25 period of absence from the court. The court may impose any
26 sentence authorized by the Unified Code of Corrections and is

1 not in any way limited or restricted by any sentence previously
2 imposed.

3 (g) A defendant whose motion under paragraph (e) for a new
4 trial or new sentencing hearing has been denied may file a
5 notice of appeal therefrom. Such notice may also include a
6 request for review of the judgment and sentence not vacated by
7 the trial court.

8 (Source: P.A. 90-787, eff. 8-14-98.)

9 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

10 Sec. 122-6. Disposition in trial court.

11 The court may receive proof by affidavits, depositions,
12 oral testimony, or other evidence. In its discretion the court
13 may order the petitioner brought before the court for the
14 hearing. If the court finds in favor of the petitioner, it
15 shall enter an appropriate order with respect to the judgment
16 or sentence in the former proceedings and such supplementary
17 orders as to rearraignment, retrial, custody, conditions of
18 pretrial release ~~bail~~ or discharge as may be necessary and
19 proper.

20 (Source: Laws 1963, p. 2836.)

21 Section 10-256. The Code of Criminal Procedure of 1963 is
22 amended by changing the heading of Article 110 by changing
23 Sections 103-2, 103-3, and 108-8 as follows:

1 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

2 Sec. 103-2. Treatment while in custody.

3 (a) On being taken into custody every person shall have the
4 right to remain silent.

5 (b) No unlawful means of any kind shall be used to obtain a
6 statement, admission or confession from any person in custody.

7 (c) Persons in custody shall be treated humanely and
8 provided with proper food, shelter and, if required, medical
9 treatment without unreasonable delay if the need for the
10 treatment is apparent.

11 (Source: Laws 1963, p. 2836.)

12 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

13 Sec. 103-3. Right to communicate with attorney and family;
14 transfers.

15 (a) (Blank). ~~Persons who are arrested shall have the right~~
16 ~~to communicate with an attorney of their choice and a member of~~
17 ~~their family by making a reasonable number of telephone calls~~
18 ~~or in any other reasonable manner. Such communication shall be~~
19 ~~permitted within a reasonable time after arrival at the first~~
20 ~~place of custody.~~

21 (a-5) Persons who are in police custody have the right to
22 communicate free of charge with an attorney of their choice and
23 members of their family as soon as possible upon being taken
24 into police custody, but no later than three hours after
25 arrival at the first place of custody. Persons in police

1 custody must be given:

2 (1) access to use a telephone via a land line or
3 cellular phone to make three phone calls; and

4 (2) the ability to retrieve phone numbers contained in
5 his or her contact list on his or her cellular phone prior
6 to the phone being placed into inventory.

7 (a-10) In accordance with Section 103-7, at every facility
8 where a person is in police custody a sign containing, at
9 minimum, the following information in bold block type must be
10 posted in a conspicuous place:

11 (1) a short statement notifying persons who are in
12 police custody of their right to have access to a phone
13 within three hours after being taken into police custody;
14 and

15 (2) persons who are in police custody have the right to
16 make three phone calls within three hours after being taken
17 into custody, at no charge.

18 (a-15) In addition to the information listed in subsection
19 (a-10), if the place of custody is located in a jurisdiction
20 where the court has appointed the public defender or other
21 attorney to represent persons who are in police custody, the
22 telephone number to the public defender or appointed attorney's
23 office must also be displayed. The telephone call to the public
24 defender or other attorney must not be monitored, eavesdropped
25 upon, or recorded.

26 (b) (Blank). ~~In the event the accused is transferred to a~~

1 ~~new place of custody his right to communicate with an attorney~~
2 ~~and a member of his family is renewed.~~

3 (c) In the event a person who is in police custody is
4 transferred to a new place of custody, his or her right to make
5 telephone calls under this Section within three hours after
6 arrival is renewed.

7 (d) In this Section "custody" means the restriction of a
8 person's freedom of movement by a law enforcement officer's
9 exercise of his or her lawful authority.

10 (e) The three hours requirement shall not apply while the
11 person in police custody is asleep, unconscious, or otherwise
12 incapacitated.

13 (f) Nothing in this Section shall interfere with a person's
14 rights or override procedures required in the Bill of Rights of
15 the Illinois and US Constitutions, including but not limited to
16 Fourth Amendment search and seizure rights, Fifth Amendment due
17 process rights and rights to be free from self-incrimination
18 and Sixth Amendment right to counsel.

19 (Source: Laws 1963, p. 2836.)

20 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

21 Sec. 108-8. Use of force in execution of search warrant.

22 (a) All necessary and reasonable force may be used to
23 effect an entry into any building or property or part thereof
24 to execute a search warrant.

25 (b) The court issuing a warrant may authorize the officer

1 executing the warrant to make entry without first knocking and
2 announcing his or her office if it finds, based upon a showing
3 of specific facts, the existence of the following exigent
4 circumstances:

5 (1) That the officer reasonably believes that if notice
6 were given a weapon would be used:

7 (i) against the officer executing the search
8 warrant; or

9 (ii) against another person.

10 (2) That if notice were given there is an imminent
11 "danger" that evidence will be destroyed.

12 (c) Prior to the issuing of a warrant under subsection (b),
13 the officer must attest that:

14 (1) prior to entering the location described in the
15 search warrant, a supervising officer will ensure that each
16 participating member is assigned a body worn camera and is
17 following policies and procedures in accordance with
18 Section 10-20 of the Law Enforcement Officer-Worn Body
19 Camera Act; provided that the law enforcement agency has
20 implemented body worn camera in accordance with Section
21 10-15 of the Law Enforcement Officer-Worn Body Camera Act.
22 If a law enforcement agency has not implemented a body
23 camera in accordance with Section 10-15 of the Law
24 Enforcement Officer-Worn Body Camera Act, the officer must
25 attest that the interaction authorized by the warrant is
26 otherwise recorded;

1 (2) steps were taken in planning the search to ensure
2 accuracy and plan for children or other vulnerable people
3 on-site; and

4 (3) if an officer becomes aware the search warrant was
5 executed at an address, unit, or apartment different from
6 the location listed on the search warrant, that member will
7 immediately notify a supervisor who will ensure an internal
8 investigation ensues.

9 (Source: P.A. 92-502, eff. 12-19-01.)

10 (725 ILCS 5/110-5.1 rep.)

11 (725 ILCS 5/110-6.3 rep.)

12 (725 ILCS 5/110-6.5 rep.)

13 (725 ILCS 5/110-7 rep.)

14 (725 ILCS 5/110-8 rep.)

15 (725 ILCS 5/110-9 rep.)

16 (725 ILCS 5/110-13 rep.)

17 (725 ILCS 5/110-14 rep.)

18 (725 ILCS 5/110-15 rep.)

19 (725 ILCS 5/110-16 rep.)

20 (725 ILCS 5/110-17 rep.)

21 (725 ILCS 5/110-18 rep.)

22 Section 10-260. The Code of Criminal Procedure of 1963 is
23 amended by repealing Sections 110-5.1, 110-6.3, 110-6.5,
24 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17,
25 and 110-18.

1 Section 10-265. The Rights of Crime Victims and Witnesses
2 Act is amended by changing Sections 4 and 4.5 as follows:

3 (725 ILCS 120/4) (from Ch. 38, par. 1404)

4 Sec. 4. Rights of crime victims.

5 (a) Crime victims shall have the following rights:

6 (1) The right to be treated with fairness and respect
7 for their dignity and privacy and to be free from
8 harassment, intimidation, and abuse throughout the
9 criminal justice process.

10 (1.5) The right to notice and to a hearing before a
11 court ruling on a request for access to any of the victim's
12 records, information, or communications which are
13 privileged or confidential by law.

14 (2) The right to timely notification of all court
15 proceedings.

16 (3) The right to communicate with the prosecution.

17 (4) The right to be heard at any post-arraignment court
18 proceeding in which a right of the victim is at issue and
19 any court proceeding involving a post-arraignment release
20 decision, plea, or sentencing.

21 (5) The right to be notified of the conviction, the
22 sentence, the imprisonment and the release of the accused.

23 (6) The right to the timely disposition of the case
24 following the arrest of the accused.

1 (7) The right to be reasonably protected from the
2 accused through the criminal justice process.

3 (7.5) The right to have the safety of the victim and
4 the victim's family considered in ~~denying or fixing the~~
5 ~~amount of bail,~~ determining whether to release the
6 defendant, and setting conditions of release after arrest
7 and conviction.

8 (8) The right to be present at the trial and all other
9 court proceedings on the same basis as the accused, unless
10 the victim is to testify and the court determines that the
11 victim's testimony would be materially affected if the
12 victim hears other testimony at the trial.

13 (9) The right to have present at all court proceedings,
14 including proceedings under the Juvenile Court Act of 1987,
15 subject to the rules of evidence, an advocate and other
16 support person of the victim's choice.

17 (10) The right to restitution.

18 (b) Any law enforcement agency that investigates an offense
19 committed in this State shall provide a crime victim with a
20 written statement and explanation of the rights of crime
21 victims under this amendatory Act of the 99th General Assembly
22 within 48 hours of law enforcement's initial contact with a
23 victim. The statement shall include information about crime
24 victim compensation, including how to contact the Office of the
25 Illinois Attorney General to file a claim, and appropriate
26 referrals to local and State programs that provide victim

1 services. The content of the statement shall be provided to law
2 enforcement by the Attorney General. Law enforcement shall also
3 provide a crime victim with a sign-off sheet that the victim
4 shall sign and date as an acknowledgement that he or she has
5 been furnished with information and an explanation of the
6 rights of crime victims and compensation set forth in this Act.

7 (b-5) Upon the request of the victim, the law enforcement
8 agency having jurisdiction shall provide a free copy of the
9 police report concerning the victim's incident, as soon as
10 practicable, but in no event later than 5 business days from
11 the request.

12 (c) The Clerk of the Circuit Court shall post the rights of
13 crime victims set forth in Article I, Section 8.1(a) of the
14 Illinois Constitution and subsection (a) of this Section within
15 3 feet of the door to any courtroom where criminal proceedings
16 are conducted. The clerk may also post the rights in other
17 locations in the courthouse.

18 (d) At any point, the victim has the right to retain a
19 victim's attorney who may be present during all stages of any
20 interview, investigation, or other interaction with
21 representatives of the criminal justice system. Treatment of
22 the victim should not be affected or altered in any way as a
23 result of the victim's decision to exercise this right.

24 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19.)

1 Sec. 4.5. Procedures to implement the rights of crime
2 victims. To afford crime victims their rights, law enforcement,
3 prosecutors, judges, and corrections will provide information,
4 as appropriate, of the following procedures:

5 (a) At the request of the crime victim, law enforcement
6 authorities investigating the case shall provide notice of the
7 status of the investigation, except where the State's Attorney
8 determines that disclosure of such information would
9 unreasonably interfere with the investigation, until such time
10 as the alleged assailant is apprehended or the investigation is
11 closed.

12 (a-5) When law enforcement authorities reopen a closed case
13 to resume investigating, they shall provide notice of the
14 reopening of the case, except where the State's Attorney
15 determines that disclosure of such information would
16 unreasonably interfere with the investigation.

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

18 (1) shall provide notice of the filing of an
19 information, the return of an indictment, or the filing of
20 a petition to adjudicate a minor as a delinquent for a
21 violent crime;

22 (2) shall provide timely notice of the date, time, and
23 place of court proceedings; of any change in the date,
24 time, and place of court proceedings; and of any
25 cancellation of court proceedings. Notice shall be
26 provided in sufficient time, wherever possible, for the

1 victim to make arrangements to attend or to prevent an
2 unnecessary appearance at court proceedings;

3 (3) or victim advocate personnel shall provide
4 information of social services and financial assistance
5 available for victims of crime, including information of
6 how to apply for these services and assistance;

7 (3.5) or victim advocate personnel shall provide
8 information about available victim services, including
9 referrals to programs, counselors, and agencies that
10 assist a victim to deal with trauma, loss, and grief;

11 (4) shall assist in having any stolen or other personal
12 property held by law enforcement authorities for
13 evidentiary or other purposes returned as expeditiously as
14 possible, pursuant to the procedures set out in Section
15 115-9 of the Code of Criminal Procedure of 1963;

16 (5) or victim advocate personnel shall provide
17 appropriate employer intercession services to ensure that
18 employers of victims will cooperate with the criminal
19 justice system in order to minimize an employee's loss of
20 pay and other benefits resulting from court appearances;

21 (6) shall provide, whenever possible, a secure waiting
22 area during court proceedings that does not require victims
23 to be in close proximity to defendants or juveniles accused
24 of a violent crime, and their families and friends;

25 (7) shall provide notice to the crime victim of the
26 right to have a translator present at all court proceedings

1 and, in compliance with the federal Americans with
2 Disabilities Act of 1990, the right to communications
3 access through a sign language interpreter or by other
4 means;

5 (8) (blank);

6 (8.5) shall inform the victim of the right to be
7 present at all court proceedings, unless the victim is to
8 testify and the court determines that the victim's
9 testimony would be materially affected if the victim hears
10 other testimony at trial;

11 (9) shall inform the victim of the right to have
12 present at all court proceedings, subject to the rules of
13 evidence and confidentiality, an advocate and other
14 support person of the victim's choice;

15 (9.3) shall inform the victim of the right to retain an
16 attorney, at the victim's own expense, who, upon written
17 notice filed with the clerk of the court and State's
18 Attorney, is to receive copies of all notices, motions, and
19 court orders filed thereafter in the case, in the same
20 manner as if the victim were a named party in the case;

21 (9.5) shall inform the victim of (A) the victim's right
22 under Section 6 of this Act to make a statement at the
23 sentencing hearing; (B) the right of the victim's spouse,
24 guardian, parent, grandparent, and other immediate family
25 and household members under Section 6 of this Act to
26 present a statement at sentencing; and (C) if a presentence

1 report is to be prepared, the right of the victim's spouse,
2 guardian, parent, grandparent, and other immediate family
3 and household members to submit information to the preparer
4 of the presentence report about the effect the offense has
5 had on the victim and the person;

6 (10) at the sentencing shall make a good faith attempt
7 to explain the minimum amount of time during which the
8 defendant may actually be physically imprisoned. The
9 Office of the State's Attorney shall further notify the
10 crime victim of the right to request from the Prisoner
11 Review Board or Department of Juvenile Justice information
12 concerning the release of the defendant;

13 (11) shall request restitution at sentencing and as
14 part of a plea agreement if the victim requests
15 restitution;

16 (12) shall, upon the court entering a verdict of not
17 guilty by reason of insanity, inform the victim of the
18 notification services available from the Department of
19 Human Services, including the statewide telephone number,
20 under subparagraph (d) (2) of this Section;

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

26 (14) shall explain in nontechnical language the

1 details of any plea or verdict of a defendant, or any
2 adjudication of a juvenile as a delinquent;

3 (15) shall make all reasonable efforts to consult with
4 the crime victim before the Office of the State's Attorney
5 makes an offer of a plea bargain to the defendant or enters
6 into negotiations with the defendant concerning a possible
7 plea agreement, and shall consider the written statement,
8 if prepared prior to entering into a plea agreement. The
9 right to consult with the prosecutor does not include the
10 right to veto a plea agreement or to insist the case go to
11 trial. If the State's Attorney has not consulted with the
12 victim prior to making an offer or entering into plea
13 negotiations with the defendant, the Office of the State's
14 Attorney shall notify the victim of the offer or the
15 negotiations within 2 business days and confer with the
16 victim;

17 (16) shall provide notice of the ultimate disposition
18 of the cases arising from an indictment or an information,
19 or a petition to have a juvenile adjudicated as a
20 delinquent for a violent crime;

21 (17) shall provide notice of any appeal taken by the
22 defendant and information on how to contact the appropriate
23 agency handling the appeal, and how to request notice of
24 any hearing, oral argument, or decision of an appellate
25 court;

26 (18) shall provide timely notice of any request for

1 post-conviction review filed by the defendant under
2 Article 122 of the Code of Criminal Procedure of 1963, and
3 of the date, time and place of any hearing concerning the
4 petition. Whenever possible, notice of the hearing shall be
5 given within 48 hours of the court's scheduling of the
6 hearing; and

7 (19) shall forward a copy of any statement presented
8 under Section 6 to the Prisoner Review Board or Department
9 of Juvenile Justice to be considered in making a
10 determination under Section 3-2.5-85 or subsection (b) of
11 Section 3-3-8 of the Unified Code of Corrections.

12 (c) The court shall ensure that the rights of the victim
13 are afforded.

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

17 (1) Written notice. A victim may complete a written
18 notice of intent to assert rights on a form prepared by the
19 Office of the Attorney General and provided to the victim
20 by the State's Attorney. The victim may at any time provide
21 a revised written notice to the State's Attorney. The
22 State's Attorney shall file the written notice with the
23 court. At the beginning of any court proceeding in which
24 the right of a victim may be at issue, the court and
25 prosecutor shall review the written notice to determine
26 whether the victim has asserted the right that may be at

1 issue.

2 (2) Victim's retained attorney. A victim's attorney
3 shall file an entry of appearance limited to assertion of
4 the victim's rights. Upon the filing of the entry of
5 appearance and service on the State's Attorney and the
6 defendant, the attorney is to receive copies of all
7 notices, motions and court orders filed thereafter in the
8 case.

9 (3) Standing. The victim has standing to assert the
10 rights enumerated in subsection (a) of Article I, Section
11 8.1 of the Illinois Constitution and the statutory rights
12 under Section 4 of this Act in any court exercising
13 jurisdiction over the criminal case. The prosecuting
14 attorney, a victim, or the victim's retained attorney may
15 assert the victim's rights. The defendant in the criminal
16 case has no standing to assert a right of the victim in any
17 court proceeding, including on appeal.

18 (4) Assertion of and enforcement of rights.

19 (A) The prosecuting attorney shall assert a
20 victim's right or request enforcement of a right by
21 filing a motion or by orally asserting the right or
22 requesting enforcement in open court in the criminal
23 case outside the presence of the jury. The prosecuting
24 attorney shall consult with the victim and the victim's
25 attorney regarding the assertion or enforcement of a
26 right. If the prosecuting attorney decides not to

1 assert or enforce a victim's right, the prosecuting
2 attorney shall notify the victim or the victim's
3 attorney in sufficient time to allow the victim or the
4 victim's attorney to assert the right or to seek
5 enforcement of a right.

6 (B) If the prosecuting attorney elects not to
7 assert a victim's right or to seek enforcement of a
8 right, the victim or the victim's attorney may assert
9 the victim's right or request enforcement of a right by
10 filing a motion or by orally asserting the right or
11 requesting enforcement in open court in the criminal
12 case outside the presence of the jury.

13 (C) If the prosecuting attorney asserts a victim's
14 right or seeks enforcement of a right, and the court
15 denies the assertion of the right or denies the request
16 for enforcement of a right, the victim or victim's
17 attorney may file a motion to assert the victim's right
18 or to request enforcement of the right within 10 days
19 of the court's ruling. The motion need not demonstrate
20 the grounds for a motion for reconsideration. The court
21 shall rule on the merits of the motion.

22 (D) The court shall take up and decide any motion
23 or request asserting or seeking enforcement of a
24 victim's right without delay, unless a specific time
25 period is specified by law or court rule. The reasons
26 for any decision denying the motion or request shall be

1 clearly stated on the record.

2 (5) Violation of rights and remedies.

3 (A) If the court determines that a victim's right
4 has been violated, the court shall determine the
5 appropriate remedy for the violation of the victim's
6 right by hearing from the victim and the parties,
7 considering all factors relevant to the issue, and then
8 awarding appropriate relief to the victim.

9 (A-5) Consideration of an issue of a substantive
10 nature or an issue that implicates the constitutional
11 or statutory right of a victim at a court proceeding
12 labeled as a status hearing shall constitute a per se
13 violation of a victim's right.

14 (B) The appropriate remedy shall include only
15 actions necessary to provide the victim the right to
16 which the victim was entitled and may include reopening
17 previously held proceedings; however, in no event
18 shall the court vacate a conviction. Any remedy shall
19 be tailored to provide the victim an appropriate remedy
20 without violating any constitutional right of the
21 defendant. In no event shall the appropriate remedy be
22 a new trial, damages, or costs.

23 (6) Right to be heard. Whenever a victim has the right
24 to be heard, the court shall allow the victim to exercise
25 the right in any reasonable manner the victim chooses.

26 (7) Right to attend trial. A party must file a written

1 motion to exclude a victim from trial at least 60 days
2 prior to the date set for trial. The motion must state with
3 specificity the reason exclusion is necessary to protect a
4 constitutional right of the party, and must contain an
5 offer of proof. The court shall rule on the motion within
6 30 days. If the motion is granted, the court shall set
7 forth on the record the facts that support its finding that
8 the victim's testimony will be materially affected if the
9 victim hears other testimony at trial.

10 (8) Right to have advocate and support person present
11 at court proceedings.

12 (A) A party who intends to call an advocate as a
13 witness at trial must seek permission of the court
14 before the subpoena is issued. The party must file a
15 written motion at least 90 days before trial that sets
16 forth specifically the issues on which the advocate's
17 testimony is sought and an offer of proof regarding (i)
18 the content of the anticipated testimony of the
19 advocate; and (ii) the relevance, admissibility, and
20 materiality of the anticipated testimony. The court
21 shall consider the motion and make findings within 30
22 days of the filing of the motion. If the court finds by
23 a preponderance of the evidence that: (i) the
24 anticipated testimony is not protected by an absolute
25 privilege; and (ii) the anticipated testimony contains
26 relevant, admissible, and material evidence that is

1 not available through other witnesses or evidence, the
2 court shall issue a subpoena requiring the advocate to
3 appear to testify at an in camera hearing. The
4 prosecuting attorney and the victim shall have 15 days
5 to seek appellate review before the advocate is
6 required to testify at an ex parte in camera
7 proceeding.

8 The prosecuting attorney, the victim, and the
9 advocate's attorney shall be allowed to be present at
10 the ex parte in camera proceeding. If, after conducting
11 the ex parte in camera hearing, the court determines
12 that due process requires any testimony regarding
13 confidential or privileged information or
14 communications, the court shall provide to the
15 prosecuting attorney, the victim, and the advocate's
16 attorney a written memorandum on the substance of the
17 advocate's testimony. The prosecuting attorney, the
18 victim, and the advocate's attorney shall have 15 days
19 to seek appellate review before a subpoena may be
20 issued for the advocate to testify at trial. The
21 presence of the prosecuting attorney at the ex parte in
22 camera proceeding does not make the substance of the
23 advocate's testimony that the court has ruled
24 inadmissible subject to discovery.

25 (B) If a victim has asserted the right to have a
26 support person present at the court proceedings, the

1 victim shall provide the name of the person the victim
2 has chosen to be the victim's support person to the
3 prosecuting attorney, within 60 days of trial. The
4 prosecuting attorney shall provide the name to the
5 defendant. If the defendant intends to call the support
6 person as a witness at trial, the defendant must seek
7 permission of the court before a subpoena is issued.
8 The defendant must file a written motion at least 45
9 days prior to trial that sets forth specifically the
10 issues on which the support person will testify and an
11 offer of proof regarding: (i) the content of the
12 anticipated testimony of the support person; and (ii)
13 the relevance, admissibility, and materiality of the
14 anticipated testimony.

15 If the prosecuting attorney intends to call the
16 support person as a witness during the State's
17 case-in-chief, the prosecuting attorney shall inform
18 the court of this intent in the response to the
19 defendant's written motion. The victim may choose a
20 different person to be the victim's support person. The
21 court may allow the defendant to inquire about matters
22 outside the scope of the direct examination during
23 cross-examination. If the court allows the defendant
24 to do so, the support person shall be allowed to remain
25 in the courtroom after the support person has
26 testified. A defendant who fails to question the

1 support person about matters outside the scope of
2 direct examination during the State's case-in-chief
3 waives the right to challenge the presence of the
4 support person on appeal. The court shall allow the
5 support person to testify if called as a witness in the
6 defendant's case-in-chief or the State's rebuttal.

7 If the court does not allow the defendant to
8 inquire about matters outside the scope of the direct
9 examination, the support person shall be allowed to
10 remain in the courtroom after the support person has
11 been called by the defendant or the defendant has
12 rested. The court shall allow the support person to
13 testify in the State's rebuttal.

14 If the prosecuting attorney does not intend to call
15 the support person in the State's case-in-chief, the
16 court shall verify with the support person whether the
17 support person, if called as a witness, would testify
18 as set forth in the offer of proof. If the court finds
19 that the support person would testify as set forth in
20 the offer of proof, the court shall rule on the
21 relevance, materiality, and admissibility of the
22 anticipated testimony. If the court rules the
23 anticipated testimony is admissible, the court shall
24 issue the subpoena. The support person may remain in
25 the courtroom after the support person testifies and
26 shall be allowed to testify in rebuttal.

1 If the court excludes the victim's support person
2 during the State's case-in-chief, the victim shall be
3 allowed to choose another support person to be present
4 in court.

5 If the victim fails to designate a support person
6 within 60 days of trial and the defendant has
7 subpoenaed the support person to testify at trial, the
8 court may exclude the support person from the trial
9 until the support person testifies. If the court
10 excludes the support person the victim may choose
11 another person as a support person.

12 (9) Right to notice and hearing before disclosure of
13 confidential or privileged information or records. A
14 defendant who seeks to subpoena records of or concerning
15 the victim that are confidential or privileged by law must
16 seek permission of the court before the subpoena is issued.
17 The defendant must file a written motion and an offer of
18 proof regarding the relevance, admissibility and
19 materiality of the records. If the court finds by a
20 preponderance of the evidence that: (A) the records are not
21 protected by an absolute privilege and (B) the records
22 contain relevant, admissible, and material evidence that
23 is not available through other witnesses or evidence, the
24 court shall issue a subpoena requiring a sealed copy of the
25 records be delivered to the court to be reviewed in camera.
26 If, after conducting an in camera review of the records,

1 the court determines that due process requires disclosure
2 of any portion of the records, the court shall provide
3 copies of what it intends to disclose to the prosecuting
4 attorney and the victim. The prosecuting attorney and the
5 victim shall have 30 days to seek appellate review before
6 the records are disclosed to the defendant. The disclosure
7 of copies of any portion of the records to the prosecuting
8 attorney does not make the records subject to discovery.

9 (10) Right to notice of court proceedings. If the
10 victim is not present at a court proceeding in which a
11 right of the victim is at issue, the court shall ask the
12 prosecuting attorney whether the victim was notified of the
13 time, place, and purpose of the court proceeding and that
14 the victim had a right to be heard at the court proceeding.
15 If the court determines that timely notice was not given or
16 that the victim was not adequately informed of the nature
17 of the court proceeding, the court shall not rule on any
18 substantive issues, accept a plea, or impose a sentence and
19 shall continue the hearing for the time necessary to notify
20 the victim of the time, place and nature of the court
21 proceeding. The time between court proceedings shall not be
22 attributable to the State under Section 103-5 of the Code
23 of Criminal Procedure of 1963.

24 (11) Right to timely disposition of the case. A victim
25 has the right to timely disposition of the case so as to
26 minimize the stress, cost, and inconvenience resulting

1 from the victim's involvement in the case. Before ruling on
2 a motion to continue trial or other court proceeding, the
3 court shall inquire into the circumstances for the request
4 for the delay and, if the victim has provided written
5 notice of the assertion of the right to a timely
6 disposition, and whether the victim objects to the delay.
7 If the victim objects, the prosecutor shall inform the
8 court of the victim's objections. If the prosecutor has not
9 conferred with the victim about the continuance, the
10 prosecutor shall inform the court of the attempts to
11 confer. If the court finds the attempts of the prosecutor
12 to confer with the victim were inadequate to protect the
13 victim's right to be heard, the court shall give the
14 prosecutor at least 3 but not more than 5 business days to
15 confer with the victim. In ruling on a motion to continue,
16 the court shall consider the reasons for the requested
17 continuance, the number and length of continuances that
18 have been granted, the victim's objections and procedures
19 to avoid further delays. If a continuance is granted over
20 the victim's objection, the court shall specify on the
21 record the reasons for the continuance and the procedures
22 that have been or will be taken to avoid further delays.

23 (12) Right to Restitution.

24 (A) If the victim has asserted the right to
25 restitution and the amount of restitution is known at
26 the time of sentencing, the court shall enter the

1 judgment of restitution at the time of sentencing.

2 (B) If the victim has asserted the right to
3 restitution and the amount of restitution is not known
4 at the time of sentencing, the prosecutor shall, within
5 5 days after sentencing, notify the victim what
6 information and documentation related to restitution
7 is needed and that the information and documentation
8 must be provided to the prosecutor within 45 days after
9 sentencing. Failure to timely provide information and
10 documentation related to restitution shall be deemed a
11 waiver of the right to restitution. The prosecutor
12 shall file and serve within 60 days after sentencing a
13 proposed judgment for restitution and a notice that
14 includes information concerning the identity of any
15 victims or other persons seeking restitution, whether
16 any victim or other person expressly declines
17 restitution, the nature and amount of any damages
18 together with any supporting documentation, a
19 restitution amount recommendation, and the names of
20 any co-defendants and their case numbers. Within 30
21 days after receipt of the proposed judgment for
22 restitution, the defendant shall file any objection to
23 the proposed judgment, a statement of grounds for the
24 objection, and a financial statement. If the defendant
25 does not file an objection, the court may enter the
26 judgment for restitution without further proceedings.

1 If the defendant files an objection and either party
2 requests a hearing, the court shall schedule a hearing.

3 (13) Access to presentence reports.

4 (A) The victim may request a copy of the
5 presentence report prepared under the Unified Code of
6 Corrections from the State's Attorney. The State's
7 Attorney shall redact the following information before
8 providing a copy of the report:

9 (i) the defendant's mental history and
10 condition;

11 (ii) any evaluation prepared under subsection
12 (b) or (b-5) of Section 5-3-2; and

13 (iii) the name, address, phone number, and
14 other personal information about any other victim.

15 (B) The State's Attorney or the defendant may
16 request the court redact other information in the
17 report that may endanger the safety of any person.

18 (C) The State's Attorney may orally disclose to the
19 victim any of the information that has been redacted if
20 there is a reasonable likelihood that the information
21 will be stated in court at the sentencing.

22 (D) The State's Attorney must advise the victim
23 that the victim must maintain the confidentiality of
24 the report and other information. Any dissemination of
25 the report or information that was not stated at a
26 court proceeding constitutes indirect criminal

1 contempt of court.

2 (14) Appellate relief. If the trial court denies the
3 relief requested, the victim, the victim's attorney, or the
4 prosecuting attorney may file an appeal within 30 days of
5 the trial court's ruling. The trial or appellate court may
6 stay the court proceedings if the court finds that a stay
7 would not violate a constitutional right of the defendant.
8 If the appellate court denies the relief sought, the
9 reasons for the denial shall be clearly stated in a written
10 opinion. In any appeal in a criminal case, the State may
11 assert as error the court's denial of any crime victim's
12 right in the proceeding to which the appeal relates.

13 (15) Limitation on appellate relief. In no case shall
14 an appellate court provide a new trial to remedy the
15 violation of a victim's right.

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

25 (d) Procedures after the imposition of sentence.

26 (1) The Prisoner Review Board shall inform a victim or

1 any other concerned citizen, upon written request, of the
2 prisoner's release on parole, mandatory supervised
3 release, electronic detention, work release, international
4 transfer or exchange, or by the custodian, other than the
5 Department of Juvenile Justice, of the discharge of any
6 individual who was adjudicated a delinquent for a crime
7 from State custody and by the sheriff of the appropriate
8 county of any such person's final discharge from county
9 custody. The Prisoner Review Board, upon written request,
10 shall provide to a victim or any other concerned citizen a
11 recent photograph of any person convicted of a felony, upon
12 his or her release from custody. The Prisoner Review Board,
13 upon written request, shall inform a victim or any other
14 concerned citizen when feasible at least 7 days prior to
15 the prisoner's release on furlough of the times and dates
16 of such furlough. Upon written request by the victim or any
17 other concerned citizen, the State's Attorney shall notify
18 the person once of the times and dates of release of a
19 prisoner sentenced to periodic imprisonment. Notification
20 shall be based on the most recent information as to
21 victim's or other concerned citizen's residence or other
22 location available to the notifying authority.

23 (2) When the defendant has been committed to the
24 Department of Human Services pursuant to Section 5-2-4 or
25 any other provision of the Unified Code of Corrections, the
26 victim may request to be notified by the releasing

1 authority of the approval by the court of an on-grounds
2 pass, a supervised off-grounds pass, an unsupervised
3 off-grounds pass, or conditional release; the release on an
4 off-grounds pass; the return from an off-grounds pass;
5 transfer to another facility; conditional release; escape;
6 death; or final discharge from State custody. The
7 Department of Human Services shall establish and maintain a
8 statewide telephone number to be used by victims to make
9 notification requests under these provisions and shall
10 publicize this telephone number on its website and to the
11 State's Attorney of each county.

12 (3) In the event of an escape from State custody, the
13 Department of Corrections or the Department of Juvenile
14 Justice immediately shall notify the Prisoner Review Board
15 of the escape and the Prisoner Review Board shall notify
16 the victim. The notification shall be based upon the most
17 recent information as to the victim's residence or other
18 location available to the Board. When no such information
19 is available, the Board shall make all reasonable efforts
20 to obtain the information and make the notification. When
21 the escapee is apprehended, the Department of Corrections
22 or the Department of Juvenile Justice immediately shall
23 notify the Prisoner Review Board and the Board shall notify
24 the victim.

25 (4) The victim of the crime for which the prisoner has
26 been sentenced has the right to register with the Prisoner

1 Review Board's victim registry. Victims registered with
2 the Board shall receive reasonable written notice not less
3 than 30 days prior to the parole hearing or target
4 aftercare release date. The victim has the right to submit
5 a victim statement for consideration by the Prisoner Review
6 Board or the Department of Juvenile Justice in writing, on
7 film, videotape, or other electronic means, or in the form
8 of a recording prior to the parole hearing or target
9 aftercare release date, or in person at the parole hearing
10 or aftercare release protest hearing, or by calling the
11 toll-free number established in subsection (f) of this
12 Section.⁷ The victim shall be notified within 7 days after
13 the prisoner has been granted parole or aftercare release
14 and shall be informed of the right to inspect the registry
15 of parole decisions, established under subsection (g) of
16 Section 3-3-5 of the Unified Code of Corrections. The
17 provisions of this paragraph (4) are subject to the Open
18 Parole Hearings Act. Victim statements provided to the
19 Board shall be confidential and privileged, including any
20 statements received prior to January 1, 2020 (the effective
21 date of Public Act 101-288) ~~this amendatory Act of the~~
22 ~~101st General Assembly~~, except if the statement was an oral
23 statement made by the victim at a hearing open to the
24 public.

25 (4-1) The crime victim has the right to submit a victim
26 statement for consideration by the Prisoner Review Board or

1 the Department of Juvenile Justice prior to or at a hearing
2 to determine the conditions of mandatory supervised
3 release of a person sentenced to a determinate sentence or
4 at a hearing on revocation of mandatory supervised release
5 of a person sentenced to a determinate sentence. A victim
6 statement may be submitted in writing, on film, videotape,
7 or other electronic means, or in the form of a recording,
8 or orally at a hearing, or by calling the toll-free number
9 established in subsection (f) of this Section. Victim
10 statements provided to the Board shall be confidential and
11 privileged, including any statements received prior to
12 January 1, 2020 (the effective date of Public Act 101-288)
13 ~~this amendatory Act of the 101st General Assembly~~, except
14 if the statement was an oral statement made by the victim
15 at a hearing open to the public.

16 (4-2) The crime victim has the right to submit a victim
17 statement to the Prisoner Review Board for consideration at
18 an executive clemency hearing as provided in Section 3-3-13
19 of the Unified Code of Corrections. A victim statement may
20 be submitted in writing, on film, videotape, or other
21 electronic means, or in the form of a recording prior to a
22 hearing, or orally at a hearing, or by calling the
23 toll-free number established in subsection (f) of this
24 Section. Victim statements provided to the Board shall be
25 confidential and privileged, including any statements
26 received prior to January 1, 2020 (the effective date of

1 Public Act 101-288) ~~this amendatory Act of the 101st~~
2 ~~General Assembly,~~ except if the statement was an oral
3 statement made by the victim at a hearing open to the
4 public.

5 (5) If a statement is presented under Section 6, the
6 Prisoner Review Board or Department of Juvenile Justice
7 shall inform the victim of any order of discharge pursuant
8 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
9 Corrections.

10 (6) At the written or oral request of the victim of the
11 crime for which the prisoner was sentenced or the State's
12 Attorney of the county where the person seeking parole or
13 aftercare release was prosecuted, the Prisoner Review
14 Board or Department of Juvenile Justice shall notify the
15 victim and the State's Attorney of the county where the
16 person seeking parole or aftercare release was prosecuted
17 of the death of the prisoner if the prisoner died while on
18 parole or aftercare release or mandatory supervised
19 release.

20 (7) When a defendant who has been committed to the
21 Department of Corrections, the Department of Juvenile
22 Justice, or the Department of Human Services is released or
23 discharged and subsequently committed to the Department of
24 Human Services as a sexually violent person and the victim
25 had requested to be notified by the releasing authority of
26 the defendant's discharge, conditional release, death, or

1 escape from State custody, the releasing authority shall
2 provide to the Department of Human Services such
3 information that would allow the Department of Human
4 Services to contact the victim.

5 (8) When a defendant has been convicted of a sex
6 offense as defined in Section 2 of the Sex Offender
7 Registration Act and has been sentenced to the Department
8 of Corrections or the Department of Juvenile Justice, the
9 Prisoner Review Board or the Department of Juvenile Justice
10 shall notify the victim of the sex offense of the
11 prisoner's eligibility for release on parole, aftercare
12 release, mandatory supervised release, electronic
13 detention, work release, international transfer or
14 exchange, or by the custodian of the discharge of any
15 individual who was adjudicated a delinquent for a sex
16 offense from State custody and by the sheriff of the
17 appropriate county of any such person's final discharge
18 from county custody. The notification shall be made to the
19 victim at least 30 days, whenever possible, before release
20 of the sex offender.

21 (e) The officials named in this Section may satisfy some or
22 all of their obligations to provide notices and other
23 information through participation in a statewide victim and
24 witness notification system established by the Attorney
25 General under Section 8.5 of this Act.

26 (f) The Prisoner Review Board shall establish a toll-free

1 number that may be accessed by the crime victim to present a
2 victim statement to the Board in accordance with paragraphs
3 (4), (4-1), and (4-2) of subsection (d).

4 (Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;
5 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)

6 Section 10-270. The Pretrial Services Act is amended by
7 changing Sections 11, 20, 22, and 34 as follows:

8 (725 ILCS 185/11) (from Ch. 38, par. 311)

9 Sec. 11. No person shall be interviewed by a pretrial
10 services agency unless he or she has first been apprised of the
11 identity and purpose of the interviewer, the scope of the
12 interview, the right to secure legal advice, and the right to
13 refuse cooperation. Inquiry of the defendant shall carefully
14 exclude questions concerning the details of the current charge.
15 Statements made by the defendant during the interview, or
16 evidence derived therefrom, are admissible in evidence only
17 when the court is considering the imposition of pretrial or
18 posttrial conditions to ~~bail or~~ recognizance, or when
19 considering the modification of a prior release order.

20 (Source: P.A. 84-1449.)

21 (725 ILCS 185/20) (from Ch. 38, par. 320)

22 Sec. 20. In preparing and presenting its written reports
23 under Sections 17 and 19, pretrial services agencies shall in

1 appropriate cases include specific recommendations for ~~the~~
2 setting the conditions ~~, increase, or decrease~~ of pretrial
3 release bail; the release of the interviewee on his own
4 recognizance in sums certain; and the imposition of ~~pretrial~~
5 conditions of pretrial release ~~to bail~~ or recognizance designed
6 to minimize the risks of nonappearance, the commission of new
7 offenses while awaiting trial, and other potential
8 interference with the orderly administration of justice. In
9 establishing objective internal criteria of any such
10 recommendation policies, the agency may utilize so-called
11 "point scales" for evaluating the aforementioned risks, but no
12 interviewee shall be considered as ineligible for particular
13 agency recommendations by sole reference to such procedures.
14 (Source: P.A. 91-357, eff. 7-29-99.)

15 (725 ILCS 185/22) (from Ch. 38, par. 322)

16 Sec. 22. If so ordered by the court, the pretrial services
17 agency shall prepare and submit for the court's approval and
18 signature a uniform release order on the uniform form
19 established by the Supreme Court in all cases where an
20 interviewee may be released from custody under conditions
21 contained in an agency report. Such conditions shall become
22 part of the conditions of pretrial release ~~the bail bond~~. A
23 copy of the uniform release order shall be provided to the
24 defendant and defendant's attorney of record, and the
25 prosecutor.

1 (Source: P.A. 84-1449.)

2 (725 ILCS 185/34)

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

10 (Source: P.A. 96-341, eff. 8-11-09.)

11 Section 10-275. The Quasi-criminal and Misdemeanor Bail
12 Act is amended by changing the title of the Act and Sections
13 0.01, 1, 2, 3, and 5 as follows:

14 (725 ILCS 195/Act title)

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

20 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

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

1 (Source: P.A. 86-1324.)

2 (725 ILCS 195/1) (from Ch. 16, par. 81)

3 Sec. 1. Whenever in any circuit there shall be in force a
4 rule or order of the Supreme Court establishing a uniform form
5 ~~schedule~~ prescribing the conditions of pretrial release
6 ~~amounts of bail~~ for specified conservation cases, traffic
7 cases, quasi-criminal offenses and misdemeanors, any general
8 superintendent, chief, captain, lieutenant, or sergeant of
9 police, or other police officer, the sheriff, the circuit
10 clerk, and any deputy sheriff or deputy circuit clerk
11 designated by the Circuit Court for the purpose, are authorized
12 to let to pretrial release ~~bail~~ any person charged with a
13 quasi-criminal offense or misdemeanor ~~and to accept and receipt~~
14 ~~for bonds or cash bail in accordance with regulations~~
15 ~~established by rule or order of the Supreme Court. Unless~~
16 ~~otherwise provided by Supreme Court Rule, no such bail may be~~
17 ~~posted or accepted in any place other than a police station,~~
18 ~~sheriff's office or jail, or other county, municipal or other~~
19 ~~building housing governmental units, or a division~~
20 ~~headquarters building of the Illinois State Police. Bonds and~~
21 ~~cash so received shall be delivered to the office of the~~
22 ~~circuit clerk or that of his designated deputy as provided by~~
23 ~~regulation. Such cash and securities so received shall be~~
24 ~~delivered to the office of such clerk or deputy clerk within at~~
25 ~~least 48 hours of receipt or within the time set for the~~

1 ~~accused's appearance in court whichever is earliest.~~

2 ~~In all cases where a person is admitted to bail under a~~
3 ~~uniform schedule prescribing the amount of bail for specified~~
4 ~~conservation cases, traffic cases, quasi-criminal offenses and~~
5 ~~misdemeanors the provisions of Section 110-15 of the "Code of~~
6 ~~Criminal Procedure of 1963", approved August 14, 1963, as~~
7 ~~amended by the 75th General Assembly shall be applicable.~~

8 (Source: P.A. 80-897.)

9 (725 ILCS 195/2) (from Ch. 16, par. 82)

10 Sec. 2. The conditions of the pretrial release ~~bail bond or~~
11 ~~deposit of cash bail~~ shall be that the accused will appear to
12 answer the charge in court at a time and place specified in the
13 pretrial release form ~~bond~~ and thereafter as ordered by the
14 court until discharged on final order of the court and to
15 submit himself to the orders and process of the court. The
16 accused shall be furnished with an official receipt on a form
17 prescribed by rule of court ~~for any cash or other security~~
18 ~~deposited,~~ and shall receive a copy of the pretrial release
19 form ~~bond~~ specifying the time and place of his court
20 appearance.

21 Upon performance of the conditions of the pretrial release
22 ~~bond~~, the pretrial release form ~~bond~~ shall be null and void and
23 the accused shall be released from the conditions of pretrial
24 release ~~any cash bail or other security shall be returned to~~
25 ~~the accused.~~

1 (Source: Laws 1963, p. 2652.)

2 (725 ILCS 195/3) (from Ch. 16, par. 83)

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

10 (Source: P.A. 77-1248.)

11 (725 ILCS 195/5) (from Ch. 16, par. 85)

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

15 (Source: P.A. 77-2319.)

16 Section 10-280. The Unified Code of Corrections is amended
17 by changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7,
18 and 8-2-1 as follows:

19 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

20 Sec. 5-3-2. Presentence report.

21 (a) In felony cases, the presentence report shall set
22 forth:

1 (1) the defendant's history of delinquency or
2 criminality, physical and mental history and condition,
3 family situation and background, economic status,
4 education, occupation and personal habits;

5 (2) information about special resources within the
6 community which might be available to assist the
7 defendant's rehabilitation, including treatment centers,
8 residential facilities, vocational training services,
9 correctional manpower programs, employment opportunities,
10 special educational programs, alcohol and drug abuse
11 programming, psychiatric and marriage counseling, and
12 other programs and facilities which could aid the
13 defendant's successful reintegration into society;

14 (3) the effect the offense committed has had upon the
15 victim or victims thereof, and any compensatory benefit
16 that various sentencing alternatives would confer on such
17 victim or victims;

18 (3.5) information provided by the victim's spouse,
19 guardian, parent, grandparent, and other immediate family
20 and household members about the effect the offense
21 committed has had on the victim and on the person providing
22 the information; if the victim's spouse, guardian, parent,
23 grandparent, or other immediate family or household member
24 has provided a written statement, the statement shall be
25 attached to the report;

26 (4) information concerning the defendant's status

1 since arrest, including his record if released on his own
2 recognizance, or the defendant's achievement record if
3 released on a conditional pre-trial supervision program;

4 (5) when appropriate, a plan, based upon the personal,
5 economic and social adjustment needs of the defendant,
6 utilizing public and private community resources as an
7 alternative to institutional sentencing;

8 (6) any other matters that the investigatory officer
9 deems relevant or the court directs to be included;

10 (7) information concerning the defendant's eligibility
11 for a sentence to a county impact incarceration program
12 under Section 5-8-1.2 of this Code; and

13 (8) information concerning the defendant's eligibility
14 for a sentence to an impact incarceration program
15 administered by the Department under Section 5-8-1.1.

16 (b) The investigation shall include a physical and mental
17 examination of the defendant when so ordered by the court. If
18 the court determines that such an examination should be made,
19 it shall issue an order that the defendant submit to
20 examination at such time and place as designated by the court
21 and that such examination be conducted by a physician,
22 psychologist or psychiatrist designated by the court. Such an
23 examination may be conducted in a court clinic if so ordered by
24 the court. The cost of such examination shall be paid by the
25 county in which the trial is held.

26 (b-5) In cases involving felony sex offenses in which the

1 offender is being considered for probation only or any felony
2 offense that is sexually motivated as defined in the Sex
3 Offender Management Board Act in which the offender is being
4 considered for probation only, the investigation shall include
5 a sex offender evaluation by an evaluator approved by the Board
6 and conducted in conformance with the standards developed under
7 the Sex Offender Management Board Act. In cases in which the
8 offender is being considered for any mandatory prison sentence,
9 the investigation shall not include a sex offender evaluation.

10 (c) In misdemeanor, business offense or petty offense
11 cases, except as specified in subsection (d) of this Section,
12 when a presentence report has been ordered by the court, such
13 presentence report shall contain information on the
14 defendant's history of delinquency or criminality and shall
15 further contain only those matters listed in any of paragraphs
16 (1) through (6) of subsection (a) or in subsection (b) of this
17 Section as are specified by the court in its order for the
18 report.

19 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
20 12-30 of the Criminal Code of 1961 or the Criminal Code of
21 2012, the presentence report shall set forth information about
22 alcohol, drug abuse, psychiatric, and marriage counseling or
23 other treatment programs and facilities, information on the
24 defendant's history of delinquency or criminality, and shall
25 contain those additional matters listed in any of paragraphs
26 (1) through (6) of subsection (a) or in subsection (b) of this

1 Section as are specified by the court.

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

6 (Source: P.A. 101-105, eff. 1-1-20; revised 9-24-19.)

7 (730 ILCS 5/5-5-3.2)

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

10 (a) The following factors shall be accorded weight in favor
11 of imposing a term of imprisonment or may be considered by the
12 court as reasons to impose a more severe sentence under Section
13 5-8-1 or Article 4.5 of Chapter V:

14 (1) the defendant's conduct caused or threatened
15 serious harm;

16 (2) the defendant received compensation for committing
17 the offense;

18 (3) the defendant has a history of prior delinquency or
19 criminal activity;

20 (4) the defendant, by the duties of his office or by
21 his position, was obliged to prevent the particular offense
22 committed or to bring the offenders committing it to
23 justice;

24 (5) the defendant held public office at the time of the
25 offense, and the offense related to the conduct of that

1 office;

2 (6) the defendant utilized his professional reputation
3 or position in the community to commit the offense, or to
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from
6 committing the same crime;

7 (8) the defendant committed the offense against a
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a
10 person who has a physical disability or such person's
11 property;

12 (10) by reason of another individual's actual or
13 perceived race, color, creed, religion, ancestry, gender,
14 sexual orientation, physical or mental disability, or
15 national origin, the defendant committed the offense
16 against (i) the person or property of that individual; (ii)
17 the person or property of a person who has an association
18 with, is married to, or has a friendship with the other
19 individual; or (iii) the person or property of a relative
20 (by blood or marriage) of a person described in clause (i)
21 or (ii). For the purposes of this Section, "sexual
22 orientation" has the meaning ascribed to it in paragraph
23 (O-1) of Section 1-103 of the Illinois Human Rights Act;

24 (11) the offense took place in a place of worship or on
25 the grounds of a place of worship, immediately prior to,
26 during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall
2 mean any church, synagogue or other building, structure or
3 place used primarily for religious worship;

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

12 (13) the defendant committed or attempted to commit a
13 felony while he was wearing a bulletproof vest. For the
14 purposes of this paragraph (13), a bulletproof vest is any
15 device which is designed for the purpose of protecting the
16 wearer from bullets, shot or other lethal projectiles;

17 (14) the defendant held a position of trust or
18 supervision such as, but not limited to, family member as
19 defined in Section 11-0.1 of the Criminal Code of 2012,
20 teacher, scout leader, baby sitter, or day care worker, in
21 relation to a victim under 18 years of age, and the
22 defendant committed an offense in violation of Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
24 11-14.4 except for an offense that involves keeping a place
25 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
26 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15

1 or 12-16 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 against that victim;

3 (15) the defendant committed an offense related to the
4 activities of an organized gang. For the purposes of this
5 factor, "organized gang" has the meaning ascribed to it in
6 Section 10 of the Streetgang Terrorism Omnibus Prevention
7 Act;

8 (16) the defendant committed an offense in violation of
9 one of the following Sections while in a school, regardless
10 of the time of day or time of year; on any conveyance
11 owned, leased, or contracted by a school to transport
12 students to or from school or a school related activity; on
13 the real property of a school; or on a public way within
14 1,000 feet of the real property comprising any school:
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
21 Criminal Code of 2012;

22 (16.5) the defendant committed an offense in violation
23 of one of the following Sections while in a day care
24 center, regardless of the time of day or time of year; on
25 the real property of a day care center, regardless of the
26 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care
2 center, regardless of the time of day or time of year:
3 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
4 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
5 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
6 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
7 18-2, or 33A-2, or Section 12-3.05 except for subdivision
8 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
9 Criminal Code of 2012;

10 (17) the defendant committed the offense by reason of
11 any person's activity as a community policing volunteer or
12 to prevent any person from engaging in activity as a
13 community policing volunteer. For the purpose of this
14 Section, "community policing volunteer" has the meaning
15 ascribed to it in Section 2-3.5 of the Criminal Code of
16 2012;

17 (18) the defendant committed the offense in a nursing
18 home or on the real property comprising a nursing home. For
19 the purposes of this paragraph (18), "nursing home" means a
20 skilled nursing or intermediate long term care facility
21 that is subject to license by the Illinois Department of
22 Public Health under the Nursing Home Care Act, the
23 Specialized Mental Health Rehabilitation Act of 2013, the
24 ID/DD Community Care Act, or the MC/DD Act;

25 (19) the defendant was a federally licensed firearm
26 dealer and was previously convicted of a violation of

1 subsection (a) of Section 3 of the Firearm Owners
2 Identification Card Act and has now committed either a
3 felony violation of the Firearm Owners Identification Card
4 Act or an act of armed violence while armed with a firearm;

5 (20) the defendant (i) committed the offense of
6 reckless homicide under Section 9-3 of the Criminal Code of
7 1961 or the Criminal Code of 2012 or the offense of driving
8 under the influence of alcohol, other drug or drugs,
9 intoxicating compound or compounds or any combination
10 thereof under Section 11-501 of the Illinois Vehicle Code
11 or a similar provision of a local ordinance and (ii) was
12 operating a motor vehicle in excess of 20 miles per hour
13 over the posted speed limit as provided in Article VI of
14 Chapter 11 of the Illinois Vehicle Code;

15 (21) the defendant (i) committed the offense of
16 reckless driving or aggravated reckless driving under
17 Section 11-503 of the Illinois Vehicle Code and (ii) was
18 operating a motor vehicle in excess of 20 miles per hour
19 over the posted speed limit as provided in Article VI of
20 Chapter 11 of the Illinois Vehicle Code;

21 (22) the defendant committed the offense against a
22 person that the defendant knew, or reasonably should have
23 known, was a member of the Armed Forces of the United
24 States serving on active duty. For purposes of this clause
25 (22), the term "Armed Forces" means any of the Armed Forces
26 of the United States, including a member of any reserve

1 component thereof or National Guard unit called to active
2 duty;

3 (23) the defendant committed the offense against a
4 person who was elderly or infirm or who was a person with a
5 disability by taking advantage of a family or fiduciary
6 relationship with the elderly or infirm person or person
7 with a disability;

8 (24) the defendant committed any offense under Section
9 11-20.1 of the Criminal Code of 1961 or the Criminal Code
10 of 2012 and possessed 100 or more images;

11 (25) the defendant committed the offense while the
12 defendant or the victim was in a train, bus, or other
13 vehicle used for public transportation;

14 (26) the defendant committed the offense of child
15 pornography or aggravated child pornography, specifically
16 including paragraph (1), (2), (3), (4), (5), or (7) of
17 subsection (a) of Section 11-20.1 of the Criminal Code of
18 1961 or the Criminal Code of 2012 where a child engaged in,
19 solicited for, depicted in, or posed in any act of sexual
20 penetration or bound, fettered, or subject to sadistic,
21 masochistic, or sadomasochistic abuse in a sexual context
22 and specifically including paragraph (1), (2), (3), (4),
23 (5), or (7) of subsection (a) of Section 11-20.1B or
24 Section 11-20.3 of the Criminal Code of 1961 where a child
25 engaged in, solicited for, depicted in, or posed in any act
26 of sexual penetration or bound, fettered, or subject to

1 sadistic, masochistic, or sadomasochistic abuse in a
2 sexual context;

3 (27) the defendant committed the offense of first
4 degree murder, assault, aggravated assault, battery,
5 aggravated battery, robbery, armed robbery, or aggravated
6 robbery against a person who was a veteran and the
7 defendant knew, or reasonably should have known, that the
8 person was a veteran performing duties as a representative
9 of a veterans' organization. For the purposes of this
10 paragraph (27), "veteran" means an Illinois resident who
11 has served as a member of the United States Armed Forces, a
12 member of the Illinois National Guard, or a member of the
13 United States Reserve Forces; and "veterans' organization"
14 means an organization comprised of members of which
15 substantially all are individuals who are veterans or
16 spouses, widows, or widowers of veterans, the primary
17 purpose of which is to promote the welfare of its members
18 and to provide assistance to the general public in such a
19 way as to confer a public benefit;

20 (28) the defendant committed the offense of assault,
21 aggravated assault, battery, aggravated battery, robbery,
22 armed robbery, or aggravated robbery against a person that
23 the defendant knew or reasonably should have known was a
24 letter carrier or postal worker while that person was
25 performing his or her duties delivering mail for the United
26 States Postal Service;

1 (29) the defendant committed the offense of criminal
2 sexual assault, aggravated criminal sexual assault,
3 criminal sexual abuse, or aggravated criminal sexual abuse
4 against a victim with an intellectual disability, and the
5 defendant holds a position of trust, authority, or
6 supervision in relation to the victim;

7 (30) the defendant committed the offense of promoting
8 juvenile prostitution, patronizing a prostitute, or
9 patronizing a minor engaged in prostitution and at the time
10 of the commission of the offense knew that the prostitute
11 or minor engaged in prostitution was in the custody or
12 guardianship of the Department of Children and Family
13 Services;

14 (31) the defendant (i) committed the offense of driving
15 while under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds or any combination
17 thereof in violation of Section 11-501 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance
19 and (ii) the defendant during the commission of the offense
20 was driving his or her vehicle upon a roadway designated
21 for one-way traffic in the opposite direction of the
22 direction indicated by official traffic control devices;

23 ~~or~~

24 (32) the defendant committed the offense of reckless
25 homicide while committing a violation of Section 11-907 of
26 the Illinois Vehicle Code;:-

1 (33) ~~(32)~~ the defendant was found guilty of an
2 administrative infraction related to an act or acts of
3 public indecency or sexual misconduct in the penal
4 institution. In this paragraph (33) ~~(32)~~, "penal
5 institution" has the same meaning as in Section 2-14 of the
6 Criminal Code of 2012; or ~~or~~.

7 (34) ~~(32)~~ the defendant committed the offense of
8 leaving the scene of an accident in violation of subsection
9 (b) of Section 11-401 of the Illinois Vehicle Code and the
10 accident resulted in the death of a person and at the time
11 of the offense, the defendant was: (i) driving under the
12 influence of alcohol, other drug or drugs, intoxicating
13 compound or compounds or any combination thereof as defined
14 by Section 11-501 of the Illinois Vehicle Code; or (ii)
15 operating the motor vehicle while using an electronic
16 communication device as defined in Section 12-610.2 of the
17 Illinois Vehicle Code.

18 For the purposes of this Section:

19 "School" is defined as a public or private elementary or
20 secondary school, community college, college, or university.

21 "Day care center" means a public or private State certified
22 and licensed day care center as defined in Section 2.09 of the
23 Child Care Act of 1969 that displays a sign in plain view
24 stating that the property is a day care center.

25 "Intellectual disability" means significantly subaverage
26 intellectual functioning which exists concurrently with

1 impairment in adaptive behavior.

2 "Public transportation" means the transportation or
3 conveyance of persons by means available to the general public,
4 and includes paratransit services.

5 "Traffic control devices" means all signs, signals,
6 markings, and devices that conform to the Illinois Manual on
7 Uniform Traffic Control Devices, placed or erected by authority
8 of a public body or official having jurisdiction, for the
9 purpose of regulating, warning, or guiding traffic.

10 (b) The following factors, related to all felonies, may be
11 considered by the court as reasons to impose an extended term
12 sentence under Section 5-8-2 upon any offender:

13 (1) When a defendant is convicted of any felony, after
14 having been previously convicted in Illinois or any other
15 jurisdiction of the same or similar class felony or greater
16 class felony, when such conviction has occurred within 10
17 years after the previous conviction, excluding time spent
18 in custody, and such charges are separately brought and
19 tried and arise out of different series of acts; or

20 (2) When a defendant is convicted of any felony and the
21 court finds that the offense was accompanied by
22 exceptionally brutal or heinous behavior indicative of
23 wanton cruelty; or

24 (3) When a defendant is convicted of any felony
25 committed against:

26 (i) a person under 12 years of age at the time of

1 the offense or such person's property;

2 (ii) a person 60 years of age or older at the time
3 of the offense or such person's property; or

4 (iii) a person who had a physical disability at the
5 time of the offense or such person's property; or

6 (4) When a defendant is convicted of any felony and the
7 offense involved any of the following types of specific
8 misconduct committed as part of a ceremony, rite,
9 initiation, observance, performance, practice or activity
10 of any actual or ostensible religious, fraternal, or social
11 group:

12 (i) the brutalizing or torturing of humans or
13 animals;

14 (ii) the theft of human corpses;

15 (iii) the kidnapping of humans;

16 (iv) the desecration of any cemetery, religious,
17 fraternal, business, governmental, educational, or
18 other building or property; or

19 (v) ritualized abuse of a child; or

20 (5) When a defendant is convicted of a felony other
21 than conspiracy and the court finds that the felony was
22 committed under an agreement with 2 or more other persons
23 to commit that offense and the defendant, with respect to
24 the other individuals, occupied a position of organizer,
25 supervisor, financier, or any other position of management
26 or leadership, and the court further finds that the felony

1 committed was related to or in furtherance of the criminal
2 activities of an organized gang or was motivated by the
3 defendant's leadership in an organized gang; or

4 (6) When a defendant is convicted of an offense
5 committed while using a firearm with a laser sight attached
6 to it. For purposes of this paragraph, "laser sight" has
7 the meaning ascribed to it in Section 26-7 of the Criminal
8 Code of 2012; or

9 (7) When a defendant who was at least 17 years of age
10 at the time of the commission of the offense is convicted
11 of a felony and has been previously adjudicated a
12 delinquent minor under the Juvenile Court Act of 1987 for
13 an act that if committed by an adult would be a Class X or
14 Class 1 felony when the conviction has occurred within 10
15 years after the previous adjudication, excluding time
16 spent in custody; or

17 (8) When a defendant commits any felony and the
18 defendant used, possessed, exercised control over, or
19 otherwise directed an animal to assault a law enforcement
20 officer engaged in the execution of his or her official
21 duties or in furtherance of the criminal activities of an
22 organized gang in which the defendant is engaged; or

23 (9) When a defendant commits any felony and the
24 defendant knowingly video or audio records the offense with
25 the intent to disseminate the recording.

26 (c) The following factors may be considered by the court as

1 reasons to impose an extended term sentence under Section 5-8-2
2 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

3 (1) When a defendant is convicted of first degree
4 murder, after having been previously convicted in Illinois
5 of any offense listed under paragraph (c)(2) of Section
6 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
7 within 10 years after the previous conviction, excluding
8 time spent in custody, and the charges are separately
9 brought and tried and arise out of different series of
10 acts.

11 (1.5) When a defendant is convicted of first degree
12 murder, after having been previously convicted of domestic
13 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
14 (720 ILCS 5/12-3.3) committed on the same victim or after
15 having been previously convicted of violation of an order
16 of protection (720 ILCS 5/12-30) in which the same victim
17 was the protected person.

18 (2) When a defendant is convicted of voluntary
19 manslaughter, second degree murder, involuntary
20 manslaughter, or reckless homicide in which the defendant
21 has been convicted of causing the death of more than one
22 individual.

23 (3) When a defendant is convicted of aggravated
24 criminal sexual assault or criminal sexual assault, when
25 there is a finding that aggravated criminal sexual assault
26 or criminal sexual assault was also committed on the same

1 victim by one or more other individuals, and the defendant
2 voluntarily participated in the crime with the knowledge of
3 the participation of the others in the crime, and the
4 commission of the crime was part of a single course of
5 conduct during which there was no substantial change in the
6 nature of the criminal objective.

7 (4) If the victim was under 18 years of age at the time
8 of the commission of the offense, when a defendant is
9 convicted of aggravated criminal sexual assault or
10 predatory criminal sexual assault of a child under
11 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
12 of Section 12-14.1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

14 (5) When a defendant is convicted of a felony violation
15 of Section 24-1 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
17 finding that the defendant is a member of an organized
18 gang.

19 (6) When a defendant was convicted of unlawful use of
20 weapons under Section 24-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
22 a weapon that is not readily distinguishable as one of the
23 weapons enumerated in Section 24-1 of the Criminal Code of
24 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

25 (7) When a defendant is convicted of an offense
26 involving the illegal manufacture of a controlled

1 substance under Section 401 of the Illinois Controlled
2 Substances Act (720 ILCS 570/401), the illegal manufacture
3 of methamphetamine under Section 25 of the Methamphetamine
4 Control and Community Protection Act (720 ILCS 646/25), or
5 the illegal possession of explosives and an emergency
6 response officer in the performance of his or her duties is
7 killed or injured at the scene of the offense while
8 responding to the emergency caused by the commission of the
9 offense. In this paragraph, "emergency" means a situation
10 in which a person's life, health, or safety is in jeopardy;
11 and "emergency response officer" means a peace officer,
12 community policing volunteer, fireman, emergency medical
13 technician-ambulance, emergency medical
14 technician-intermediate, emergency medical
15 technician-paramedic, ambulance driver, other medical
16 assistance or first aid personnel, or hospital emergency
17 room personnel.

18 (8) When the defendant is convicted of attempted mob
19 action, solicitation to commit mob action, or conspiracy to
20 commit mob action under Section 8-1, 8-2, or 8-4 of the
21 Criminal Code of 2012, where the criminal object is a
22 violation of Section 25-1 of the Criminal Code of 2012, and
23 an electronic communication is used in the commission of
24 the offense. For the purposes of this paragraph (8),
25 "electronic communication" shall have the meaning provided
26 in Section 26.5-0.1 of the Criminal Code of 2012.

1 (d) For the purposes of this Section, "organized gang" has
2 the meaning ascribed to it in Section 10 of the Illinois
3 Streetgang Terrorism Omnibus Prevention Act.

4 (e) The court may impose an extended term sentence under
5 Article 4.5 of Chapter V upon an offender who has been
6 convicted of a felony violation of Section 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
8 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
9 when the victim of the offense is under 18 years of age at the
10 time of the commission of the offense and, during the
11 commission of the offense, the victim was under the influence
12 of alcohol, regardless of whether or not the alcohol was
13 supplied by the offender; and the offender, at the time of the
14 commission of the offense, knew or should have known that the
15 victim had consumed alcohol.

16 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
17 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

18 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

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

22 (a) Except in cases where conditional discharge or
23 supervision was imposed for a petty offense as defined in
24 Section 5-1-17, when a petition is filed charging a violation
25 of a condition, the court may:

1 (1) in the case of probation violations, order the
2 issuance of a notice to the offender to be present by the
3 County Probation Department or such other agency
4 designated by the court to handle probation matters; and in
5 the case of conditional discharge or supervision
6 violations, such notice to the offender shall be issued by
7 the Circuit Court Clerk; and in the case of a violation of
8 a sentence of county impact incarceration, such notice
9 shall be issued by the Sheriff;

10 (2) order a summons to the offender to be present for
11 hearing; or

12 (3) order a warrant for the offender's arrest where
13 there is danger of his fleeing the jurisdiction or causing
14 serious harm to others or when the offender fails to answer
15 a summons or notice from the clerk of the court or Sheriff.

16 Personal service of the petition for violation of probation
17 or the issuance of such warrant, summons or notice shall toll
18 the period of probation, conditional discharge, supervision,
19 or sentence of county impact incarceration until the final
20 determination of the charge, and the term of probation,
21 conditional discharge, supervision, or sentence of county
22 impact incarceration shall not run until the hearing and
23 disposition of the petition for violation.

24 (b) The court shall conduct a hearing of the alleged
25 violation. The court shall admit the offender to pretrial
26 release ~~bail~~ pending the hearing unless the alleged violation

1 is itself a criminal offense in which case the offender shall
2 be admitted to pretrial release ~~bail~~ on such terms as are
3 provided in the Code of Criminal Procedure of 1963, as amended.
4 In any case where an offender remains incarcerated only as a
5 result of his alleged violation of the court's earlier order of
6 probation, supervision, conditional discharge, or county
7 impact incarceration such hearing shall be held within 14 days
8 of the onset of said incarceration, unless the alleged
9 violation is the commission of another offense by the offender
10 during the period of probation, supervision or conditional
11 discharge in which case such hearing shall be held within the
12 time limits described in Section 103-5 of the Code of Criminal
13 Procedure of 1963, as amended.

14 (c) The State has the burden of going forward with the
15 evidence and proving the violation by the preponderance of the
16 evidence. The evidence shall be presented in open court with
17 the right of confrontation, cross-examination, and
18 representation by counsel.

19 (d) Probation, conditional discharge, periodic
20 imprisonment and supervision shall not be revoked for failure
21 to comply with conditions of a sentence or supervision, which
22 imposes financial obligations upon the offender unless such
23 failure is due to his willful refusal to pay.

24 (e) If the court finds that the offender has violated a
25 condition at any time prior to the expiration or termination of
26 the period, it may continue him on the existing sentence, with

1 or without modifying or enlarging the conditions, or may impose
2 any other sentence that was available under Article 4.5 of
3 Chapter V of this Code or Section 11-501 of the Illinois
4 Vehicle Code at the time of initial sentencing. If the court
5 finds that the person has failed to successfully complete his
6 or her sentence to a county impact incarceration program, the
7 court may impose any other sentence that was available under
8 Article 4.5 of Chapter V of this Code or Section 11-501 of the
9 Illinois Vehicle Code at the time of initial sentencing, except
10 for a sentence of probation or conditional discharge. If the
11 court finds that the offender has violated paragraph (8.6) of
12 subsection (a) of Section 5-6-3, the court shall revoke the
13 probation of the offender. If the court finds that the offender
14 has violated subsection (o) of Section 5-6-3.1, the court shall
15 revoke the supervision of the offender.

16 (f) The conditions of probation, of conditional discharge,
17 of supervision, or of a sentence of county impact incarceration
18 may be modified by the court on motion of the supervising
19 agency or on its own motion or at the request of the offender
20 after notice and a hearing.

21 (g) A judgment revoking supervision, probation,
22 conditional discharge, or a sentence of county impact
23 incarceration is a final appealable order.

24 (h) Resentencing after revocation of probation,
25 conditional discharge, supervision, or a sentence of county
26 impact incarceration shall be under Article 4. The term on

1 probation, conditional discharge or supervision shall not be
2 credited by the court against a sentence of imprisonment or
3 periodic imprisonment unless the court orders otherwise. The
4 amount of credit to be applied against a sentence of
5 imprisonment or periodic imprisonment when the defendant
6 served a term or partial term of periodic imprisonment shall be
7 calculated upon the basis of the actual days spent in
8 confinement rather than the duration of the term.

9 (i) Instead of filing a violation of probation, conditional
10 discharge, supervision, or a sentence of county impact
11 incarceration, an agent or employee of the supervising agency
12 with the concurrence of his or her supervisor may serve on the
13 defendant a Notice of Intermediate Sanctions. The Notice shall
14 contain the technical violation or violations involved, the
15 date or dates of the violation or violations, and the
16 intermediate sanctions to be imposed. Upon receipt of the
17 Notice, the defendant shall immediately accept or reject the
18 intermediate sanctions. If the sanctions are accepted, they
19 shall be imposed immediately. If the intermediate sanctions are
20 rejected or the defendant does not respond to the Notice, a
21 violation of probation, conditional discharge, supervision, or
22 a sentence of county impact incarceration shall be immediately
23 filed with the court. The State's Attorney and the sentencing
24 court shall be notified of the Notice of Sanctions. Upon
25 successful completion of the intermediate sanctions, a court
26 may not revoke probation, conditional discharge, supervision,

1 or a sentence of county impact incarceration or impose
2 additional sanctions for the same violation. A notice of
3 intermediate sanctions may not be issued for any violation of
4 probation, conditional discharge, supervision, or a sentence
5 of county impact incarceration which could warrant an
6 additional, separate felony charge. The intermediate sanctions
7 shall include a term of home detention as provided in Article
8 8A of Chapter V of this Code for multiple or repeat violations
9 of the terms and conditions of a sentence of probation,
10 conditional discharge, or supervision.

11 (j) When an offender is re-sentenced after revocation of
12 probation that was imposed in combination with a sentence of
13 imprisonment for the same offense, the aggregate of the
14 sentences may not exceed the maximum term authorized under
15 Article 4.5 of Chapter V.

16 (k) (1) On and after the effective date of this amendatory
17 Act of the 101st General Assembly, this subsection (k) shall
18 apply to arrest warrants in Cook County only. An arrest warrant
19 issued under paragraph (3) of subsection (a) when the
20 underlying conviction is for the offense of theft, retail
21 theft, or possession of a controlled substance shall remain
22 active for a period not to exceed 10 years from the date the
23 warrant was issued unless a motion to extend the warrant is
24 filed by the office of the State's Attorney or by, or on behalf
25 of, the agency supervising the wanted person. A motion to
26 extend the warrant shall be filed within one year before the

1 warrant expiration date and notice shall be provided to the
2 office of the sheriff.

3 (2) If a motion to extend a warrant issued under paragraph
4 (3) of subsection (a) is not filed, the warrant shall be
5 quashed and recalled as a matter of law under paragraph (1) of
6 this subsection (k) and the wanted person's period of
7 probation, conditional discharge, or supervision shall
8 terminate unsatisfactorily as a matter of law.

9 (Source: P.A. 101-406, eff. 1-1-20.)

10 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

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

13 (a) In cases where a defendant was placed upon supervision
14 or conditional discharge for the commission of a petty offense,
15 upon the oral or written motion of the State, or on the court's
16 own motion, which charges that a violation of a condition of
17 that conditional discharge or supervision has occurred, the
18 court may:

19 (1) Conduct a hearing instanter if the offender is
20 present in court;

21 (2) Order the issuance by the court clerk of a notice
22 to the offender to be present for a hearing for violation;

23 (3) Order summons to the offender to be present; or

24 (4) Order a warrant for the offender's arrest.

25 The oral motion, if the defendant is present, or the

1 issuance of such warrant, summons or notice shall toll the
2 period of conditional discharge or supervision until the final
3 determination of the charge, and the term of conditional
4 discharge or supervision shall not run until the hearing and
5 disposition of the petition for violation.

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

8 (c) The State has the burden of going forward with the
9 evidence and proving the violation by the preponderance of the
10 evidence. The evidence shall be presented in open court with
11 the right of confrontation, cross-examination, and
12 representation by counsel.

13 (d) Conditional discharge or supervision shall not be
14 revoked for failure to comply with the conditions of the
15 discharge or supervision which imposed financial obligations
16 upon the offender unless such failure is due to his wilful
17 refusal to pay.

18 (e) If the court finds that the offender has violated a
19 condition at any time prior to the expiration or termination of
20 the period, it may continue him on the existing sentence or
21 supervision with or without modifying or enlarging the
22 conditions, or may impose any other sentence that was available
23 under Article 4.5 of Chapter V of this Code or Section 11-501
24 of the Illinois Vehicle Code at the time of initial sentencing.

25 (f) The conditions of conditional discharge and of
26 supervision may be modified by the court on motion of the

1 probation officer or on its own motion or at the request of the
2 offender after notice to the defendant and a hearing.

3 (g) A judgment revoking supervision is a final appealable
4 order.

5 (h) Resentencing after revocation of conditional discharge
6 or of supervision shall be under Article 4. Time served on
7 conditional discharge or supervision shall be credited by the
8 court against a sentence of imprisonment or periodic
9 imprisonment unless the court orders otherwise.

10 (Source: P.A. 95-1052, eff. 7-1-09.)

11 (730 ILCS 5/5-8A-7)

12 Sec. 5-8A-7. Domestic violence surveillance program. If
13 the Prisoner Review Board, Department of Corrections,
14 Department of Juvenile Justice, or court (the supervising
15 authority) orders electronic surveillance as a condition of
16 parole, aftercare release, mandatory supervised release, early
17 release, probation, or conditional discharge for a violation of
18 an order of protection or as a condition of pretrial release
19 ~~bail~~ for a person charged with a violation of an order of
20 protection, the supervising authority shall use the best
21 available global positioning technology to track domestic
22 violence offenders. Best available technology must have
23 real-time and interactive capabilities that facilitate the
24 following objectives: (1) immediate notification to the
25 supervising authority of a breach of a court ordered exclusion

1 zone; (2) notification of the breach to the offender; and (3)
2 communication between the supervising authority, law
3 enforcement, and the victim, regarding the breach. The
4 supervising authority may also require that the electronic
5 surveillance ordered under this Section monitor the
6 consumption of alcohol or drugs.

7 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
8 100-201, eff. 8-18-17.)

9 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

10 Sec. 8-2-1. Saving Clause.

11 The repeal of Acts or parts of Acts enumerated in Section
12 8-5-1 does not: (1) affect any offense committed, act done,
13 prosecution pending, penalty, punishment or forfeiture
14 incurred, or rights, powers or remedies accrued under any law
15 in effect immediately prior to the effective date of this Code;
16 (2) impair, avoid, or affect any grant or conveyance made or
17 right acquired or cause of action then existing under any such
18 repealed Act or amendment thereto; (3) affect or impair the
19 validity of any pretrial release ~~bail or other bond~~ or other
20 obligation issued or sold and constituting a valid obligation
21 of the issuing authority immediately prior to the effective
22 date of this Code; (4) the validity of any contract; or (5) the
23 validity of any tax levied under any law in effect prior to the
24 effective date of this Code. The repeal of any validating Act
25 or part thereof shall not avoid the effect of the validation.

1 No Act repealed by Section 8-5-1 shall repeal any Act or part
2 thereof which embraces the same or a similar subject matter as
3 the Act repealed.

4 (Source: P.A. 78-255.)

5 Section 10-281. The Unified Code of Corrections is amended
6 by changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,
7 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 and by adding 5-6-3.8 as
8 follows:

9 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

10 Sec. 3-6-3. Rules and regulations for sentence credit.

11 (a) (1) The Department of Corrections shall prescribe rules
12 and regulations for awarding and revoking sentence credit for
13 persons committed to the Department which shall be subject to
14 review by the Prisoner Review Board.

15 (1.5) As otherwise provided by law, sentence credit may be
16 awarded for the following:

17 (A) successful completion of programming while in
18 custody of the Department or while in custody prior to
19 sentencing;

20 (B) compliance with the rules and regulations of the
21 Department; or

22 (C) service to the institution, service to a community,
23 or service to the State.

24 (2) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit
2 shall provide, with respect to offenses listed in clause (i),
3 (ii), or (iii) of this paragraph (2) committed on or after June
4 19, 1998 or with respect to the offense listed in clause (iv)
5 of this paragraph (2) committed on or after June 23, 2005 (the
6 effective date of Public Act 94-71) or with respect to offense
7 listed in clause (vi) committed on or after June 1, 2008 (the
8 effective date of Public Act 95-625) or with respect to the
9 offense of being an armed habitual criminal committed on or
10 after August 2, 2005 (the effective date of Public Act 94-398)
11 or with respect to the offenses listed in clause (v) of this
12 paragraph (2) committed on or after August 13, 2007 (the
13 effective date of Public Act 95-134) or with respect to the
14 offense of aggravated domestic battery committed on or after
15 July 23, 2010 (the effective date of Public Act 96-1224) or
16 with respect to the offense of attempt to commit terrorism
17 committed on or after January 1, 2013 (the effective date of
18 Public Act 97-990), the following:

19 (i) that a prisoner who is serving a term of
20 imprisonment for first degree murder or for the offense of
21 terrorism shall receive no sentence credit and shall serve
22 the entire sentence imposed by the court;

23 (ii) that a prisoner serving a sentence for attempt to
24 commit terrorism, attempt to commit first degree murder,
25 solicitation of murder, solicitation of murder for hire,
26 intentional homicide of an unborn child, predatory

1 criminal sexual assault of a child, aggravated criminal
2 sexual assault, criminal sexual assault, aggravated
3 kidnapping, aggravated battery with a firearm as described
4 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
5 (e) (4) of Section 12-3.05, heinous battery as described in
6 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
7 being an armed habitual criminal, aggravated battery of a
8 senior citizen as described in Section 12-4.6 or
9 subdivision (a) (4) of Section 12-3.05, or aggravated
10 battery of a child as described in Section 12-4.3 or
11 subdivision (b) (1) of Section 12-3.05 shall receive no more
12 than 4.5 days of sentence credit for each month of his or
13 her sentence of imprisonment;

14 (iii) that a prisoner serving a sentence for home
15 invasion, armed robbery, aggravated vehicular hijacking,
16 aggravated discharge of a firearm, or armed violence with a
17 category I weapon or category II weapon, when the court has
18 made and entered a finding, pursuant to subsection (c-1) of
19 Section 5-4-1 of this Code, that the conduct leading to
20 conviction for the enumerated offense resulted in great
21 bodily harm to a victim, shall receive no more than 4.5
22 days of sentence credit for each month of his or her
23 sentence of imprisonment;

24 (iv) that a prisoner serving a sentence for aggravated
25 discharge of a firearm, whether or not the conduct leading
26 to conviction for the offense resulted in great bodily harm

1 to the victim, shall receive no more than 4.5 days of
2 sentence credit for each month of his or her sentence of
3 imprisonment;

4 (v) that a person serving a sentence for gunrunning,
5 narcotics racketeering, controlled substance trafficking,
6 methamphetamine trafficking, drug-induced homicide,
7 aggravated methamphetamine-related child endangerment,
8 money laundering pursuant to clause (c) (4) or (5) of
9 Section 29B-1 of the Criminal Code of 1961 or the Criminal
10 Code of 2012, or a Class X felony conviction for delivery
11 of a controlled substance, possession of a controlled
12 substance with intent to manufacture or deliver,
13 calculated criminal drug conspiracy, criminal drug
14 conspiracy, street gang criminal drug conspiracy,
15 participation in methamphetamine manufacturing, aggravated
16 participation in methamphetamine manufacturing, delivery
17 of methamphetamine, possession with intent to deliver
18 methamphetamine, aggravated delivery of methamphetamine,
19 aggravated possession with intent to deliver
20 methamphetamine, methamphetamine conspiracy when the
21 substance containing the controlled substance or
22 methamphetamine is 100 grams or more shall receive no more
23 than 7.5 days sentence credit for each month of his or her
24 sentence of imprisonment;

25 (vi) that a prisoner serving a sentence for a second or
26 subsequent offense of luring a minor shall receive no more

1 than 4.5 days of sentence credit for each month of his or
2 her sentence of imprisonment; and

3 (vii) that a prisoner serving a sentence for aggravated
4 domestic battery shall receive no more than 4.5 days of
5 sentence credit for each month of his or her sentence of
6 imprisonment.

7 (2.1) For all offenses, other than those enumerated in
8 subdivision (a)(2)(i), (ii), or (iii) committed on or after
9 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
10 June 23, 2005 (the effective date of Public Act 94-71) or
11 subdivision (a)(2)(v) committed on or after August 13, 2007
12 (the effective date of Public Act 95-134) or subdivision
13 (a)(2)(vi) committed on or after June 1, 2008 (the effective
14 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
15 on or after July 23, 2010 (the effective date of Public Act
16 96-1224), and other than the offense of aggravated driving
17 under the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds, or any combination thereof
19 as defined in subparagraph (F) of paragraph (1) of subsection
20 (d) of Section 11-501 of the Illinois Vehicle Code, and other
21 than the offense of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof as defined in
24 subparagraph (C) of paragraph (1) of subsection (d) of Section
25 11-501 of the Illinois Vehicle Code committed on or after
26 January 1, 2011 (the effective date of Public Act 96-1230), the

1 rules and regulations shall provide that a prisoner who is
2 serving a term of imprisonment shall receive one day of
3 sentence credit for each day of his or her sentence of
4 imprisonment or recommitment under Section 3-3-9. Each day of
5 sentence credit shall reduce by one day the prisoner's period
6 of imprisonment or recommitment under Section 3-3-9.

7 (2.2) A prisoner serving a term of natural life
8 imprisonment or a prisoner who has been sentenced to death
9 shall receive no sentence credit.

10 (2.3) Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations on sentence credit
12 shall provide that a prisoner who is serving a sentence for
13 aggravated driving under the influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds, or any
15 combination thereof as defined in subparagraph (F) of paragraph
16 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
17 Code, shall receive no more than 4.5 days of sentence credit
18 for each month of his or her sentence of imprisonment.

19 (2.4) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide with respect to the offenses of aggravated
22 battery with a machine gun or a firearm equipped with any
23 device or attachment designed or used for silencing the report
24 of a firearm or aggravated discharge of a machine gun or a
25 firearm equipped with any device or attachment designed or used
26 for silencing the report of a firearm, committed on or after

1 July 15, 1999 (the effective date of Public Act 91-121), that a
2 prisoner serving a sentence for any of these offenses shall
3 receive no more than 4.5 days of sentence credit for each month
4 of his or her sentence of imprisonment.

5 (2.5) Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations on sentence credit
7 shall provide that a prisoner who is serving a sentence for
8 aggravated arson committed on or after July 27, 2001 (the
9 effective date of Public Act 92-176) shall receive no more than
10 4.5 days of sentence credit for each month of his or her
11 sentence of imprisonment.

12 (2.6) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide that a prisoner who is serving a sentence for
15 aggravated driving under the influence of alcohol, other drug
16 or drugs, or intoxicating compound or compounds or any
17 combination thereof as defined in subparagraph (C) of paragraph
18 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
19 Code committed on or after January 1, 2011 (the effective date
20 of Public Act 96-1230) shall receive no more than 4.5 days of
21 sentence credit for each month of his or her sentence of
22 imprisonment.

23 (3) In addition to the sentence credits earned under
24 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
25 subsection (a), the rules and regulations shall also provide
26 that the Director may award up to 180 days of earned sentence

1 credit for prisoners serving a sentence of incarceration of
2 less than 5 years, and up to 365 days of earned sentence credit
3 for prisoners serving a sentence of 5 years or longer. The
4 Director may grant this credit for good conduct in specific
5 instances as the Director deems proper. The good conduct may
6 include, but is not limited to, compliance with the rules and
7 regulations of the Department, service to the Department,
8 service to a community, or service to the State.

9 Eligible inmates for an award of earned sentence credit
10 under this paragraph (3) may be selected to receive the credit
11 at the Director's or his or her designee's sole discretion.
12 Eligibility for the additional earned sentence credit under
13 this paragraph (3) may ~~shall~~ be based on, but is not limited
14 to, participation in programming offered by the department as
15 appropriate for the prisoner based on the results of any
16 available risk/needs assessment or other relevant assessments
17 or evaluations administered by the Department using a validated
18 instrument, the circumstances of the crime, demonstrated
19 commitment to rehabilitation by a prisoner with a ~~any~~ history
20 of conviction for a forcible felony enumerated in Section 2-8
21 of the Criminal Code of 2012, the inmate's behavior and
22 improvements in disciplinary history while incarcerated, and
23 the inmate's commitment to rehabilitation, including
24 participation in programming offered by the Department.

25 The Director shall not award sentence credit under this
26 paragraph (3) to an inmate unless the inmate has served a

1 minimum of 60 days of the sentence; except nothing in this
2 paragraph shall be construed to permit the Director to extend
3 an inmate's sentence beyond that which was imposed by the
4 court. Prior to awarding credit under this paragraph (3), the
5 Director shall make a written determination that the inmate:

6 (A) is eligible for the earned sentence credit;

7 (B) has served a minimum of 60 days, or as close to 60
8 days as the sentence will allow;

9 (B-1) has received a risk/needs assessment or other
10 relevant evaluation or assessment administered by the
11 Department using a validated instrument; and

12 (C) has met the eligibility criteria established by
13 rule for earned sentence credit.

14 The Director shall determine the form and content of the
15 written determination required in this subsection.

16 (3.5) The Department shall provide annual written reports
17 to the Governor and the General Assembly on the award of earned
18 sentence credit no later than February 1 of each year. The
19 Department must publish both reports on its website within 48
20 hours of transmitting the reports to the Governor and the
21 General Assembly. The reports must include:

22 (A) the number of inmates awarded earned sentence
23 credit;

24 (B) the average amount of earned sentence credit
25 awarded;

26 (C) the holding offenses of inmates awarded earned

1 sentence credit; and

2 (D) the number of earned sentence credit revocations.

3 (4) (A) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations shall also provide
5 that any prisoner who ~~the sentence credit accumulated and~~
6 ~~retained under paragraph (2.1) of subsection (a) of this~~
7 ~~Section by any inmate during specific periods of time in which~~
8 ~~such inmate~~ is engaged full-time in substance abuse programs,
9 correctional industry assignments, educational programs,
10 work-release programs or activities in accordance with 730 ILCS
11 5/3-13-1 et seq., behavior modification programs, life skills
12 courses, or re-entry planning provided by the Department under
13 this paragraph (4) and satisfactorily completes the assigned
14 program as determined by the standards of the Department, shall
15 receive [one day] of sentence credit for each day in which that
16 prisoner is engaged in the activities described in this
17 paragraph ~~be multiplied by a factor of 1.25 for program~~
18 ~~participation before August 11, 1993 and 1.50 for program~~
19 ~~participation on or after that date.~~ The rules and regulations
20 shall also provide that sentence credit, ~~subject to the same~~
21 ~~offense limits and multiplier provided in this paragraph,~~ may
22 be provided to an inmate who was held in pre-trial detention
23 prior to his or her current commitment to the Department of
24 Corrections and successfully completed a full-time, 60-day or
25 longer substance abuse program, educational program, behavior
26 modification program, life skills course, or re-entry planning

1 provided by the county department of corrections or county
2 jail. Calculation of this county program credit shall be done
3 at sentencing as provided in Section 5-4.5-100 of this Code and
4 shall be included in the sentencing order. The rules and
5 regulations shall also provide that sentence credit may be
6 provided to an inmate who is in compliance with programming
7 requirements in an adult transition center. ~~However, no inmate~~
8 ~~shall be eligible for the additional sentence credit under this~~
9 ~~paragraph (4) or (4.1) of this subsection (a) while assigned to~~
10 ~~a boot camp or electronic detention.~~

11 (B) The Department shall award sentence credit under this
12 paragraph (4) accumulated prior to January 1, 2020 (the
13 effective date of Public Act 101-440) ~~this amendatory Act of~~
14 ~~the 101st General Assembly~~ in an amount specified in
15 subparagraph (C) of this paragraph (4) to an inmate serving a
16 sentence for an offense committed prior to June 19, 1998, if
17 the Department determines that the inmate is entitled to this
18 sentence credit, based upon:

19 (i) documentation provided by the Department that the
20 inmate engaged in any full-time substance abuse programs,
21 correctional industry assignments, educational programs,
22 behavior modification programs, life skills courses, or
23 re-entry planning provided by the Department under this
24 paragraph (4) and satisfactorily completed the assigned
25 program as determined by the standards of the Department
26 during the inmate's current term of incarceration; or

1 (ii) the inmate's own testimony in the form of an
2 affidavit or documentation, or a third party's
3 documentation or testimony in the form of an affidavit that
4 the inmate likely engaged in any full-time substance abuse
5 programs, correctional industry assignments, educational
6 programs, behavior modification programs, life skills
7 courses, or re-entry planning provided by the Department
8 under paragraph (4) and satisfactorily completed the
9 assigned program as determined by the standards of the
10 Department during the inmate's current term of
11 incarceration.

12 (C) If the inmate can provide documentation that he or she
13 is entitled to sentence credit under subparagraph (B) in excess
14 of 45 days of participation in those programs, the inmate shall
15 receive 90 days of sentence credit. If the inmate cannot
16 provide documentation of more than 45 days of participation in
17 those programs, the inmate shall receive 45 days of sentence
18 credit. In the event of a disagreement between the Department
19 and the inmate as to the amount of credit accumulated under
20 subparagraph (B), if the Department provides documented proof
21 of a lesser amount of days of participation in those programs,
22 that proof shall control. If the Department provides no
23 documentary proof, the inmate's proof as set forth in clause
24 (ii) of subparagraph (B) shall control as to the amount of
25 sentence credit provided.

26 (D) If the inmate has been convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act,
2 sentencing credits under subparagraph (B) of this paragraph (4)
3 shall be awarded by the Department only if the conditions set
4 forth in paragraph (4.6) of subsection (a) are satisfied. No
5 inmate serving a term of natural life imprisonment shall
6 receive sentence credit under subparagraph (B) of this
7 paragraph (4).

8 Educational, vocational, substance abuse, behavior
9 modification programs, life skills courses, re-entry planning,
10 and correctional industry programs under which sentence credit
11 may be earned increased under this paragraph (4) and paragraph
12 (4.1) of this subsection (a) shall be evaluated by the
13 Department on the basis of documented standards. The Department
14 shall report the results of these evaluations to the Governor
15 and the General Assembly by September 30th of each year. The
16 reports shall include data relating to the recidivism rate
17 among program participants.

18 Availability of these programs shall be subject to the
19 limits of fiscal resources appropriated by the General Assembly
20 for these purposes. Eligible inmates who are denied immediate
21 admission shall be placed on a waiting list under criteria
22 established by the Department. The rules and regulations shall
23 provide that a prisoner who has been placed on a waiting list
24 but is transferred for non-disciplinary reasons before
25 beginning a program shall receive priority placement on the
26 waitlist for appropriate programs at the new facility. The

1 inability of any inmate to become engaged in any such programs
2 by reason of insufficient program resources or for any other
3 reason established under the rules and regulations of the
4 Department shall not be deemed a cause of action under which
5 the Department or any employee or agent of the Department shall
6 be liable for damages to the inmate. The rules and regulations
7 shall provide that a prisoner who begins an educational,
8 vocational, substance abuse, work-release programs or
9 activities in accordance with 730 ILCS 5/3-13-1 et seq.,
10 behavior modification program, life skills course, re-entry
11 planning, or correctional industry programs but is unable to
12 complete the program due to illness, disability, transfer,
13 lockdown, or another reason outside of the prisoner's control
14 shall receive prorated sentence credits for the days in which
15 the prisoner did participate.

16 (4.1) Except as provided in paragraph (4.7) of this
17 subsection (a), the rules and regulations shall also provide
18 that an additional 90 days of sentence credit shall be awarded
19 to any prisoner who passes high school equivalency testing
20 while the prisoner is committed to the Department of
21 Corrections. The sentence credit awarded under this paragraph
22 (4.1) shall be in addition to, and shall not affect, the award
23 of sentence credit under any other paragraph of this Section,
24 but shall also be pursuant to the guidelines and restrictions
25 set forth in paragraph (4) of subsection (a) of this Section.
26 The sentence credit provided for in this paragraph shall be

1 available only to those prisoners who have not previously
2 earned a high school diploma or a high school equivalency
3 certificate. If, after an award of the high school equivalency
4 testing sentence credit has been made, the Department
5 determines that the prisoner was not eligible, then the award
6 shall be revoked. The Department may also award 90 days of
7 sentence credit to any committed person who passed high school
8 equivalency testing while he or she was held in pre-trial
9 detention prior to the current commitment to the Department of
10 Corrections. Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations shall provide that an
12 additional 120 days of sentence credit shall be awarded to any
13 prisoner who obtains a associate degree while the prisoner is
14 committed to the Department of Corrections, regardless of the
15 date that the associate degree was obtained, including if prior
16 to the effective date of this amendatory Act of the 101st
17 General Assembly. The sentence credit awarded under this
18 paragraph (4.1) shall be in addition to, and shall not affect,
19 the award of sentence credit under any other paragraph of this
20 Section, but shall also be under the guidelines and
21 restrictions set forth in paragraph (4) of subsection (a) of
22 this Section. The sentence credit provided for in this
23 paragraph (4.1) shall be available only to those prisoners who
24 have not previously earned an associate degree prior to the
25 current commitment to the Department of Corrections. If, after
26 an award of the associate degree sentence credit has been made

1 and the Department determines that the prisoner was not
2 eligible, then the award shall be revoked. The Department may
3 also award 120 days of sentence credit to any committed person
4 who earned an associate degree while he or she was held in
5 pre-trial detention prior to the current commitment to the
6 Department of Corrections.

7 Except as provided in paragraph (4.7) of this subsection
8 (a), the rules and regulations shall provide that an additional
9 180 days of sentence credit shall be awarded to any prisoner
10 who obtains a bachelor's degree while the prisoner is committed
11 to the Department of Corrections. The sentence credit awarded
12 under this paragraph (4.1) shall be in addition to, and shall
13 not affect, the award of sentence credit under any other
14 paragraph of this Section, but shall also be under the
15 guidelines and restrictions set forth in paragraph (4) of this
16 subsection (a). The sentence credit provided for in this
17 paragraph shall be available only to those prisoners who have
18 not earned a bachelor's degree prior to the current commitment
19 to the Department of Corrections. If, after an award of the
20 bachelor's degree sentence credit has been made, the Department
21 determines that the prisoner was not eligible, then the award
22 shall be revoked. The Department may also award 180 days of
23 sentence credit to any committed person who earned a bachelor's
24 degree while he or she was held in pre-trial detention prior to
25 the current commitment to the Department of Corrections.

26 Except as provided in paragraph (4.7) of this subsection

1 (a), the rules and regulations shall provide that an additional
2 180 days of sentence credit shall be awarded to any prisoner
3 who obtains a master's or professional degree while the
4 prisoner is committed to the Department of Corrections. The
5 sentence credit awarded under this paragraph (4.1) shall be in
6 addition to, and shall not affect, the award of sentence credit
7 under any other paragraph of this Section, but shall also be
8 under the guidelines and restrictions set forth in paragraph
9 (4) of this subsection (a). The sentence credit provided for in
10 this paragraph shall be available only to those prisoners who
11 have not previously earned a master's or professional degree
12 prior to the current commitment to the Department of
13 Corrections. If, after an award of the master's or professional
14 degree sentence credit has been made, the Department determines
15 that the prisoner was not eligible, then the award shall be
16 revoked. The Department may also award 180 days of sentence
17 credit to any committed person who earned a master's or
18 professional degree while he or she was held in pre-trial
19 detention prior to the current commitment to the Department of
20 Corrections.

21 (4.2) The rules and regulations shall also provide that any
22 prisoner engaged in self-improvement programs, volunteer work,
23 or work assignments that are not otherwise eligible activities
24 under section (4), shall receive up to 0.5 days of sentence
25 credit for each day in which the prisoner is engaged in
26 activities described in this paragraph.

1 (4.5) The rules and regulations on sentence credit shall
2 also provide that when the court's sentencing order recommends
3 a prisoner for substance abuse treatment and the crime was
4 committed on or after September 1, 2003 (the effective date of
5 Public Act 93-354), the prisoner shall receive no sentence
6 credit awarded under clause (3) of this subsection (a) unless
7 he or she participates in and completes a substance abuse
8 treatment program. The Director may waive the requirement to
9 participate in or complete a substance abuse treatment program
10 in specific instances if the prisoner is not a good candidate
11 for a substance abuse treatment program for medical,
12 programming, or operational reasons. Availability of substance
13 abuse treatment shall be subject to the limits of fiscal
14 resources appropriated by the General Assembly for these
15 purposes. If treatment is not available and the requirement to
16 participate and complete the treatment has not been waived by
17 the Director, the prisoner shall be placed on a waiting list
18 under criteria established by the Department. The Director may
19 allow a prisoner placed on a waiting list to participate in and
20 complete a substance abuse education class or attend substance
21 abuse self-help meetings in lieu of a substance abuse treatment
22 program. A prisoner on a waiting list who is not placed in a
23 substance abuse program prior to release may be eligible for a
24 waiver and receive sentence credit under clause (3) of this
25 subsection (a) at the discretion of the Director.

26 (4.6) The rules and regulations on sentence credit shall

1 also provide that a prisoner who has been convicted of a sex
2 offense as defined in Section 2 of the Sex Offender
3 Registration Act shall receive no sentence credit unless he or
4 she either has successfully completed or is participating in
5 sex offender treatment as defined by the Sex Offender
6 Management Board. However, prisoners who are waiting to receive
7 treatment, but who are unable to do so due solely to the lack
8 of resources on the part of the Department, may, at the
9 Director's sole discretion, be awarded sentence credit at a
10 rate as the Director shall determine.

11 (4.7) On or after January 1, 2018 (the effective date of
12 Public Act 100-3) ~~this amendatory Act of the 100th General~~
13 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1) of
14 this subsection (a) may be awarded to a prisoner who is serving
15 a sentence for an offense described in paragraph (2), (2.3),
16 (2.4), (2.5), or (2.6) for credit earned on or after January 1,
17 2018 (the effective date of Public Act 100-3) ~~this amendatory~~
18 ~~Act of the 100th General Assembly~~; provided, the award of the
19 credits under this paragraph (4.7) shall not reduce the
20 sentence of the prisoner to less than the following amounts:

21 (i) 85% of his or her sentence if the prisoner is
22 required to serve 85% of his or her sentence; or

23 (ii) 60% of his or her sentence if the prisoner is
24 required to serve 75% of his or her sentence, except if the
25 prisoner is serving a sentence for gunrunning his or her
26 sentence shall not be reduced to less than 75%.

1 (iii) 100% of his or her sentence if the prisoner is
2 required to serve 100% of his or her sentence.

3 (5) Whenever the Department is to release any inmate
4 earlier than it otherwise would because of a grant of earned
5 sentence credit under paragraph (3) of subsection (a) of this
6 Section given at any time during the term, the Department shall
7 give reasonable notice of the impending release not less than
8 14 days prior to the date of the release to the State's
9 Attorney of the county where the prosecution of the inmate took
10 place, and if applicable, the State's Attorney of the county
11 into which the inmate will be released. The Department must
12 also make identification information and a recent photo of the
13 inmate being released accessible on the Internet by means of a
14 hyperlink labeled "Community Notification of Inmate Early
15 Release" on the Department's World Wide Web homepage. The
16 identification information shall include the inmate's: name,
17 any known alias, date of birth, physical characteristics,
18 commitment offense, and county where conviction was imposed.
19 The identification information shall be placed on the website
20 within 3 days of the inmate's release and the information may
21 not be removed until either: completion of the first year of
22 mandatory supervised release or return of the inmate to custody
23 of the Department.

24 (b) Whenever a person is or has been committed under
25 several convictions, with separate sentences, the sentences
26 shall be construed under Section 5-8-4 in granting and

1 forfeiting of sentence credit.

2 (c) (1) The Department shall prescribe rules and
3 regulations for revoking sentence credit, including revoking
4 sentence credit awarded under paragraph (3) of subsection (a)
5 of this Section. The Department shall prescribe rules and
6 regulations establishing and requiring the use of a sanctions
7 matrix for revoking sentence credit. The Department shall
8 prescribe rules and regulations for suspending or reducing the
9 rate of accumulation of sentence credit for specific rule
10 violations, during imprisonment. These rules and regulations
11 shall provide that no inmate may be penalized more than one
12 year of sentence credit for any one infraction.

13 (2) When the Department seeks to revoke, suspend, or reduce
14 the rate of accumulation of any sentence credits for an alleged
15 infraction of its rules, it shall bring charges therefor
16 against the prisoner sought to be so deprived of sentence
17 credits before the Prisoner Review Board as provided in
18 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
19 amount of credit at issue exceeds 30 days, whether from one
20 infraction or cumulatively from multiple infractions arising
21 out of a single event, or when, during any 12-month ~~12-month~~
22 period, the cumulative amount of credit revoked exceeds 30 days
23 except where the infraction is committed or discovered within
24 60 days of scheduled release. In those cases, the Department of
25 Corrections may revoke up to 30 days of sentence credit. The
26 Board may subsequently approve the revocation of additional

1 sentence credit, if the Department seeks to revoke sentence
2 credit in excess of 30 days. However, the Board shall not be
3 empowered to review the Department's decision with respect to
4 the loss of 30 days of sentence credit within any calendar year
5 for any prisoner or to increase any penalty beyond the length
6 requested by the Department.

7 (3) The Director of the Department of Corrections, in
8 appropriate cases, may restore up to 30 days of sentence
9 credits which have been revoked, suspended, or reduced. The
10 Department shall prescribe rules and regulations governing the
11 restoration of sentence credits. These rules and regulations
12 shall provide for the automatic restoration of sentence credits
13 following a period in which the prisoner maintains a record
14 without a disciplinary violation. Any restoration of sentence
15 credits in excess of 30 days shall be subject to review by the
16 Prisoner Review Board. However, the Board may not restore
17 sentence credit in excess of the amount requested by the
18 Director.

19 Nothing contained in this Section shall prohibit the
20 Prisoner Review Board from ordering, pursuant to Section
21 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
22 sentence imposed by the court that was not served due to the
23 accumulation of sentence credit.

24 (d) If a lawsuit is filed by a prisoner in an Illinois or
25 federal court against the State, the Department of Corrections,
26 or the Prisoner Review Board, or against any of their officers

1 or employees, and the court makes a specific finding that a
2 pleading, motion, or other paper filed by the prisoner is
3 frivolous, the Department of Corrections shall conduct a
4 hearing to revoke up to 180 days of sentence credit by bringing
5 charges against the prisoner sought to be deprived of the
6 sentence credits before the Prisoner Review Board as provided
7 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
8 prisoner has not accumulated 180 days of sentence credit at the
9 time of the finding, then the Prisoner Review Board may revoke
10 all sentence credit accumulated by the prisoner.

11 For purposes of this subsection (d):

12 (1) "Frivolous" means that a pleading, motion, or other
13 filing which purports to be a legal document filed by a
14 prisoner in his or her lawsuit meets any or all of the
15 following criteria:

16 (A) it lacks an arguable basis either in law or in
17 fact;

18 (B) it is being presented for any improper purpose,
19 such as to harass or to cause unnecessary delay or
20 needless increase in the cost of litigation;

21 (C) the claims, defenses, and other legal
22 contentions therein are not warranted by existing law
23 or by a nonfrivolous argument for the extension,
24 modification, or reversal of existing law or the
25 establishment of new law;

26 (D) the allegations and other factual contentions

1 do not have evidentiary support or, if specifically so
2 identified, are not likely to have evidentiary support
3 after a reasonable opportunity for further
4 investigation or discovery; or

5 (E) the denials of factual contentions are not
6 warranted on the evidence, or if specifically so
7 identified, are not reasonably based on a lack of
8 information or belief.

9 (2) "Lawsuit" means a motion pursuant to Section 116-3
10 of the Code of Criminal Procedure of 1963, a habeas corpus
11 action under Article X of the Code of Civil Procedure or
12 under federal law (28 U.S.C. 2254), a petition for claim
13 under the Court of Claims Act, an action under the federal
14 Civil Rights Act (42 U.S.C. 1983), or a second or
15 subsequent petition for post-conviction relief under
16 Article 122 of the Code of Criminal Procedure of 1963
17 whether filed with or without leave of court or a second or
18 subsequent petition for relief from judgment under Section
19 2-1401 of the Code of Civil Procedure.

20 (e) Nothing in Public Act 90-592 or 90-593 affects the
21 validity of Public Act 89-404.

22 (f) Whenever the Department is to release any inmate who
23 has been convicted of a violation of an order of protection
24 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, earlier than it otherwise would
26 because of a grant of sentence credit, the Department, as a

1 condition of release, shall require that the person, upon
2 release, be placed under electronic surveillance as provided in
3 Section 5-8A-7 of this Code.

4 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
5 101-440, eff. 1-1-20; revised 8-19-20.)

6 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

7 Sec. 5-4-1. Sentencing hearing.

8 (a) Except when the death penalty is sought under hearing
9 procedures otherwise specified, after a determination of
10 guilt, a hearing shall be held to impose the sentence. However,
11 prior to the imposition of sentence on an individual being
12 sentenced for an offense based upon a charge for a violation of
13 Section 11-501 of the Illinois Vehicle Code or a similar
14 provision of a local ordinance, the individual must undergo a
15 professional evaluation to determine if an alcohol or other
16 drug abuse problem exists and the extent of such a problem.
17 Programs conducting these evaluations shall be licensed by the
18 Department of Human Services. However, if the individual is not
19 a resident of Illinois, the court may, in its discretion,
20 accept an evaluation from a program in the state of such
21 individual's residence. The court shall make a specific finding
22 about whether the defendant is eligible for participation in a
23 Department impact incarceration program as provided in Section
24 5-8-1.1 or 5-8-1.3, and if not, provide an explanation as to
25 why a sentence to impact incarceration is not an appropriate

1 sentence. The court may in its sentencing order recommend a
2 defendant for placement in a Department of Corrections
3 substance abuse treatment program as provided in paragraph (a)
4 of subsection (1) of Section 3-2-2 conditioned upon the
5 defendant being accepted in a program by the Department of
6 Corrections. At the hearing the court shall:

7 (1) consider the evidence, if any, received upon the
8 trial;

9 (2) consider any presentence reports;

10 (3) consider the financial impact of incarceration
11 based on the financial impact statement filed with the
12 clerk of the court by the Department of Corrections;

13 (4) consider evidence and information offered by the
14 parties in aggravation and mitigation;

15 (4.5) consider substance abuse treatment, eligibility
16 screening, and an assessment, if any, of the defendant by
17 an agent designated by the State of Illinois to provide
18 assessment services for the Illinois courts;

19 (5) hear arguments as to sentencing alternatives;

20 (6) afford the defendant the opportunity to make a
21 statement in his own behalf;

22 (7) afford the victim of a violent crime or a violation
23 of Section 11-501 of the Illinois Vehicle Code, or a
24 similar provision of a local ordinance, the opportunity to
25 present an oral or written statement, as guaranteed by
26 Article I, Section 8.1 of the Illinois Constitution and

1 provided in Section 6 of the Rights of Crime Victims and
2 Witnesses Act. The court shall allow a victim to make an
3 oral statement if the victim is present in the courtroom
4 and requests to make an oral or written statement. An oral
5 or written statement includes the victim or a
6 representative of the victim reading the written
7 statement. The court may allow persons impacted by the
8 crime who are not victims under subsection (a) of Section 3
9 of the Rights of Crime Victims and Witnesses Act to present
10 an oral or written statement. A victim and any person
11 making an oral statement shall not be put under oath or
12 subject to cross-examination. All statements offered under
13 this paragraph (7) shall become part of the record of the
14 court. In this paragraph (7), "victim of a violent crime"
15 means a person who is a victim of a violent crime for which
16 the defendant has been convicted after a bench or jury
17 trial or a person who is the victim of a violent crime with
18 which the defendant was charged and the defendant has been
19 convicted under a plea agreement of a crime that is not a
20 violent crime as defined in subsection (c) of 3 of the
21 Rights of Crime Victims and Witnesses Act;

22 (7.5) afford a qualified person affected by: (i) a
23 violation of Section 405, 405.1, 405.2, or 407 of the
24 Illinois Controlled Substances Act or a violation of
25 Section 55 or Section 65 of the Methamphetamine Control and
26 Community Protection Act; or (ii) a Class 4 felony

1 violation of Section 11-14, 11-14.3 except as described in
2 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
3 11-18.1, or 11-19 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, committed by the defendant the
5 opportunity to make a statement concerning the impact on
6 the qualified person and to offer evidence in aggravation
7 or mitigation; provided that the statement and evidence
8 offered in aggravation or mitigation shall first be
9 prepared in writing in conjunction with the State's
10 Attorney before it may be presented orally at the hearing.
11 Sworn testimony offered by the qualified person is subject
12 to the defendant's right to cross-examine. All statements
13 and evidence offered under this paragraph (7.5) shall
14 become part of the record of the court. In this paragraph
15 (7.5), "qualified person" means any person who: (i) lived
16 or worked within the territorial jurisdiction where the
17 offense took place when the offense took place; or (ii) is
18 familiar with various public places within the territorial
19 jurisdiction where the offense took place when the offense
20 took place. "Qualified person" includes any peace officer
21 or any member of any duly organized State, county, or
22 municipal peace officer unit assigned to the territorial
23 jurisdiction where the offense took place when the offense
24 took place;

25 (8) in cases of reckless homicide afford the victim's
26 spouse, guardians, parents or other immediate family

1 members an opportunity to make oral statements;

2 (9) in cases involving a felony sex offense as defined
3 under the Sex Offender Management Board Act, consider the
4 results of the sex offender evaluation conducted pursuant
5 to Section 5-3-2 of this Act; and

6 (10) make a finding of whether a motor vehicle was used
7 in the commission of the offense for which the defendant is
8 being sentenced.

9 (b) All sentences shall be imposed by the judge based upon
10 his independent assessment of the elements specified above and
11 any agreement as to sentence reached by the parties. The judge
12 who presided at the trial or the judge who accepted the plea of
13 guilty shall impose the sentence unless he is no longer sitting
14 as a judge in that court. Where the judge does not impose
15 sentence at the same time on all defendants who are convicted
16 as a result of being involved in the same offense, the
17 defendant or the State's Attorney may advise the sentencing
18 court of the disposition of any other defendants who have been
19 sentenced.

20 (b-1) In imposing a sentence of imprisonment or periodic
21 imprisonment for a Class 3 or Class 4 felony for which a
22 sentence of probation or conditional discharge is an available
23 sentence, if the defendant has no prior sentence of probation
24 or conditional discharge and no prior conviction for a violent
25 crime, the defendant shall not be sentenced to imprisonment
26 before review and consideration of a presentence report and

1 determination and explanation of why the particular evidence,
2 information, factor in aggravation, factual finding, or other
3 reasons support a sentencing determination that one or more of
4 the factors under subsection (a) of Section 5-6-1 of this Code
5 apply and that probation or conditional discharge is not an
6 appropriate sentence.

7 (c) In imposing a sentence for a violent crime or for an
8 offense of operating or being in physical control of a vehicle
9 while under the influence of alcohol, any other drug or any
10 combination thereof, or a similar provision of a local
11 ordinance, when such offense resulted in the personal injury to
12 someone other than the defendant, the trial judge shall specify
13 on the record the particular evidence, information, factors in
14 mitigation and aggravation or other reasons that led to his
15 sentencing determination. The full verbatim record of the
16 sentencing hearing shall be filed with the clerk of the court
17 and shall be a public record.

18 (c-1) In imposing a sentence for the offense of aggravated
19 kidnapping for ransom, home invasion, armed robbery,
20 aggravated vehicular hijacking, aggravated discharge of a
21 firearm, or armed violence with a category I weapon or category
22 II weapon, the trial judge shall make a finding as to whether
23 the conduct leading to conviction for the offense resulted in
24 great bodily harm to a victim, and shall enter that finding and
25 the basis for that finding in the record.

26 (c-2) If the defendant is sentenced to prison, other than

1 when a sentence of natural life imprisonment or a sentence of
2 death is imposed, at the time the sentence is imposed the judge
3 shall state on the record in open court the approximate period
4 of time the defendant will serve in custody according to the
5 then current statutory rules and regulations for sentence
6 credit found in Section 3-6-3 and other related provisions of
7 this Code. This statement is intended solely to inform the
8 public, has no legal effect on the defendant's actual release,
9 and may not be relied on by the defendant on appeal.

10 The judge's statement, to be given after pronouncing the
11 sentence, other than when the sentence is imposed for one of
12 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
13 shall include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, assuming the defendant receives all of his or her
21 sentence credit, the period of estimated actual custody is ...
22 years and ... months, less up to 180 days additional earned
23 sentence credit. If the defendant, because of his or her own
24 misconduct or failure to comply with the institutional
25 regulations, does not receive those credits, the actual time
26 served in prison will be longer. The defendant may also receive

1 an additional one-half day sentence credit for each day of
2 participation in vocational, industry, substance abuse, and
3 educational programs as provided for by Illinois statute."

4 When the sentence is imposed for one of the offenses
5 enumerated in paragraph (a)(2) of Section 3-6-3, other than
6 first degree murder, and the offense was committed on or after
7 June 19, 1998, and when the sentence is imposed for reckless
8 homicide as defined in subsection (e) of Section 9-3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 if the
10 offense was committed on or after January 1, 1999, and when the
11 sentence is imposed for aggravated driving under the influence
12 of alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof as defined in
14 subparagraph (F) of paragraph (1) of subsection (d) of Section
15 11-501 of the Illinois Vehicle Code, and when the sentence is
16 imposed for aggravated arson if the offense was committed on or
17 after July 27, 2001 (the effective date of Public Act 92-176),
18 and when the sentence is imposed for aggravated driving under
19 the influence of alcohol, other drug or drugs, or intoxicating
20 compound or compounds, or any combination thereof as defined in
21 subparagraph (C) of paragraph (1) of subsection (d) of Section
22 11-501 of the Illinois Vehicle Code committed on or after
23 January 1, 2011 (the effective date of Public Act 96-1230), the
24 judge's statement, to be given after pronouncing the sentence,
25 shall include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in
2 prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois as
4 applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, the defendant is entitled to no more than 4 1/2 days of
7 sentence credit for each month of his or her sentence of
8 imprisonment. Therefore, this defendant will serve at least 85%
9 of his or her sentence. Assuming the defendant receives 4 1/2
10 days credit for each month of his or her sentence, the period
11 of estimated actual custody is ... years and ... months. If the
12 defendant, because of his or her own misconduct or failure to
13 comply with the institutional regulations receives lesser
14 credit, the actual time served in prison will be longer."

15 When a sentence of imprisonment is imposed for first degree
16 murder and the offense was committed on or after June 19, 1998,
17 the judge's statement, to be given after pronouncing the
18 sentence, shall include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois as
23 applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant is not entitled to sentence credit.
26 Therefore, this defendant will serve 100% of his or her

1 sentence."

2 When the sentencing order recommends placement in a
3 substance abuse program for any offense that results in
4 incarceration in a Department of Corrections facility and the
5 crime was committed on or after September 1, 2003 (the
6 effective date of Public Act 93-354), the judge's statement, in
7 addition to any other judge's statement required under this
8 Section, to be given after pronouncing the sentence, shall
9 include the following:

10 "The purpose of this statement is to inform the public of
11 the actual period of time this defendant is likely to spend in
12 prison as a result of this sentence. The actual period of
13 prison time served is determined by the statutes of Illinois as
14 applied to this sentence by the Illinois Department of
15 Corrections and the Illinois Prisoner Review Board. In this
16 case, the defendant shall receive no earned sentence credit
17 under clause (3) of subsection (a) of Section 3-6-3 until he or
18 she participates in and completes a substance abuse treatment
19 program or receives a waiver from the Director of Corrections
20 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

21 (c-4) Before the sentencing hearing and as part of the
22 presentence investigation under Section 5-3-1, the court shall
23 inquire of the defendant whether the defendant is currently
24 serving in or is a veteran of the Armed Forces of the United
25 States. If the defendant is currently serving in the Armed
26 Forces of the United States or is a veteran of the Armed Forces

1 of the United States and has been diagnosed as having a mental
2 illness by a qualified psychiatrist or clinical psychologist or
3 physician, the court may:

4 (1) order that the officer preparing the presentence
5 report consult with the United States Department of
6 Veterans Affairs, Illinois Department of Veterans'
7 Affairs, or another agency or person with suitable
8 knowledge or experience for the purpose of providing the
9 court with information regarding treatment options
10 available to the defendant, including federal, State, and
11 local programming; and

12 (2) consider the treatment recommendations of any
13 diagnosing or treating mental health professionals
14 together with the treatment options available to the
15 defendant in imposing sentence.

16 For the purposes of this subsection (c-4), "qualified
17 psychiatrist" means a reputable physician licensed in Illinois
18 to practice medicine in all its branches, who has specialized
19 in the diagnosis and treatment of mental and nervous disorders
20 for a period of not less than 5 years.

21 (c-6) In imposing a sentence, the trial judge shall
22 specify, on the record, the particular evidence and other
23 reasons which led to his or her determination that a motor
24 vehicle was used in the commission of the offense.

25 (c-7) In imposing a sentence for a Class 3 or 4 felony,
26 other than a violent crime as defined in Section 3 of the

1 Rights of Crime Victims and Witnesses Act, the court shall
2 determine and indicate in the sentencing order whether the
3 defendant has 4 or more or fewer than 4 months remaining on his
4 or her sentence accounting for time served.

5 (d) When the defendant is committed to the Department of
6 Corrections, the State's Attorney shall and counsel for the
7 defendant may file a statement with the clerk of the court to
8 be transmitted to the department, agency or institution to
9 which the defendant is committed to furnish such department,
10 agency or institution with the facts and circumstances of the
11 offense for which the person was committed together with all
12 other factual information accessible to them in regard to the
13 person prior to his commitment relative to his habits,
14 associates, disposition and reputation and any other facts and
15 circumstances which may aid such department, agency or
16 institution during its custody of such person. The clerk shall
17 within 10 days after receiving any such statements transmit a
18 copy to such department, agency or institution and a copy to
19 the other party, provided, however, that this shall not be
20 cause for delay in conveying the person to the department,
21 agency or institution to which he has been committed.

22 (e) The clerk of the court shall transmit to the
23 department, agency or institution, if any, to which the
24 defendant is committed, the following:

25 (1) the sentence imposed;

26 (2) any statement by the court of the basis for

1 imposing the sentence;

2 (3) any presentence reports;

3 (3.5) any sex offender evaluations;

4 (3.6) any substance abuse treatment eligibility
5 screening and assessment of the defendant by an agent
6 designated by the State of Illinois to provide assessment
7 services for the Illinois courts;

8 (4) the number of days, if any, which the defendant has
9 been in custody and for which he is entitled to credit
10 against the sentence, which information shall be provided
11 to the clerk by the sheriff;

12 (4.1) any finding of great bodily harm made by the
13 court with respect to an offense enumerated in subsection
14 (c-1);

15 (5) all statements filed under subsection (d) of this
16 Section;

17 (6) any medical or mental health records or summaries
18 of the defendant;

19 (7) the municipality where the arrest of the offender
20 or the commission of the offense has occurred, where such
21 municipality has a population of more than 25,000 persons;

22 (8) all statements made and evidence offered under
23 paragraph (7) of subsection (a) of this Section; and

24 (9) all additional matters which the court directs the
25 clerk to transmit.

26 (f) In cases in which the court finds that a motor vehicle

1 was used in the commission of the offense for which the
2 defendant is being sentenced, the clerk of the court shall,
3 within 5 days thereafter, forward a report of such conviction
4 to the Secretary of State.

5 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
6 101-105, eff. 1-1-20.)

7 (730 ILCS 5/5-4.5-95)

8 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

9 (a) HABITUAL CRIMINALS.

10 (1) Every person who has been twice convicted in any
11 state or federal court of an offense that contains the same
12 elements as an offense now (the date of the offense
13 committed after the 2 prior convictions) classified in
14 Illinois as a Class X felony, criminal sexual assault,
15 aggravated kidnapping, or first degree murder, and who is
16 thereafter convicted of a Class X felony, criminal sexual
17 assault, or first degree murder, committed after the 2
18 prior convictions, shall be adjudged an habitual criminal.

19 (2) The 2 prior convictions need not have been for the
20 same offense.

21 (3) Any convictions that result from or are connected
22 with the same transaction, or result from offenses
23 committed at the same time, shall be counted for the
24 purposes of this Section as one conviction.

25 (4) This Section does not apply unless each of the

1 following requirements are satisfied:

2 (A) The third offense was committed after July 3,
3 1980.

4 (B) The third offense was committed within 20 years
5 of the date that judgment was entered on the first
6 conviction; provided, however, that time spent in
7 custody shall not be counted.

8 (C) The third offense was committed after
9 conviction on the second offense.

10 (D) The second offense was committed after
11 conviction on the first offense.

12 (E) The first offense was committed when the person
13 was 21 years of age or older.

14 (5) Anyone who, ~~having attained the age of 18 at the~~
15 ~~time of the third offense,~~ is adjudged an habitual criminal
16 shall be sentenced to a term of natural life imprisonment.

17 (6) A prior conviction shall not be alleged in the
18 indictment, and no evidence or other disclosure of that
19 conviction shall be presented to the court or the jury
20 during the trial of an offense set forth in this Section
21 unless otherwise permitted by the issues properly raised in
22 that trial. After a plea or verdict or finding of guilty
23 and before sentence is imposed, the prosecutor may file
24 with the court a verified written statement signed by the
25 State's Attorney concerning any former conviction of an
26 offense set forth in this Section rendered against the

1 defendant. The court shall then cause the defendant to be
2 brought before it; shall inform the defendant of the
3 allegations of the statement so filed, and of his or her
4 right to a hearing before the court on the issue of that
5 former conviction and of his or her right to counsel at
6 that hearing; and unless the defendant admits such
7 conviction, shall hear and determine the issue, and shall
8 make a written finding thereon. If a sentence has
9 previously been imposed, the court may vacate that sentence
10 and impose a new sentence in accordance with this Section.

11 (7) A duly authenticated copy of the record of any
12 alleged former conviction of an offense set forth in this
13 Section shall be prima facie evidence of that former
14 conviction; and a duly authenticated copy of the record of
15 the defendant's final release or discharge from probation
16 granted, or from sentence and parole supervision (if any)
17 imposed pursuant to that former conviction, shall be prima
18 facie evidence of that release or discharge.

19 (8) Any claim that a previous conviction offered by the
20 prosecution is not a former conviction of an offense set
21 forth in this Section because of the existence of any
22 exceptions described in this Section, is waived unless duly
23 raised at the hearing on that conviction, or unless the
24 prosecution's proof shows the existence of the exceptions
25 described in this Section.

26 (9) If the person so convicted shows to the

1 satisfaction of the court before whom that conviction was
2 had that he or she was released from imprisonment, upon
3 either of the sentences upon a pardon granted for the
4 reason that he or she was innocent, that conviction and
5 sentence shall not be considered under this Section.

6 (b) When a defendant, over the age of 21 years, is
7 convicted of a Class 1 or Class 2 forcible felony, ~~except for~~
8 ~~an offense listed in subsection (c) of this Section,~~ after
9 having twice been convicted in any state or federal court of an
10 offense that contains the same elements as an offense now (the
11 date the Class 1 or Class 2 forcible felony was committed)
12 classified in Illinois as a Class 2 or greater Class forcible
13 ~~felony, except for an offense listed in subsection (c) of this~~
14 ~~Section,~~ and those charges are separately brought and tried and
15 arise out of different series of acts, that defendant shall be
16 sentenced as a Class X offender. This subsection does not apply
17 unless:

18 (1) the first forcible felony was committed after
19 February 1, 1978 (the effective date of Public Act
20 80-1099);

21 (2) the second forcible felony was committed after
22 conviction on the first; ~~and~~

23 (3) the third forcible felony was committed after
24 conviction on the second; and

25 (4) the first offense was committed when the person was
26 21 years of age or older.

1 (c) (Blank). ~~Subsection (b) of this Section does not apply~~
2 ~~to Class 1 or Class 2 felony convictions for a violation of~~
3 ~~Section 16-1 of the Criminal Code of 2012.~~

4 A person sentenced as a Class X offender under this
5 subsection (b) is not eligible to apply for treatment as a
6 condition of probation as provided by Section 40-10 of the
7 Substance Use Disorder Act (20 ILCS 301/40-10).

8 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
9 eff. 1-1-19.)

10 (730 ILCS 5/5-4.5-100)

11 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

12 (a) COMMENCEMENT. A sentence of imprisonment shall
13 commence on the date on which the offender is received by the
14 Department or the institution at which the sentence is to be
15 served.

16 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
17 forth in subsection (e), the offender shall be given credit on
18 the determinate sentence or maximum term and the minimum period
19 of imprisonment for the number of days spent in custody as a
20 result of the offense for which the sentence was imposed. The
21 Department shall calculate the credit at the rate specified in
22 Section 3-6-3 (730 ILCS 5/3-6-3). ~~The Except when prohibited by~~
23 ~~subsection (d), the~~ trial court shall give credit to the
24 defendant for time spent in home detention on the same
25 sentencing terms as incarceration as provided in Section 5-8A-3

1 (730 ILCS 5/5-8A-3). Home detention for purposes of credit
2 includes restrictions on liberty such as curfews restricting
3 movement for 12 hours or more per day and electronic monitoring
4 that restricts travel or movement. Electronic monitoring is not
5 required for home detention to be considered custodial for
6 purposes of sentencing credit. The trial court may give credit
7 to the defendant for the number of days spent confined for
8 psychiatric or substance abuse treatment prior to judgment, if
9 the court finds that the detention or confinement was
10 custodial.

11 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
12 arrested on one charge and prosecuted on another charge for
13 conduct that occurred prior to his or her arrest shall be given
14 credit on the determinate sentence or maximum term and the
15 minimum term of imprisonment for time spent in custody under
16 the former charge not credited against another sentence.

17 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
18 defendant credit for successfully completing county
19 programming while in custody prior to imposition of sentence at
20 the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the
21 purposes of this subsection, "custody" includes time spent in
22 home detention.

23 (d) (Blank). ~~NO CREDIT; SOME HOME DETENTION. An offender~~
24 ~~sentenced to a term of imprisonment for an offense listed in~~
25 ~~paragraph (2) of subsection (c) of Section 5-5-3 (730 ILCS~~
26 ~~5/5-5-3) or in paragraph (3) of subsection (c-1) of Section~~

1 ~~11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall~~
2 ~~not receive credit for time spent in home detention prior to~~
3 ~~judgment.~~

4 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
5 RELEASE, OR PROBATION. An offender charged with the commission
6 of an offense committed while on parole, mandatory supervised
7 release, or probation shall not be given credit for time spent
8 in custody under subsection (b) for that offense for any time
9 spent in custody as a result of a revocation of parole,
10 mandatory supervised release, or probation where such
11 revocation is based on a sentence imposed for a previous
12 conviction, regardless of the facts upon which the revocation
13 of parole, mandatory supervised release, or probation is based,
14 unless both the State and the defendant agree that the time
15 served for a violation of mandatory supervised release, parole,
16 or probation shall be credited towards the sentence for the
17 current offense.

18 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12.)

19 (730 ILCS 5/5-6-3.8 new)

20 Sec. 5-6-3.8. Eligibility for programs restricted by
21 felony background. Any conviction entered prior to the
22 effective date of this amendatory Act of the 101st General
23 Assembly for:

24 (1) felony possession of a controlled substance, or
25 possession with intent to manufacture or deliver a controlled

1 substance, in a total amount equal to or less than the amounts
2 listed in subsection (a-5) of Section 402 of the Illinois
3 Controlled Substances Act; or

4 (2) felony possession of methamphetamine, or possession
5 with intent to deliver methamphetamine, in an amount less than
6 3 grams; or any adjudication of delinquency under the Juvenile
7 Court Act of 1987 for acts that would have constituted those
8 felonies if committed by an adult, shall be treated as a Class
9 A misdemeanor for the purposes of evaluating a defendant's
10 eligibility for programs of qualified probation, impact
11 incarceration, or any other diversion, deflection, probation,
12 or other program for which felony background or delinquency
13 background is a factor in determining eligibility."

14 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

15 Sec. 5-8-1. Natural life imprisonment; enhancements for
16 use of a firearm; mandatory supervised release terms.

17 (a) Except as otherwise provided in the statute defining
18 the offense or in Article 4.5 of Chapter V, a sentence of
19 imprisonment for a felony shall be a determinate sentence set
20 by the court under this Section, subject to Section 5-4.5-115
21 of this Code, according to the following limitations:

22 (1) for first degree murder,

23 (a) (blank),

24 (b) if a trier of fact finds beyond a reasonable
25 doubt that the murder was accompanied by exceptionally

1 brutal or heinous behavior indicative of wanton
2 cruelty or, except as set forth in subsection (a) (1) (c)
3 of this Section, that any of the aggravating factors
4 listed in subsection (b) or (b-5) of Section 9-1 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 are
6 present, the court may sentence the defendant, subject
7 to Section 5-4.5-105, to a term of natural life
8 imprisonment, or

9 (c) the court shall sentence the defendant to a
10 term of natural life imprisonment if the defendant, at
11 the time of the commission of the murder, had attained
12 the age of 18, and

13 (i) has previously been convicted of first
14 degree murder under any state or federal law, or

15 (ii) is found guilty of murdering more than one
16 victim, or

17 (iii) is found guilty of murdering a peace
18 officer, fireman, or emergency management worker
19 when the peace officer, fireman, or emergency
20 management worker was killed in the course of
21 performing his official duties, or to prevent the
22 peace officer or fireman from performing his
23 official duties, or in retaliation for the peace
24 officer, fireman, or emergency management worker
25 from performing his official duties, and the
26 defendant knew or should have known that the

1 murdered individual was a peace officer, fireman,
2 or emergency management worker, or

3 (iv) is found guilty of murdering an employee
4 of an institution or facility of the Department of
5 Corrections, or any similar local correctional
6 agency, when the employee was killed in the course
7 of performing his official duties, or to prevent
8 the employee from performing his official duties,
9 or in retaliation for the employee performing his
10 official duties, or

11 (v) is found guilty of murdering an emergency
12 medical technician - ambulance, emergency medical
13 technician - intermediate, emergency medical
14 technician - paramedic, ambulance driver or other
15 medical assistance or first aid person while
16 employed by a municipality or other governmental
17 unit when the person was killed in the course of
18 performing official duties or to prevent the
19 person from performing official duties or in
20 retaliation for performing official duties and the
21 defendant knew or should have known that the
22 murdered individual was an emergency medical
23 technician - ambulance, emergency medical
24 technician - intermediate, emergency medical
25 technician - paramedic, ambulance driver, or other
26 medical assistant or first aid personnel, or

1 (vi) (blank), or

2 (vii) is found guilty of first degree murder
3 and the murder was committed by reason of any
4 person's activity as a community policing
5 volunteer or to prevent any person from engaging in
6 activity as a community policing volunteer. For
7 the purpose of this Section, "community policing
8 volunteer" has the meaning ascribed to it in
9 Section 2-3.5 of the Criminal Code of 2012.

10 For purposes of clause (v), "emergency medical
11 technician - ambulance", "emergency medical technician
12 - intermediate", "emergency medical technician -
13 paramedic", have the meanings ascribed to them in the
14 Emergency Medical Services (EMS) Systems Act.

15 (d) (i) if the person committed the offense while
16 armed with a firearm, 15 years shall be added to
17 the term of imprisonment imposed by the court;

18 (ii) if, during the commission of the offense, the
19 person personally discharged a firearm, 20 years shall
20 be added to the term of imprisonment imposed by the
21 court;

22 (iii) if, during the commission of the offense, the
23 person personally discharged a firearm that
24 proximately caused great bodily harm, permanent
25 disability, permanent disfigurement, or death to
26 another person, 25 years or up to a term of natural

1 life shall be added to the term of imprisonment imposed
2 by the court.

3 (2) (blank);

4 (2.5) for a person who has attained the age of 18 years
5 at the time of the commission of the offense and who is
6 convicted under the circumstances described in subdivision
7 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
8 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
9 or paragraph (2) of subsection (d) of Section 12-14,
10 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
11 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
12 Section 11-1.40 or paragraph (2) of subsection (b) of
13 Section 12-14.1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the sentence shall be a term of
15 natural life imprisonment.

16 (b) (Blank).

17 (c) (Blank).

18 (d) Subject to earlier termination under Section 3-3-8, the
19 parole or mandatory supervised release term shall be written as
20 part of the sentencing order and shall be as follows:

21 (1) for first degree murder or for the offenses of
22 predatory criminal sexual assault of a child, aggravated
23 criminal sexual assault, and criminal sexual assault if
24 committed on or before December 12, 2005 ~~or a Class X~~
25 ~~felony except for the offenses of predatory criminal sexual~~
26 ~~assault of a child, aggravated criminal sexual assault, and~~

1 ~~criminal sexual assault if committed on or after the~~
2 ~~effective date of this amendatory Act of the 94th General~~
3 ~~Assembly and except for the offense of aggravated child~~
4 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~
5 ~~with sentencing under subsection (c 5) of Section 11-20.1~~
6 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
7 ~~if committed on or after January 1, 2009, 3 years;~~

8 (1.5) except as provided in paragraph (7) of this
9 subsection (d), for a Class X felony except for the
10 offenses of predatory criminal sexual assault of a child,
11 aggravated criminal sexual assault, and criminal sexual
12 assault if committed on or after December 13, 2005 (the
13 effective date of Public Act 94-715) and except for the
14 offense of aggravated child pornography under Section
15 11-20.1B., 11-20.3, or 11-20.1 with sentencing under
16 subsection (c-5) of Section 11-20.1 of the Criminal Code of
17 1961 or the Criminal Code of 2012, if committed on or after
18 January 1, 2009, 18 months;

19 (2) except as provided in paragraph (7) of this
20 subsection (d), for a Class 1 felony or a Class 2 felony
21 except for the offense of criminal sexual assault if
22 committed on or after December 13, 2005 (the effective date
23 of Public Act 94-715) this amendatory Act of the 94th
24 ~~General Assembly~~ and except for the offenses of manufacture
25 and dissemination of child pornography under clauses
26 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, if committed on or
2 after January 1, 2009, 12 months ~~2 years~~;

3 (3) except as provided in paragraph (4), (6), or (7) of
4 this subsection (d), a mandatory supervised release term
5 shall not be imposed for a Class 3 felony or a Class 4
6 felony; unless:

7 (A) the Prisoner Review Board, based on a validated
8 risk and needs assessment, determines it is necessary
9 for an offender to serve a mandatory supervised release
10 term;

11 (B) if the Prisoner Review Board determines a
12 mandatory supervised release term is necessary
13 pursuant to subparagraph (A) of this paragraph (3), the
14 Prisoner Review Board shall specify the maximum number
15 of months of mandatory supervised release the offender
16 may serve, limited to a term of: (i) 12 months for a
17 Class 3 felony; and (ii) 12 months for a Class 4 felony
18 ~~for a Class 3 felony or a Class 4 felony, 1 year;~~

19 (4) for defendants who commit the offense of predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, or criminal sexual assault, on or after the
22 effective date of this amendatory Act of the 94th General
23 Assembly, or who commit the offense of aggravated child
24 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
25 with sentencing under subsection (c-5) of Section 11-20.1
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 manufacture of child pornography, or dissemination of
2 child pornography after January 1, 2009, the term of
3 mandatory supervised release shall range from a minimum of
4 3 years to a maximum of the natural life of the defendant;

5 (5) if the victim is under 18 years of age, for a
6 second or subsequent offense of aggravated criminal sexual
7 abuse or felony criminal sexual abuse, 4 years, at least
8 the first 2 years of which the defendant shall serve in an
9 electronic monitoring or home detention program under
10 Article 8A of Chapter V of this Code;

11 (6) for a felony domestic battery, aggravated domestic
12 battery, stalking, aggravated stalking, and a felony
13 violation of an order of protection, 4 years; -

14 (7) for any felony described in paragraph (a)(2)(ii),
15 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
16 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section 3-6-3
17 of the Unified Code of Corrections requiring an inmate to
18 serve a minimum of 85% of their court-imposed sentence,
19 except for the offenses of predatory criminal sexual
20 assault of a child, aggravated criminal sexual assault, and
21 criminal sexual assault if committed on or after December
22 13, 2005 (the effective date of Public Act 94-715) and
23 except for the offense of aggravated child pornography
24 under Section 11-20.1B., 11-20.3, or 11-20.1 with
25 sentencing under subsection (c-5) of Section 11-20.1 of the
26 Criminal Code of 1961 or the Criminal Code of 2012, if

1 committed on or after January 1, 2009 and except as
2 provided in paragraph (4) or paragraph (6) of this
3 subsection (d), the term of mandatory supervised release
4 shall be as follows:

5 (A) Class X felony, 3 years;

6 (B) Class 1 or Class 2 felonies, 2 years;

7 (C) Class 3 or Class 4 felonies, 1 year.

8 (e) (Blank).

9 (f) (Blank).

10 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
11 101-288, eff. 1-1-20.)

12 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

13 Sec. 5-8-6. Place of confinement.

14 (a) Except as otherwise provided in this subsection (a),
15 ~~offenders~~ ~~Offenders~~ sentenced to a term of imprisonment for a
16 felony shall be committed to the penitentiary system of the
17 Department of Corrections. However, such sentence shall not
18 limit the powers of the Department of Children and Family
19 Services in relation to any child under the age of one year in
20 the sole custody of a person so sentenced, nor in relation to
21 any child delivered by a female so sentenced while she is so
22 confined as a consequence of such sentence. Except as otherwise
23 provided in this subsection (a), a ~~A~~ person sentenced for a
24 felony may be assigned by the Department of Corrections to any
25 of its institutions, facilities or programs. An offender

1 sentenced to a term of imprisonment for a Class 3 or 4 felony,
2 other than a violent crime as defined in Section 3 of the
3 Rights of Crime Victims and Witnesses Act, in which the
4 sentencing order indicates that the offender has less than 4
5 months remaining on his or her sentence accounting for time
6 served may not be confined in the penitentiary system of the
7 Department of Corrections but may be assigned to electronic
8 home detention under Article 8A of this Chapter V, an adult
9 transition center, or another facility or program within the
10 Department of Corrections.

11 (b) Offenders sentenced to a term of imprisonment for less
12 than one year shall be committed to the custody of the sheriff.
13 A person committed to the Department of Corrections, prior to
14 July 14, 1983, for less than one year may be assigned by the
15 Department to any of its institutions, facilities or programs.

16 (c) All offenders under 18 years of age when sentenced to
17 imprisonment shall be committed to the Department of Juvenile
18 Justice and the court in its order of commitment shall set a
19 definite term. The provisions of Section 3-3-3 shall be a part
20 of such commitment as fully as though written in the order of
21 commitment. The place of confinement for sentences imposed
22 before the effective date of this amendatory Act of the 99th
23 General Assembly are not affected or abated by this amendatory
24 Act of the 99th General Assembly.

25 (d) No defendant shall be committed to the Department of
26 Corrections for the recovery of a fine or costs.

1 (e) When a court sentences a defendant to a term of
2 imprisonment concurrent with a previous and unexpired sentence
3 of imprisonment imposed by any district court of the United
4 States, it may commit the offender to the custody of the
5 Attorney General of the United States. The Attorney General of
6 the United States, or the authorized representative of the
7 Attorney General of the United States, shall be furnished with
8 the warrant of commitment from the court imposing sentence,
9 which warrant of commitment shall provide that, when the
10 offender is released from federal confinement, whether by
11 parole or by termination of sentence, the offender shall be
12 transferred by the Sheriff of the committing county to the
13 Department of Corrections. The court shall cause the Department
14 to be notified of such sentence at the time of commitment and
15 to be provided with copies of all records regarding the
16 sentence.

17 (Source: P.A. 99-628, eff. 1-1-17.)

18 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

19 Sec. 5-8A-2. Definitions. As used in this Article:

20 (A) "Approved electronic monitoring device" means a device
21 approved by the supervising authority which is primarily
22 intended to record or transmit information as to the
23 defendant's presence or nonpresence in the home, consumption of
24 alcohol, consumption of drugs, location as determined through
25 GPS, cellular triangulation, Wi-Fi, or other electronic means.

1 An approved electronic monitoring device may record or
2 transmit: oral or wire communications or an auditory sound;
3 visual images; or information regarding the offender's
4 activities while inside the offender's home. These devices are
5 subject to the required consent as set forth in Section 5-8A-5
6 of this Article.

7 An approved electronic monitoring device may be used to
8 record a conversation between the participant and the
9 monitoring device, or the participant and the person
10 supervising the participant solely for the purpose of
11 identification and not for the purpose of eavesdropping or
12 conducting any other illegally intrusive monitoring.

13 (A-10) "Department" means the Department of Corrections or
14 the Department of Juvenile Justice.

15 (A-20) "Electronic monitoring" means the monitoring of an
16 inmate, person, or offender with an electronic device both
17 within and outside of their home under the terms and conditions
18 established by the supervising authority.

19 (B) "Excluded offenses" means first degree murder, escape,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual assault, aggravated
22 battery with a firearm as described in Section 12-4.2 or
23 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
24 12-3.05, bringing or possessing a firearm, ammunition or
25 explosive in a penal institution, any "Super-X" drug offense or
26 calculated criminal drug conspiracy or streetgang criminal

1 drug conspiracy, or any predecessor or successor offenses with
2 the same or substantially the same elements, or any inchoate
3 offenses relating to the foregoing offenses.

4 (B-10) "GPS" means a device or system which utilizes the
5 Global Positioning Satellite system for determining the
6 location of a person, inmate or offender.

7 (C) "Home detention" means the confinement of a person
8 convicted or charged with an offense to his or her place of
9 residence under the terms and conditions established by the
10 supervising authority. Confinement need not be 24 hours per day
11 to qualify as home detention, and significant restrictions on
12 liberty such as 7pm to 7am curfews shall qualify. Home
13 confinement may or may not be accompanied by electronic
14 monitoring, and electronic monitoring is not required for
15 purposes of sentencing credit.

16 (D) "Participant" means an inmate or offender placed into
17 an electronic monitoring program.

18 (E) "Supervising authority" means the Department of
19 Corrections, the Department of Juvenile Justice, probation
20 department, a Chief Judge's office, pretrial services division
21 or department, sheriff, superintendent of municipal house of
22 corrections or any other officer or agency charged with
23 authorizing and supervising electronic monitoring and home
24 detention.

25 (F) "Super-X drug offense" means a violation of Section
26 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);

1 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
2 (C), or (D) of the Illinois Controlled Substances Act.

3 (G) "Wi-Fi" or "WiFi" means a device or system which
4 utilizes a wireless local area network for determining the
5 location of a person, inmate or offender.

6 (Source: P.A. 99-797, eff. 8-12-16.)

7 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

8 Sec. 5-8A-4. Program description. The supervising
9 authority may promulgate rules that prescribe reasonable
10 guidelines under which an electronic monitoring and home
11 detention program shall operate. When using electronic
12 monitoring for home detention these rules may ~~shall~~ include but
13 not be limited to the following:

14 (A) The participant may be instructed to ~~shall~~ remain
15 within the interior premises or within the property
16 boundaries of his or her residence at all times during the
17 hours designated by the supervising authority. Such
18 instances of approved absences from the home shall ~~may~~
19 include but are not limited to the following:

20 (1) working or employment approved by the court or
21 traveling to or from approved employment;

22 (2) unemployed and seeking employment approved for
23 the participant by the court;

24 (3) undergoing medical, psychiatric, mental health
25 treatment, counseling, or other treatment programs

1 approved for the participant by the court;

2 (4) attending an educational institution or a
3 program approved for the participant by the court;

4 (5) attending a regularly scheduled religious
5 service at a place of worship;

6 (6) participating in community work release or
7 community service programs approved for the
8 participant by the supervising authority; or

9 (7) for another compelling reason consistent with
10 the public interest, as approved by the supervising
11 authority.

12 (8) purchasing groceries, food, or other basic
13 necessities.

14 (A-1) At a minimum, any person ordered to pretrial home
15 confinement with or without electronic monitoring must be
16 provided with open movement spread out over no fewer than
17 two days per week, to participate in basic activities such
18 as those listed in paragraph (A).

19 (B) The participant shall admit any person or agent
20 designated by the supervising authority into his or her
21 residence at any time for purposes of verifying the
22 participant's compliance with the conditions of his or her
23 detention.

24 (C) The participant shall make the necessary
25 arrangements to allow for any person or agent designated by
26 the supervising authority to visit the participant's place

1 of education or employment at any time, based upon the
2 approval of the educational institution employer or both,
3 for the purpose of verifying the participant's compliance
4 with the conditions of his or her detention.

5 (D) The participant shall acknowledge and participate
6 with the approved electronic monitoring device as
7 designated by the supervising authority at any time for the
8 purpose of verifying the participant's compliance with the
9 conditions of his or her detention.

10 (E) The participant shall maintain the following:

11 (1) access to a working telephone ~~in the~~
12 ~~participant's home;~~

13 (2) a monitoring device in the participant's home,
14 or on the participant's person, or both; and

15 (3) a monitoring device in the participant's home
16 and on the participant's person in the absence of a
17 telephone.

18 (F) The participant shall obtain approval from the
19 supervising authority before the participant changes
20 residence or the schedule described in subsection (A) of
21 this Section. Such approval shall not be unreasonably
22 withheld.

23 (G) The participant shall not commit another crime
24 during the period of home detention ordered by the Court.

25 (H) Notice to the participant that violation of the
26 order for home detention may subject the participant to

1 prosecution for the crime of escape as described in Section
2 5-8A-4.1.

3 (I) The participant shall abide by other conditions as
4 set by the supervising authority.

5 (Source: P.A. 99-797, eff. 8-12-16.)

6 (730 ILCS 5/5-8A-4.1)

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

9 (a) A person charged with or convicted of a felony, or
10 charged with or adjudicated delinquent for an act which, if
11 committed by an adult, would constitute a felony, conditionally
12 released from the supervising authority through an electronic
13 monitoring or home detention program, who knowingly violates a
14 condition of the electronic monitoring or home detention
15 program and remains in violation for at least 48 hours is
16 guilty of a Class 3 felony.

17 (b) A person charged with or convicted of a misdemeanor, or
18 charged with or adjudicated delinquent for an act which, if
19 committed by an adult, would constitute a misdemeanor,
20 conditionally released from the supervising authority through
21 an electronic monitoring or home detention program, who
22 knowingly violates a condition of the electronic monitoring or
23 home detention program and remains in violation for at least 48
24 hours is guilty of a Class B misdemeanor.

25 (c) A person who violates this Section while armed with a

1 dangerous weapon is guilty of a Class 1 felony.

2 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

3 Section 10-285. The Probation and Probation Officers Act is
4 amended by changing Section 18 as follows:

5 (730 ILCS 110/18)

6 Sec. 18. Probation and court services departments
7 considered pretrial services agencies. For the purposes of
8 administering the provisions of Public Act 95-773, known as the
9 Cindy Bischof Law, all probation and court services departments
10 are to be considered pretrial services agencies under the
11 Pretrial Services Act and under the pretrial release ~~bail bond~~
12 provisions of the Code of Criminal Procedure of 1963.

13 (Source: P.A. 96-341, eff. 8-11-09.)

14 Section 10-290. The County Jail Act is amended by changing
15 Section 5 as follows:

16 (730 ILCS 125/5) (from Ch. 75, par. 105)

17 Sec. 5. Costs of maintaining prisoners.

18 (a) Except as provided in subsections (b) and (c), all
19 costs of maintaining persons committed for violations of
20 Illinois law, shall be the responsibility of the county. Except
21 as provided in subsection (b), all costs of maintaining persons
22 committed under any ordinance or resolution of a unit of local

1 government, including medical costs, is the responsibility of
2 the unit of local government enacting the ordinance or
3 resolution, and arresting the person.

4 (b) If a person who is serving a term of mandatory
5 supervised release for a felony is incarcerated in a county
6 jail, the Illinois Department of Corrections shall pay the
7 county in which that jail is located one-half of the cost of
8 incarceration, as calculated by the Governor's Office of
9 Management and Budget and the county's chief financial officer,
10 for each day that the person remains in the county jail after
11 notice of the incarceration is given to the Illinois Department
12 of Corrections by the county, provided that (i) the Illinois
13 Department of Corrections has issued a warrant for an alleged
14 violation of mandatory supervised release by the person; (ii)
15 if the person is incarcerated on a new charge, unrelated to the
16 offense for which he or she is on mandatory supervised release,
17 there has been a court hearing at which the conditions of
18 pretrial release have ~~bail has~~ been set on the new charge;
19 (iii) the county has notified the Illinois Department of
20 Corrections that the person is incarcerated in the county jail,
21 which notice shall not be given until the ~~bail~~ hearing has
22 concluded, if the person is incarcerated on a new charge; and
23 (iv) the person remains incarcerated in the county jail for
24 more than 48 hours after the notice has been given to the
25 Department of Corrections by the county. Calculation of the per
26 diem cost shall be agreed upon prior to the passage of the

1 annual State budget.

2 (c) If a person who is serving a term of mandatory
3 supervised release is incarcerated in a county jail, following
4 an arrest on a warrant issued by the Illinois Department of
5 Corrections, solely for violation of a condition of mandatory
6 supervised release and not on any new charges for a new
7 offense, then the Illinois Department of Corrections shall pay
8 the medical costs incurred by the county in securing treatment
9 for that person, for any injury or condition other than one
10 arising out of or in conjunction with the arrest of the person
11 or resulting from the conduct of county personnel, while he or
12 she remains in the county jail on the warrant issued by the
13 Illinois Department of Corrections.

14 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07.)

15 Section 10-295. The County Jail Good Behavior Allowance Act
16 is amended by changing Section 3 as follows:

17 (730 ILCS 130/3) (from Ch. 75, par. 32)

18 Sec. 3. The good behavior of any person who commences a
19 sentence of confinement in a county jail for a fixed term of
20 imprisonment after January 1, 1987 shall entitle such person to
21 a good behavior allowance, except that: (1) a person who
22 inflicted physical harm upon another person in committing the
23 offense for which he is confined shall receive no good behavior
24 allowance; and (2) a person sentenced for an offense for which

1 the law provides a mandatory minimum sentence shall not receive
2 any portion of a good behavior allowance that would reduce the
3 sentence below the mandatory minimum; and (3) a person
4 sentenced to a county impact incarceration program; and (4) a
5 person who is convicted of criminal sexual assault under
6 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of
7 Section 12-13 of the Criminal Code of 1961 or the Criminal Code
8 of 2012, criminal sexual abuse, or aggravated criminal sexual
9 abuse shall receive no good behavior allowance. The good
10 behavior allowance provided for in this Section shall not apply
11 to individuals sentenced for a felony to probation or
12 conditional discharge where a condition of such probation or
13 conditional discharge is that the individual serve a sentence
14 of periodic imprisonment or to individuals sentenced under an
15 order of court for civil contempt.

16 Such good behavior allowance shall be cumulative and
17 awarded as provided in this Section.

18 The good behavior allowance rate shall be cumulative and
19 awarded on the following basis:

20 The prisoner shall receive one day of good behavior
21 allowance for each day of service of sentence in the county
22 jail, and one day of good behavior allowance for each day of
23 incarceration in the county jail before sentencing for the
24 offense that he or she is currently serving sentence but was
25 unable to comply with the conditions of pretrial release ~~post~~
26 ~~bail~~ before sentencing, except that a prisoner serving a

1 sentence of periodic imprisonment under Section 5-7-1 of the
2 Unified Code of Corrections shall only be eligible to receive
3 good behavior allowance if authorized by the sentencing judge.
4 Each day of good behavior allowance shall reduce by one day the
5 prisoner's period of incarceration set by the court. For the
6 purpose of calculating a prisoner's good behavior allowance, a
7 fractional part of a day shall not be calculated as a day of
8 service of sentence in the county jail unless the fractional
9 part of the day is over 12 hours in which case a whole day shall
10 be credited on the good behavior allowance.

11 If consecutive sentences are served and the time served
12 amounts to a total of one year or more, the good behavior
13 allowance shall be calculated on a continuous basis throughout
14 the entire time served beginning on the first date of sentence
15 or incarceration, as the case may be.

16 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

17 Section 10-296. The Veterans and Servicemembers Court
18 Treatment Act is amended by changing Section 20 as follows:

19 (730 ILCS 167/20)

20 Sec. 20. Eligibility. Veterans and Servicemembers are
21 eligible for Veterans and Servicemembers Courts, provided the
22 following:

23 (a) A defendant, who is eligible for probation based on the
24 nature of the crime convicted of and in consideration of his or

1 her criminal background, if any, may be admitted into a
2 Veterans and Servicemembers Court program before adjudication
3 only upon the agreement of the defendant and with the approval
4 of the Court. A defendant may be admitted into a Veterans and
5 Servicemembers Court program post-adjudication only with the
6 approval of the court.

7 (b) A defendant shall be excluded from Veterans and
8 Servicemembers Court program if any of one of the following
9 applies:

10 (1) The crime is a crime of violence as set forth in
11 clause (3) of this subsection (b).

12 (2) The defendant does not demonstrate a willingness to
13 participate in a treatment program.

14 (3) The defendant has been convicted of a crime of
15 violence within the past 10 years excluding incarceration
16 time, including first degree murder, second degree murder,
17 predatory criminal sexual assault of a child, aggravated
18 criminal sexual assault, criminal sexual assault, armed
19 robbery, aggravated arson, arson, aggravated kidnapping
20 and kidnapping, aggravated battery resulting in great
21 bodily harm or permanent disability, stalking, aggravated
22 stalking, or any offense involving the discharge of a
23 firearm.

24 (4) (Blank).

25 (5) (Blank). ~~The crime for which the defendant has been~~
26 ~~convicted is non probationable.~~

1 (6) The sentence imposed on the defendant, whether the
2 result of a plea or a finding of guilt, renders the
3 defendant ineligible for probation.
4 (Source: P.A. 99-480, eff. 9-9-15; 100-426, eff. 1-1-18.)

5 Section 10-297. The Mental Health Court Treatment Act is
6 amended by changing Section 20 as follows:

7 (730 ILCS 168/20)

8 Sec. 20. Eligibility.

9 (a) A defendant, who is eligible for probation based on the
10 nature of the crime convicted of and in consideration of his or
11 her criminal background, if any, may be admitted into a mental
12 health court program only upon the agreement of the defendant
13 and with the approval of the court.

14 (b) A defendant shall be excluded from a mental health
15 court program if any one of the following applies:

16 (1) The crime is a crime of violence as set forth in
17 clause (3) of this subsection (b).

18 (2) The defendant does not demonstrate a willingness to
19 participate in a treatment program.

20 (3) The defendant has been convicted of a crime of
21 violence within the past 10 years excluding incarceration
22 time. As used in this paragraph (3), "crime of violence"
23 means: first degree murder, second degree murder,
24 predatory criminal sexual assault of a child, aggravated

1 criminal sexual assault, criminal sexual assault, armed
2 robbery, aggravated arson, arson, aggravated kidnapping,
3 kidnapping, aggravated battery resulting in great bodily
4 harm or permanent disability, stalking, aggravated
5 stalking, or any offense involving the discharge of a
6 firearm.

7 (4) (Blank).

8 (5) (Blank). ~~The crime for which the defendant has been~~
9 ~~convicted is non-probationable.~~

10 (6) The sentence imposed on the defendant, whether the
11 result of a plea or a finding of guilt, renders the
12 defendant ineligible for probation.

13 (c) A defendant charged with prostitution under Section
14 11-14 of the Criminal Code of 2012 may be admitted into a
15 mental health court program, if available in the jurisdiction
16 and provided that the requirements in subsections (a) and (b)
17 are satisfied. Mental health court programs may include
18 specialized service programs specifically designed to address
19 the trauma associated with prostitution and human trafficking,
20 and may offer those specialized services to defendants admitted
21 to the mental health court program. Judicial circuits
22 establishing these specialized programs shall partner with
23 prostitution and human trafficking advocates, survivors, and
24 service providers in the development of the programs.

25 (Source: P.A. 100-426, eff. 1-1-18.)

1 Section 10-300. The Code of Civil Procedure is amended by
2 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
3 21-103 as follows:

4 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

5 Sec. 10-106. Grant of relief - Penalty. Unless it shall
6 appear from the complaint itself, or from the documents thereto
7 annexed, that the party can neither be discharged, admitted to
8 pretrial release ~~bail~~ nor otherwise relieved, the court shall
9 forthwith award relief by habeas corpus. Any judge empowered to
10 grant relief by habeas corpus who shall corruptly refuse to
11 grant the relief when legally applied for in a case where it
12 may lawfully be granted, or who shall for the purpose of
13 oppression unreasonably delay the granting of such relief
14 shall, for every such offense, forfeit to the prisoner or party
15 affected a sum not exceeding \$1,000.

16 (Source: P.A. 83-707.)

17 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

18 Sec. 10-125. New commitment. In all cases where the
19 imprisonment is for a criminal, or supposed criminal matter, if
20 it appears to the court that there is sufficient legal cause
21 for the commitment of the prisoner, although such commitment
22 may have been informally made, or without due authority, or the
23 process may have been executed by a person not duly authorized,
24 the court shall make a new commitment in proper form, and

1 direct it to the proper officer, or admit the party to pretrial
2 release bail if the case is eligible for pretrial release
3 bailable. The court shall also, when necessary, take the
4 recognizance of all material witnesses against the prisoner, as
5 in other cases. The recognizances shall be in the form provided
6 by law, and returned as other recognizances. If any judge shall
7 neglect or refuse to bind any such prisoner or witness by
8 recognizance, or to return a recognizance when taken as
9 hereinabove stated, he or she shall be guilty of a Class A
10 misdemeanor in office, and be proceeded against accordingly.

11 (Source: P.A. 82-280.)

12 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

13 Sec. 10-127. Grant of habeas corpus. It is not lawful for
14 any court, on a second order of habeas corpus obtained by such
15 prisoner, to discharge the prisoner, if he or she is clearly
16 and specifically charged in the warrant of commitment with a
17 criminal offense; but the court shall, on the return of such
18 second order, have power only to admit such prisoner to
19 pretrial release bail where the offense is eligible for
20 pretrial release bailable by law, or remand him or her to
21 prison where the offense is not eligible for pretrial release
22 bailable, or being eligible for pretrial release bailable,
23 where such prisoner fails to comply with the terms of pretrial
24 release give the bail required.

25 (Source: P.A. 82-280.)

1 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

2 Sec. 10-135. Habeas corpus to testify. The several courts
3 having authority to grant relief by habeas corpus, may enter
4 orders, when necessary, to bring before them any prisoner to
5 testify, or to be surrendered in discharge of pretrial release
6 ~~bail~~, or for trial upon any criminal charge lawfully pending in
7 the same court or to testify in a criminal proceeding in
8 another state as provided for by Section 2 of the "Uniform Act
9 to secure the attendance of witnesses from within or without a
10 state in criminal proceedings", approved July 23, 1959, as
11 heretofore or hereafter amended; and the order may be directed
12 to any county in the State, and there be served and returned by
13 any officer to whom it is directed.

14 (Source: P.A. 82-280.)

15 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

16 Sec. 10-136. Prisoner remanded or punished. After a
17 prisoner has given his or her testimony, or been surrendered,
18 or his or her pretrial release ~~bail~~ discharged, or he or she
19 has been tried for the crime with which he or she is charged,
20 he or she shall be returned to the jail or other place of
21 confinement from which he or she was taken for that purpose. If
22 such prisoner is convicted of a crime punishable with death or
23 imprisonment in the penitentiary, he or she may be punished
24 accordingly; but in any case where the prisoner has been taken

1 from the penitentiary, and his or her punishment is by
2 imprisonment, the time of such imprisonment shall not commence
3 to run until the expiration of the time of service under any
4 former sentence.

5 (Source: P.A. 82-280.)

6 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

7 Sec. 21-103. Notice by publication.

8 (a) Previous notice shall be given of the intended
9 application by publishing a notice thereof in some newspaper
10 published in the municipality in which the person resides if
11 the municipality is in a county with a population under
12 2,000,000, or if the person does not reside in a municipality
13 in a county with a population under 2,000,000, or if no
14 newspaper is published in the municipality or if the person
15 resides in a county with a population of 2,000,000 or more,
16 then in some newspaper published in the county where the person
17 resides, or if no newspaper is published in that county, then
18 in some convenient newspaper published in this State. The
19 notice shall be inserted for 3 consecutive weeks after filing,
20 the first insertion to be at least 6 weeks before the return
21 day upon which the petition is to be heard, and shall be signed
22 by the petitioner or, in case of a minor, the minor's parent or
23 guardian, and shall set forth the return day of court on which
24 the petition is to be heard and the name sought to be assumed.

25 (b) The publication requirement of subsection (a) shall not

1 be required in any application for a change of name involving a
2 minor if, before making judgment under this Article, reasonable
3 notice and opportunity to be heard is given to any parent whose
4 parental rights have not been previously terminated and to any
5 person who has physical custody of the child. If any of these
6 persons are outside this State, notice and opportunity to be
7 heard shall be given under Section 21-104.

8 (b-3) The publication requirement of subsection (a) shall
9 not be required in any application for a change of name
10 involving a person who has received a judgment for dissolution
11 of marriage or declaration of invalidity of marriage and wishes
12 to change his or her name to resume the use of his or her former
13 or maiden name.

14 (b-5) Upon motion, the court may issue an order directing
15 that the notice and publication requirement be waived for a
16 change of name involving a person who files with the court a
17 written declaration that the person believes that publishing
18 notice of the name change would put the person at risk of
19 physical harm or discrimination. The person must provide
20 evidence to support the claim that publishing notice of the
21 name change would put the person at risk of physical harm or
22 discrimination.

23 (c) The Director of State Police or his or her designee may
24 apply to the circuit court for an order directing that the
25 notice and publication requirements of this Section be waived
26 if the Director or his or her designee certifies that the name

1 change being sought is intended to protect a witness during and
2 following a criminal investigation or proceeding.

3 (c-1) The court may enter a written order waiving the
4 publication requirement of subsection (a) if:

5 (i) the petitioner is 18 years of age or older; and

6 (ii) concurrent with the petition, the petitioner
7 files with the court a statement, verified under oath as
8 provided under Section 1-109 of this Code, attesting that
9 the petitioner is or has been a person protected under the
10 Illinois Domestic Violence Act of 1986, the Stalking No
11 Contact Order Act, the Civil No Contact Order Act, Article
12 112A of the Code of Criminal Procedure of 1963, a condition
13 of pretrial release ~~bail~~ under subsections (b) through (d)
14 of Section 110-10 of the Code of Criminal Procedure of
15 1963, or a similar provision of a law in another state or
16 jurisdiction.

17 The petitioner may attach to the statement any supporting
18 documents, including relevant court orders.

19 (c-2) If the petitioner files a statement attesting that
20 disclosure of the petitioner's address would put the petitioner
21 or any member of the petitioner's family or household at risk
22 or reveal the confidential address of a shelter for domestic
23 violence victims, that address may be omitted from all
24 documents filed with the court, and the petitioner may
25 designate an alternative address for service.

26 (c-3) Court administrators may allow domestic abuse

1 advocates, rape crisis advocates, and victim advocates to
2 assist petitioners in the preparation of name changes under
3 subsection (c-1).

4 (c-4) If the publication requirements of subsection (a)
5 have been waived, the circuit court shall enter an order
6 impounding the case.

7 (d) The maximum rate charged for publication of a notice
8 under this Section may not exceed the lowest classified rate
9 paid by commercial users for comparable space in the newspaper
10 in which the notice appears and shall include all cash
11 discounts, multiple insertion discounts, and similar benefits
12 extended to the newspaper's regular customers.

13 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
14 100-565 for the effective date of P.A. 100-520); 100-788, eff.
15 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,
16 eff. 1-1-20.)

17 Section 10-305. The Civil No Contact Order Act is amended
18 by changing Section 220 as follows:

19 (740 ILCS 22/220)

20 Sec. 220. Enforcement of a civil no contact order.

21 (a) Nothing in this Act shall preclude any Illinois court
22 from enforcing a valid protective order issued in another
23 state.

24 (b) Illinois courts may enforce civil no contact orders

1 through both criminal proceedings and civil contempt
2 proceedings, unless the action which is second in time is
3 barred by collateral estoppel or the constitutional
4 prohibition against double jeopardy.

5 (b-1) The court shall not hold a school district or private
6 or non-public school or any of its employees in civil or
7 criminal contempt unless the school district or private or
8 non-public school has been allowed to intervene.

9 (b-2) The court may hold the parents, guardian, or legal
10 custodian of a minor respondent in civil or criminal contempt
11 for a violation of any provision of any order entered under
12 this Act for conduct of the minor respondent in violation of
13 this Act if the parents, guardian, or legal custodian directed,
14 encouraged, or assisted the respondent minor in such conduct.

15 (c) Criminal prosecution. A violation of any civil no
16 contact order, whether issued in a civil or criminal
17 proceeding, shall be enforced by a criminal court when the
18 respondent commits the crime of violation of a civil no contact
19 order pursuant to Section 219 by having knowingly violated:

20 (1) remedies described in Section 213 and included in a
21 civil no contact order; or

22 (2) a provision of an order, which is substantially
23 similar to provisions of Section 213, in a valid civil no
24 contact order which is authorized under the laws of another
25 state, tribe, or United States territory.

26 Prosecution for a violation of a civil no contact order

1 shall not bar a concurrent prosecution for any other crime,
2 including any crime that may have been committed at the time of
3 the violation of the civil no contact order.

4 (d) Contempt of court. A violation of any valid Illinois
5 civil no contact order, whether issued in a civil or criminal
6 proceeding, may be enforced through civil or criminal contempt
7 procedures, as appropriate, by any court with jurisdiction,
8 regardless of where the act or acts which violated the civil no
9 contact order were committed, to the extent consistent with the
10 venue provisions of this Act.

11 (1) In a contempt proceeding where the petition for a
12 rule to show cause or petition for adjudication of criminal
13 contempt sets forth facts evidencing an immediate danger
14 that the respondent will flee the jurisdiction or inflict
15 physical abuse on the petitioner or minor children or on
16 dependent adults in the petitioner's care, the court may
17 order the attachment of the respondent without prior
18 service of the petition for a rule to show cause, the rule
19 to show cause, the petition for adjudication of criminal
20 contempt or the adjudication of criminal contempt.
21 Conditions of release ~~Bond~~ shall be set unless specifically
22 denied in writing.

23 (2) A petition for a rule to show cause or a petition
24 for adjudication of criminal contempt for violation of a
25 civil no contact order shall be treated as an expedited
26 proceeding.

1 (e) Actual knowledge. A civil no contact order may be
2 enforced pursuant to this Section if the respondent violates
3 the order after the respondent has actual knowledge of its
4 contents as shown through one of the following means:

5 (1) by service, delivery, or notice under Section 208;

6 (2) by notice under Section 218;

7 (3) by service of a civil no contact order under
8 Section 218; or

9 (4) by other means demonstrating actual knowledge of
10 the contents of the order.

11 (f) The enforcement of a civil no contact order in civil or
12 criminal court shall not be affected by either of the
13 following:

14 (1) the existence of a separate, correlative order,
15 entered under Section 202; or

16 (2) any finding or order entered in a conjoined
17 criminal proceeding.

18 (g) Circumstances. The court, when determining whether or
19 not a violation of a civil no contact order has occurred, shall
20 not require physical manifestations of abuse on the person of
21 the victim.

22 (h) Penalties.

23 (1) Except as provided in paragraph (3) of this
24 subsection, where the court finds the commission of a crime
25 or contempt of court under subsection (a) or (b) of this
26 Section, the penalty shall be the penalty that generally

1 applies in such criminal or contempt proceedings, and may
2 include one or more of the following: incarceration,
3 payment of restitution, a fine, payment of attorneys' fees
4 and costs, or community service.

5 (2) The court shall hear and take into account evidence
6 of any factors in aggravation or mitigation before deciding
7 an appropriate penalty under paragraph (1) of this
8 subsection.

9 (3) To the extent permitted by law, the court is
10 encouraged to:

11 (i) increase the penalty for the knowing violation
12 of any civil no contact order over any penalty
13 previously imposed by any court for respondent's
14 violation of any civil no contact order or penal
15 statute involving petitioner as victim and respondent
16 as defendant;

17 (ii) impose a minimum penalty of 24 hours
18 imprisonment for respondent's first violation of any
19 civil no contact order; and

20 (iii) impose a minimum penalty of 48 hours
21 imprisonment for respondent's second or subsequent
22 violation of a civil no contact order unless the court
23 explicitly finds that an increased penalty or that
24 period of imprisonment would be manifestly unjust.

25 (4) In addition to any other penalties imposed for a
26 violation of a civil no contact order, a criminal court may

1 consider evidence of any previous violations of a civil no
2 contact order:

3 (i) to ~~increase, revoke or~~ modify the conditions of
4 pretrial release bail bond on an underlying criminal
5 charge pursuant to Section 110-6 of the Code of
6 Criminal Procedure of 1963;

7 (ii) to revoke or modify an order of probation,
8 conditional discharge or supervision, pursuant to
9 Section 5-6-4 of the Unified Code of Corrections; or

10 (iii) to revoke or modify a sentence of periodic
11 imprisonment, pursuant to Section 5-7-2 of the Unified
12 Code of Corrections.

13 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)

14 Section 10-307. The Crime Victims Compensation Act is
15 amended by changing Sections 2, 2.5, 4.1, 6.1, and 7.1 as
16 follows:

17 (740 ILCS 45/2) (from Ch. 70, par. 72)

18 Sec. 2. Definitions. As used in this Act, unless the
19 context otherwise requires:

20 (a) "Applicant" means any person who applies for
21 compensation under this Act or any person the Court of Claims
22 or the Attorney General finds is entitled to compensation,
23 including the guardian of a minor or of a person under legal
24 disability. It includes any person who was a dependent of a

1 deceased victim of a crime of violence for his or her support
2 at the time of the death of that victim.

3 The changes made to this subsection by this amendatory Act
4 of the 101st General Assembly apply to actions commenced or
5 pending on or after January 1, 2021.

6 (b) "Court of Claims" means the Court of Claims created by
7 the Court of Claims Act.

8 (c) "Crime of violence" means and includes any offense
9 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
10 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
11 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
12 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1,
13 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14,
14 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or
15 Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
16 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
17 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
18 the Cemetery Protection Act, Section 125 of the Stalking No
19 Contact Order Act, Section 219 of the Civil No Contact Order
20 Act, driving under the influence as defined in Section 11-501
21 of the Illinois Vehicle Code, a violation of Section 11-401 of
22 the Illinois Vehicle Code, provided the victim was a pedestrian
23 or was operating a vehicle moved solely by human power or a
24 mobility device at the time of contact, and a violation of
25 Section 11-204.1 of the Illinois Vehicle Code; so long as the
26 offense did not occur during a civil riot, insurrection or

1 rebellion. "Crime of violence" does not include any other
2 offense or accident involving a motor vehicle except those
3 vehicle offenses specifically provided for in this paragraph.
4 "Crime of violence" does include all of the offenses
5 specifically provided for in this paragraph that occur within
6 this State but are subject to federal jurisdiction and crimes
7 involving terrorism as defined in 18 U.S.C. 2331.

8 (d) "Victim" means (1) a person killed or injured in this
9 State as a result of a crime of violence perpetrated or
10 attempted against him or her, (2) the spouse, ~~or~~ parent, or
11 child of a person killed or injured in this State as a result
12 of a crime of violence perpetrated or attempted against the
13 person, or anyone living in the household of a person killed or
14 injured in a relationship that is substantially similar to that
15 of a parent, spouse, or child, (3) a person killed or injured
16 in this State while attempting to assist a person against whom
17 a crime of violence is being perpetrated or attempted, if that
18 attempt of assistance would be expected of a reasonable person
19 under the circumstances, (4) a person killed or injured in this
20 State while assisting a law enforcement official apprehend a
21 person who has perpetrated a crime of violence or prevent the
22 perpetration of any such crime if that assistance was in
23 response to the express request of the law enforcement
24 official, (5) a person who personally witnessed a violent
25 crime, (5.05) a person who will be called as a witness by the
26 prosecution to establish a necessary nexus between the offender

1 and the violent crime, (5.1) solely for the purpose of
2 compensating for pecuniary loss incurred for psychological
3 treatment of a mental or emotional condition caused or
4 aggravated by the crime, any other person under the age of 18
5 who is the brother, sister, half brother, or half sister,
6 ~~child, or stepchild~~ of a person killed or injured in this State
7 as a result of a crime of violence, (6) an Illinois resident
8 who is a victim of a "crime of violence" as defined in this Act
9 except, if the crime occurred outside this State, the resident
10 has the same rights under this Act as if the crime had occurred
11 in this State upon a showing that the state, territory,
12 country, or political subdivision of a country in which the
13 crime occurred does not have a compensation of victims of
14 crimes law for which that Illinois resident is eligible, (7) a
15 deceased person whose body is dismembered or whose remains are
16 desecrated as the result of a crime of violence, or (8) solely
17 for the purpose of compensating for pecuniary loss incurred for
18 psychological treatment of a mental or emotional condition
19 caused or aggravated by the crime, any parent, spouse, or child
20 under the age of 18 of a deceased person whose body is
21 dismembered or whose remains are desecrated as the result of a
22 crime of violence.

23 (e) "Dependent" means a relative of a deceased victim who
24 was wholly or partially dependent upon the victim's income at
25 the time of his or her death and shall include the child of a
26 victim born after his or her death.

1 (f) "Relative" means a spouse, parent, grandparent,
2 stepfather, stepmother, child, grandchild, brother,
3 brother-in-law, sister, sister-in-law, half brother, half
4 sister, spouse's parent, nephew, niece, uncle, ~~or~~ aunt, or
5 anyone living in the household of a person killed or injured in
6 a relationship that is substantially similar to that of a
7 parent, spouse, or child.

8 (g) "Child" means a ~~an unmarried~~ son or daughter ~~who is~~
9 ~~under 18 years of age~~ and includes a stepchild, an adopted
10 child or a child born out of wedlock.

11 (h) "Pecuniary loss" means, in the case of injury,
12 appropriate medical expenses and hospital expenses including
13 expenses of medical examinations, rehabilitation, medically
14 required nursing care expenses, appropriate psychiatric care
15 or psychiatric counseling expenses, appropriate expenses for
16 care or counseling by a licensed clinical psychologist,
17 licensed clinical social worker, licensed professional
18 counselor, or licensed clinical professional counselor and
19 expenses for treatment by Christian Science practitioners and
20 nursing care appropriate thereto; transportation expenses to
21 and from medical and counseling treatment facilities;
22 prosthetic appliances, eyeglasses, and hearing aids necessary
23 or damaged as a result of the crime; costs associated with
24 trafficking tattoo removal by a person authorized or licensed
25 to perform the specific removal procedure; replacement costs
26 for clothing and bedding used as evidence; costs associated

1 with temporary lodging or relocation necessary as a result of
2 the crime, including, but not limited to, the first month's
3 rent and security deposit of the dwelling that the claimant
4 relocated to and other reasonable relocation expenses incurred
5 as a result of the violent crime; locks or windows necessary or
6 damaged as a result of the crime; the purchase, lease, or
7 rental of equipment necessary to create usability of and
8 accessibility to the victim's real and personal property, or
9 the real and personal property which is used by the victim,
10 necessary as a result of the crime; the costs of appropriate
11 crime scene clean-up; replacement services loss, to a maximum
12 of \$1,250 per month; dependents replacement services loss, to a
13 maximum of \$1,250 per month; loss of tuition paid to attend
14 grammar school or high school when the victim had been enrolled
15 as a student prior to the injury, or college or graduate school
16 when the victim had been enrolled as a day or night student
17 prior to the injury when the victim becomes unable to continue
18 attendance at school as a result of the crime of violence
19 perpetrated against him or her; loss of earnings, loss of
20 future earnings because of disability resulting from the
21 injury, and, in addition, in the case of death, expenses for
22 funeral, burial, and travel and transport for survivors of
23 homicide victims to secure bodies of deceased victims and to
24 transport bodies for burial all of which may be awarded up to
25 ~~not exceed~~ a maximum of \$10,000 ~~\$7,500~~ and loss of support of
26 the dependents of the victim; in the case of dismemberment or

1 desecration of a body, expenses for funeral and burial, all of
2 which may be awarded up to ~~not exceed~~ a maximum of \$10,000
3 ~~\$7,500~~. Loss of future earnings shall be reduced by any income
4 from substitute work actually performed by the victim or by
5 income he or she would have earned in available appropriate
6 substitute work he or she was capable of performing but
7 unreasonably failed to undertake. Loss of earnings, loss of
8 future earnings and loss of support shall be determined on the
9 basis of the victim's average net monthly earnings for the 6
10 months immediately preceding the date of the injury or on
11 \$2,400 ~~\$1,250~~ per month, whichever is less or, in cases where
12 the absences commenced more than 3 years from the date of the
13 crime, on the basis of the net monthly earnings for the 6
14 months immediately preceding the date of the first absence, not
15 to exceed \$2,400 ~~\$1,250~~ per month. If a divorced or legally
16 separated applicant is claiming loss of support for a minor
17 child of the deceased, the amount of support for each child
18 shall be based either on the amount of support pursuant to the
19 judgment prior to the date of the deceased victim's injury or
20 death, or, if the subject of pending litigation filed by or on
21 behalf of the divorced or legally separated applicant prior to
22 the injury or death, on the result of that litigation. Real and
23 personal property includes, but is not limited to, vehicles,
24 houses, apartments, town houses, or condominiums. Pecuniary
25 loss does not include pain and suffering or property loss or
26 damage.

1 The changes made to this subsection by this amendatory Act
2 of the 101st General Assembly apply to actions commenced or
3 pending on or after January 1, 2021.

4 (i) "Replacement services loss" means expenses reasonably
5 incurred in obtaining ordinary and necessary services in lieu
6 of those the injured person would have performed, not for
7 income, but for the benefit of himself or herself or his or her
8 family, if he or she had not been injured.

9 (j) "Dependents replacement services loss" means loss
10 reasonably incurred by dependents or private legal guardians of
11 minor dependents after a victim's death in obtaining ordinary
12 and necessary services in lieu of those the victim would have
13 performed, not for income, but for their benefit, if he or she
14 had not been fatally injured.

15 (k) "Survivor" means immediate family including a parent,
16 stepfather, stepmother, child, brother, sister, or spouse.

17 (l) "Parent" means a natural parent, adopted parent,
18 stepparent, or permanent legal guardian of another person.

19 (m) "Trafficking tattoo" is a tattoo which is applied to a
20 victim in connection with the commission of a violation of
21 Section 10-9 of the Criminal Code of 2012.

22 (Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19.)

23 (740 ILCS 45/2.5)

24 Sec. 2.5. Felon as victim. A victim's criminal history or
25 felony status shall not automatically prevent compensation to

1 that victim or the victim's family. However, no compensation
2 may be granted to a victim or applicant under this Act while
3 the applicant or victim is held in a correctional institution.
4 ~~Notwithstanding paragraph (d) of Section 2, "victim" does not~~
5 ~~include a person who is convicted of a felony until that person~~
6 ~~is discharged from probation or is released from a correctional~~
7 ~~institution and has been discharged from parole or mandatory~~
8 ~~supervised release, if any.~~ For purposes of this Section, the
9 death of a felon who is serving a term of parole, probation, or
10 mandatory supervised release shall be considered a discharge
11 from that sentence. ~~No compensation may be granted to an~~
12 ~~applicant under this Act during a period of time that the~~
13 ~~applicant is held in a correctional institution.~~

14 A victim who has been convicted of a felony may apply for
15 assistance under this Act at any time but no award of
16 compensation may be considered until the applicant meets the
17 requirements of this Section.

18 The changes made to this Section by this amendatory Act of
19 the 96th General Assembly apply to actions commenced or pending
20 on or after the effective date of this amendatory Act of the
21 96th General Assembly.

22 (Source: P.A. 96-267, eff. 8-11-09.)

23 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

24 Sec. 4.1. In addition to other powers and duties set forth
25 in this Act and other powers exercised by the Attorney General,

1 the Attorney General shall:

2 (1) investigate all claims and prepare and present an
3 investigatory report and a draft award determination ~~a~~
4 ~~report of each applicant's claim~~ to the Court of Claims for
5 a review period of 28 business days; prior to the issuance
6 ~~of an order by the Court of Claims,~~

7 (2) upon conclusion of the review by the Court of
8 Claims, provide the applicant with a compensation
9 determination letter;

10 (3) prescribe and furnish all applications and other
11 forms required to be filed in the office of the Attorney
12 General by the terms of this Act;⁷ and

13 (4) represent the interests of the State of Illinois in
14 any hearing before the Court of Claims.

15 The changes made to this Section by this amendatory Act of
16 the 101st General Assembly apply to actions commenced or
17 pending on or after January 1, 2021.

18 (Source: P.A. 97-817, eff. 1-1-13.)

19 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

20 Sec. 6.1. Right to compensation. A person is entitled to
21 compensation under this Act if:

22 (a) Within 5 ~~2~~ years of the occurrence of the crime, or
23 within one year after a criminal charge of a person for an
24 offense, upon which the claim is based, the applicant
25 presents ~~he files~~ an application, under oath, to the

1 Attorney General that is filed with the Court of Claims and
2 on a form prescribed in accordance with Section 7.1
3 furnished by the Attorney General. If the person entitled
4 to compensation is under 18 years of age or under other
5 legal disability at the time of the occurrence or is
6 determined by a court to be under a legal disability as a
7 result of the occurrence, he or she may present ~~file~~ the
8 application required by this subsection within 3 ~~2~~ years
9 after he or she attains the age of 18 years or the
10 disability is removed, as the case may be. Legal disability
11 includes a diagnosis of posttraumatic stress disorder.

12 (a-1) The Attorney General and the Court of Claims may
13 accept an application presented after the period provided
14 in subsection (a) if the Attorney General determines that
15 the applicant had good cause for a delay.

16 (b) For all crimes of violence, except those listed in
17 subsection (b-1) of this Section, the appropriate law
18 enforcement officials were notified within 72 hours of the
19 perpetration of the crime allegedly causing the death or
20 injury to the victim or, in the event such notification was
21 made more than 72 hours after the perpetration of the
22 crime, the applicant establishes that such notice was
23 timely under the circumstances.

24 (b-1) For victims of offenses defined in Sections 10-9,
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
26 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, the appropriate law enforcement
2 officials were notified within 7 days of the perpetration
3 of the crime allegedly causing death or injury to the
4 victim or, in the event that the notification was made more
5 than 7 days after the perpetration of the crime, the
6 applicant establishes that the notice was timely under the
7 circumstances. If the applicant or victim has obtained an
8 order of protection, a civil no contact order, or a
9 stalking no contact order, has presented himself or herself
10 to a hospital for medical care or sexual assault evidence
11 collection ~~and medical care~~, or is engaged in a legal
12 proceeding involving a claim that the applicant or victim
13 is a victim of human trafficking, such action shall
14 constitute appropriate notification under this subsection
15 (b-1) or subsection (b) of this Section.

16 (c) The applicant has cooperated with law enforcement
17 officials in the apprehension and prosecution of the
18 assailant. If the applicant or victim has obtained an order
19 of protection, a civil no contact order, or a stalking no
20 contact order, has presented himself or herself to a
21 hospital for medical care or sexual assault evidence
22 collection ~~and medical care~~, or is engaged in a legal
23 proceeding involving a claim that the applicant or victim
24 is a victim of human trafficking, such action shall
25 constitute cooperation under this subsection (c). If the
26 victim is under 18 years of age at the time of the

1 commission of the offense, the following shall constitute
2 cooperation under this subsection (c):

3 (1) the applicant or the victim files a police
4 report with a law enforcement agency;

5 (2) a mandated reporter reports the crime to law
6 enforcement; or

7 (3) a person with firsthand knowledge of the crime
8 reports the crime to law enforcement.

9 (d) The applicant is not the offender or an accomplice
10 of the offender and the award would not unjustly benefit
11 the offender or his accomplice.

12 (e) (Blank). ~~The injury to or death of the victim was~~
13 ~~not substantially attributable to his own wrongful act and~~
14 ~~was not substantially provoked by the victim.~~

15 (f) For victims of offenses defined in Section 10-9 of
16 the Criminal Code of 2012, the victim submits a statement
17 under oath on a form prescribed by the Attorney General
18 attesting that the removed tattoo was applied in connection
19 with the commission of the offense.

20 (g) In determining whether cooperation has been
21 reasonable, the Attorney General and Court of Claims may
22 consider the victim's age, physical condition,
23 psychological state, cultural or linguistic barriers, and
24 compelling health and safety concerns, including, but not
25 limited to, a reasonable fear of retaliation or harm that
26 would jeopardize the well-being of the victim or the

1 victim's family, and giving due consideration to the degree
2 of cooperation that the victim or derivative victim is
3 capable of in light of the presence of any of these
4 factors, or any other factor the Attorney General considers
5 relevant.

6 The changes made to this Section by this amendatory Act of
7 the 101st General Assembly apply to actions commenced or
8 pending on or after January 1, 2021.

9 (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;
10 100-1037, eff. 1-1-19.)

11 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

12 Sec. 7.1. (a) The application shall set out:

13 (1) the name and address of the victim;

14 (2) if the victim is deceased, the name and address of
15 the applicant and his or her relationship to the victim,
16 the names and addresses of other persons dependent on the
17 victim for their support and the extent to which each is so
18 dependent, and other persons who may be entitled to
19 compensation for a pecuniary loss;

20 (3) the date and nature of the crime on which the
21 application for compensation is based;

22 (4) the date and place where and the law enforcement
23 officials to whom notification of the crime was given;

24 (5) the nature and extent of the injuries sustained by
25 the victim, and the names and addresses of those giving

1 medical and hospitalization treatment to the victim;

2 (6) the pecuniary loss to the applicant and to such
3 other persons as are specified under item (2) resulting
4 from the injury or death;

5 (7) the amount of benefits, payments, or awards, if
6 any, payable under:

7 (a) the Workers' Compensation Act,

8 (b) the Dram Shop Act,

9 (c) any claim, demand, or cause of action based
10 upon the crime-related injury or death,

11 (d) the Federal Medicare program,

12 (e) the State Public Aid program,

13 (f) Social Security Administration burial
14 benefits,

15 (g) Veterans administration burial benefits,

16 (h) life, health, accident or liability insurance,

17 (i) the Criminal Victims' Escrow Account Act,

18 (j) the Sexual Assault Survivors Emergency
19 Treatment Act,

20 (k) restitution, or

21 (l) any other source;

22 (8) releases authorizing the surrender to the Court of
23 Claims or Attorney General of reports, documents and other
24 information relating to the matters specified under this
25 Act and rules promulgated in accordance with the Act;

26 (9) such other information as the Court of Claims or

1 the Attorney General reasonably requires.

2 (b) The Attorney General may require that materials
3 substantiating the facts stated in the application be submitted
4 with that application.

5 (c) An applicant, on his or her own motion, may file an
6 amended application or additional substantiating materials to
7 correct inadvertent errors or omissions at any time before the
8 original application has been disposed of by the Court of
9 Claims or the Attorney General. In either case, the filing of
10 additional information or of an amended application shall be
11 considered for the purpose of this Act to have been filed at
12 the same time as the original application.

13 For claims submitted on or after January 1, 2021, an
14 amended application or additional substantiating materials to
15 correct inadvertent errors or omissions may be filed at any
16 time before the original application is disposed of by the
17 Attorney General or the Court of Claims.

18 (d) Determinations submitted by the Attorney General to the
19 Court of Claims shall be available to the Court of Claims for
20 review. The Attorney General shall provide the sources and
21 evidence relied upon as a basis for a compensation
22 determination.

23 (e) The changes made to this Section by this amendatory Act
24 of the 101st General Assembly apply to actions commenced or
25 pending on or after January 1, 2021.

26 (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13.)

1 Section 10-310. The Illinois Domestic Violence Act of 1986
2 is amended by changing Sections 223 and 301 as follows:

3 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

4 Sec. 223. Enforcement of orders of protection.

5 (a) When violation is crime. A violation of any order of
6 protection, whether issued in a civil or criminal proceeding,
7 shall be enforced by a criminal court when:

8 (1) The respondent commits the crime of violation of an
9 order of protection pursuant to Section 12-3.4 or 12-30 of
10 the Criminal Code of 1961 or the Criminal Code of 2012, by
11 having knowingly violated:

12 (i) remedies described in paragraphs (1), (2),
13 (3), (14), or (14.5) of subsection (b) of Section 214
14 of this Act; or

15 (ii) a remedy, which is substantially similar to
16 the remedies authorized under paragraphs (1), (2),
17 (3), (14), and (14.5) of subsection (b) of Section 214
18 of this Act, in a valid order of protection which is
19 authorized under the laws of another state, tribe, or
20 United States territory; or

21 (iii) any other remedy when the act constitutes a
22 crime against the protected parties as defined by the
23 Criminal Code of 1961 or the Criminal Code of 2012.

24 Prosecution for a violation of an order of protection

1 shall not bar concurrent prosecution for any other crime,
2 including any crime that may have been committed at the
3 time of the violation of the order of protection; or

4 (2) The respondent commits the crime of child abduction
5 pursuant to Section 10-5 of the Criminal Code of 1961 or
6 the Criminal Code of 2012, by having knowingly violated:

7 (i) remedies described in paragraphs (5), (6) or
8 (8) of subsection (b) of Section 214 of this Act; or

9 (ii) a remedy, which is substantially similar to
10 the remedies authorized under paragraphs (5), (6), or
11 (8) of subsection (b) of Section 214 of this Act, in a
12 valid order of protection which is authorized under the
13 laws of another state, tribe, or United States
14 territory.

15 (b) When violation is contempt of court. A violation of any
16 valid Illinois order of protection, whether issued in a civil
17 or criminal proceeding, may be enforced through civil or
18 criminal contempt procedures, as appropriate, by any court with
19 jurisdiction, regardless where the act or acts which violated
20 the order of protection were committed, to the extent
21 consistent with the venue provisions of this Act. Nothing in
22 this Act shall preclude any Illinois court from enforcing any
23 valid order of protection issued in another state. Illinois
24 courts may enforce orders of protection through both criminal
25 prosecution and contempt proceedings, unless the action which
26 is second in time is barred by collateral estoppel or the

1 constitutional prohibition against double jeopardy.

2 (1) In a contempt proceeding where the petition for a
3 rule to show cause sets forth facts evidencing an immediate
4 danger that the respondent will flee the jurisdiction,
5 conceal a child, or inflict physical abuse on the
6 petitioner or minor children or on dependent adults in
7 petitioner's care, the court may order the attachment of
8 the respondent without prior service of the rule to show
9 cause or the petition for a rule to show cause. Conditions
10 of release ~~Bond~~ shall be set unless specifically denied in
11 writing.

12 (2) A petition for a rule to show cause for violation
13 of an order of protection shall be treated as an expedited
14 proceeding.

15 (b-1) The court shall not hold a school district or private
16 or non-public school or any of its employees in civil or
17 criminal contempt unless the school district or private or
18 non-public school has been allowed to intervene.

19 (b-2) The court may hold the parents, guardian, or legal
20 custodian of a minor respondent in civil or criminal contempt
21 for a violation of any provision of any order entered under
22 this Act for conduct of the minor respondent in violation of
23 this Act if the parents, guardian, or legal custodian directed,
24 encouraged, or assisted the respondent minor in such conduct.

25 (c) Violation of custody or support orders or temporary or
26 final judgments allocating parental responsibilities. A

1 violation of remedies described in paragraphs (5), (6), (8), or
2 (9) of subsection (b) of Section 214 of this Act may be
3 enforced by any remedy provided by Section 607.5 of the
4 Illinois Marriage and Dissolution of Marriage Act. The court
5 may enforce any order for support issued under paragraph (12)
6 of subsection (b) of Section 214 in the manner provided for
7 under Parts V and VII of the Illinois Marriage and Dissolution
8 of Marriage Act.

9 (d) Actual knowledge. An order of protection may be
10 enforced pursuant to this Section if the respondent violates
11 the order after the respondent has actual knowledge of its
12 contents as shown through one of the following means:

13 (1) By service, delivery, or notice under Section 210.

14 (2) By notice under Section 210.1 or 211.

15 (3) By service of an order of protection under Section
16 222.

17 (4) By other means demonstrating actual knowledge of
18 the contents of the order.

19 (e) The enforcement of an order of protection in civil or
20 criminal court shall not be affected by either of the
21 following:

22 (1) The existence of a separate, correlative order,
23 entered under Section 215.

24 (2) Any finding or order entered in a conjoined
25 criminal proceeding.

26 (f) Circumstances. The court, when determining whether or

1 not a violation of an order of protection has occurred, shall
2 not require physical manifestations of abuse on the person of
3 the victim.

4 (g) Penalties.

5 (1) Except as provided in paragraph (3) of this
6 subsection, where the court finds the commission of a crime
7 or contempt of court under subsections (a) or (b) of this
8 Section, the penalty shall be the penalty that generally
9 applies in such criminal or contempt proceedings, and may
10 include one or more of the following: incarceration,
11 payment of restitution, a fine, payment of attorneys' fees
12 and costs, or community service.

13 (2) The court shall hear and take into account evidence
14 of any factors in aggravation or mitigation before deciding
15 an appropriate penalty under paragraph (1) of this
16 subsection.

17 (3) To the extent permitted by law, the court is
18 encouraged to:

19 (i) increase the penalty for the knowing violation
20 of any order of protection over any penalty previously
21 imposed by any court for respondent's violation of any
22 order of protection or penal statute involving
23 petitioner as victim and respondent as defendant;

24 (ii) impose a minimum penalty of 24 hours
25 imprisonment for respondent's first violation of any
26 order of protection; and

1 (iii) impose a minimum penalty of 48 hours
2 imprisonment for respondent's second or subsequent
3 violation of an order of protection
4 unless the court explicitly finds that an increased penalty
5 or that period of imprisonment would be manifestly unjust.

6 (4) In addition to any other penalties imposed for a
7 violation of an order of protection, a criminal court may
8 consider evidence of any violations of an order of
9 protection:

10 (i) to increase, revoke or modify the conditions of
11 pretrial release ~~bail bond~~ on an underlying criminal
12 charge pursuant to Section 110-6 of the Code of
13 Criminal Procedure of 1963;

14 (ii) to revoke or modify an order of probation,
15 conditional discharge or supervision, pursuant to
16 Section 5-6-4 of the Unified Code of Corrections;

17 (iii) to revoke or modify a sentence of periodic
18 imprisonment, pursuant to Section 5-7-2 of the Unified
19 Code of Corrections.

20 (5) In addition to any other penalties, the court shall
21 impose an additional fine of \$20 as authorized by Section
22 5-9-1.11 of the Unified Code of Corrections upon any person
23 convicted of or placed on supervision for a violation of an
24 order of protection. The additional fine shall be imposed
25 for each violation of this Section.

26 (Source: P.A. 99-90, eff. 1-1-16.)

1 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

2 Sec. 301. Arrest without warrant.

3 (a) Any law enforcement officer may make an arrest without
4 warrant if the officer has probable cause to believe that the
5 person has committed or is committing any crime, including but
6 not limited to violation of an order of protection, under
7 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, even if the crime was not committed in
9 the presence of the officer.

10 (b) The law enforcement officer may verify the existence of
11 an order of protection by telephone or radio communication with
12 his or her law enforcement agency or by referring to the copy
13 of the order provided by the petitioner or respondent.

14 (c) Any law enforcement officer may make an arrest without
15 warrant if the officer has reasonable grounds to believe a
16 defendant at liberty under the provisions of subdivision (d) (1)
17 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
18 of 1963 has violated a condition of his or her pretrial release
19 ~~bail bond~~ or recognizance.

20 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

21 Section 10-315. The Industrial and Linen Supplies Marking
22 Law is amended by changing Section 11 as follows:

23 (765 ILCS 1045/11) (from Ch. 140, par. 111)

1 Sec. 11. Search warrant.

2 Whenever the registrant, or officer, or authorized agent of
3 any firm, partnership or corporation which is a registrant
4 under this Act, takes an oath before any circuit court, that he
5 has reason to believe that any supplies are being unlawfully
6 used, sold, or secreted in any place, the court shall issue a
7 search warrant to any police officer authorizing such officer
8 to search the premises wherein it is alleged such articles may
9 be found and take into custody any person in whose possession
10 the articles are found. Any person so seized shall be taken
11 without unnecessary delay before the court issuing the search
12 warrant. The court is empowered to impose conditions of
13 pretrial release ~~bail~~ on any such person to compel his
14 attendance at any continued hearing.

15 (Source: P.A. 77-1273.)

16 Section 10-320. The Illinois Torture Inquiry and Relief
17 Commission Act is amended by changing Section 50 as follows:

18 (775 ILCS 40/50)

19 Sec. 50. Post-commission judicial review.

20 (a) If the Commission concludes there is sufficient
21 evidence of torture to merit judicial review, the Chair of the
22 Commission shall request the Chief Judge of the Circuit Court
23 of Cook County for assignment to a trial judge for
24 consideration. The court may receive proof by affidavits,

1 depositions, oral testimony, or other evidence. In its
2 discretion the court may order the petitioner brought before
3 the court for the hearing. Notwithstanding the status of any
4 other postconviction proceedings relating to the petitioner,
5 if the court finds in favor of the petitioner, it shall enter
6 an appropriate order with respect to the judgment or sentence
7 in the former proceedings and such supplementary orders as to
8 rearraignment, retrial, custody, pretrial release ~~bail~~ or
9 discharge, or for such relief as may be granted under a
10 petition for a certificate of innocence, as may be necessary
11 and proper.

12 (b) The State's Attorney, or the State's Attorney's
13 designee, shall represent the State at the hearing before the
14 assigned judge.

15 (Source: P.A. 96-223, eff. 8-10-09.)

16 Section 10-325. The Unemployment Insurance Act is amended
17 by changing Section 602 as follows:

18 (820 ILCS 405/602) (from Ch. 48, par. 432)

19 Sec. 602. Discharge for misconduct - Felony.

20 A. An individual shall be ineligible for benefits for the
21 week in which he has been discharged for misconduct connected
22 with his work and, thereafter, until he has become reemployed
23 and has had earnings equal to or in excess of his current
24 weekly benefit amount in each of four calendar weeks which are

1 either for services in employment, or have been or will be
2 reported pursuant to the provisions of the Federal Insurance
3 Contributions Act by each employing unit for which such
4 services are performed and which submits a statement certifying
5 to that fact. The requalification requirements of the preceding
6 sentence shall be deemed to have been satisfied, as of the date
7 of reinstatement, if, subsequent to his discharge by an
8 employing unit for misconduct connected with his work, such
9 individual is reinstated by such employing unit. For purposes
10 of this subsection, the term "misconduct" means the deliberate
11 and willful violation of a reasonable rule or policy of the
12 employing unit, governing the individual's behavior in
13 performance of his work, provided such violation has harmed the
14 employing unit or other employees or has been repeated by the
15 individual despite a warning or other explicit instruction from
16 the employing unit. The previous definition notwithstanding,
17 "misconduct" shall include any of the following work-related
18 circumstances:

19 1. Falsification of an employment application, or any
20 other documentation provided to the employer, to obtain
21 employment through subterfuge.

22 2. Failure to maintain licenses, registrations, and
23 certifications reasonably required by the employer, or
24 those that the individual is required to possess by law, to
25 perform his or her regular job duties, unless the failure
26 is not within the control of the individual.

1 3. Knowing, repeated violation of the attendance
2 policies of the employer that are in compliance with State
3 and federal law following a written warning for an
4 attendance violation, unless the individual can
5 demonstrate that he or she has made a reasonable effort to
6 remedy the reason or reasons for the violations or that the
7 reason or reasons for the violations were out of the
8 individual's control. Attendance policies of the employer
9 shall be reasonable and provided to the individual in
10 writing, electronically, or via posting in the workplace.

11 4. Damaging the employer's property through conduct
12 that is grossly negligent.

13 5. Refusal to obey an employer's reasonable and lawful
14 instruction, unless the refusal is due to the lack of
15 ability, skills, or training for the individual required to
16 obey the instruction or the instruction would result in an
17 unsafe act.

18 6. Consuming alcohol or illegal or non-prescribed
19 prescription drugs, or using an impairing substance in an
20 off-label manner, on the employer's premises during
21 working hours in violation of the employer's policies.

22 7. Reporting to work under the influence of alcohol,
23 illegal or non-prescribed prescription drugs, or an
24 impairing substance used in an off-label manner in
25 violation of the employer's policies, unless the
26 individual is compelled to report to work by the employer

1 outside of scheduled and on-call working hours and informs
2 the employer that he or she is under the influence of
3 alcohol, illegal or non-prescribed prescription drugs, or
4 an impairing substance used in an off-label manner in
5 violation of the employer's policies.

6 8. Grossly negligent conduct endangering the safety of
7 the individual or co-workers.

8 For purposes of paragraphs 4 and 8, conduct is "grossly
9 negligent" when the individual is, or reasonably should be,
10 aware of a substantial risk that the conduct will result in the
11 harm sought to be prevented and the conduct constitutes a
12 substantial deviation from the standard of care a reasonable
13 person would exercise in the situation.

14 Nothing in paragraph 6 or 7 prohibits the lawful use of
15 over-the-counter drug products as defined in Section 206 of the
16 Illinois Controlled Substances Act, provided that the
17 medication does not affect the safe performance of the
18 employee's work duties.

19 B. Notwithstanding any other provision of this Act, no
20 benefit rights shall accrue to any individual based upon wages
21 from any employer for service rendered prior to the day upon
22 which such individual was discharged because of the commission
23 of a felony in connection with his work, or because of theft in
24 connection with his work, for which the employer was in no way
25 responsible; provided, that the employer notified the Director
26 of such possible ineligibility within the time limits specified

1 by regulations of the Director, and that the individual has
2 admitted his commission of the felony or theft to a
3 representative of the Director, or has signed a written
4 admission of such act and such written admission has been
5 presented to a representative of the Director, or such act has
6 resulted in a conviction or order of supervision by a court of
7 competent jurisdiction; and provided further, that if by reason
8 of such act, he is in legal custody, held on pretrial release
9 ~~bail~~ or is a fugitive from justice, the determination of his
10 benefit rights shall be held in abeyance pending the result of
11 any legal proceedings arising therefrom.

12 (Source: P.A. 99-488, eff. 1-3-16.)

13 Article 15.

14 Pregnant Prisoner Rights

15 Section 15-5. The Counties Code is amended by changing
16 3-15003.6 and by adding Sections 3-15003.7, 3-15003.8,
17 3-15003.9, and 3-15003.10 as follows:

18 (55 ILCS 5/3-15003.6)

19 Sec. 3-15003.6. Pregnant female prisoners.

20 (a) Definitions. For the purpose of this Section and
21 Sections 3-15003.7, 3-15003.8, 3-15003.9, and 3-15003.10:

22 (1) "Restraints" means any physical restraint or
23 mechanical device used to control the movement of a

1 prisoner's body or limbs, or both, including, but not
2 limited to, flex cuffs, soft restraints, hard metal
3 handcuffs, a black box, Chubb cuffs, leg irons, belly
4 chains, a security (tether) chain, or a convex shield, or
5 shackles of any kind.

6 (2) "Labor" means the period of time before a birth and
7 shall include any medical condition in which a woman is
8 sent or brought to the hospital for the purpose of
9 delivering her baby. These situations include: induction
10 of labor, prodromal labor, pre-term labor, prelabor
11 rupture of membranes, the 3 stages of active labor, uterine
12 hemorrhage during the third trimester of pregnancy, and
13 caesarian delivery including pre-operative preparation.

14 (3) "Post-partum" means, as determined by her
15 physician, advanced practice registered nurse, or
16 physician assistant, the period immediately following
17 delivery, including the entire period a woman is in the
18 hospital or infirmary after birth.

19 (4) "Correctional institution" means any entity under
20 the authority of a county law enforcement division of a
21 county of more than 3,000,000 inhabitants that has the
22 power to detain or restrain, or both, a person under the
23 laws of the State.

24 (5) "Corrections official" means the official that is
25 responsible for oversight of a correctional institution,
26 or his or her designee.

1 (6) "Prisoner" means any person incarcerated or
2 detained in any facility who is accused of, convicted of,
3 sentenced for, or adjudicated delinquent for, violations
4 of criminal law or the terms and conditions of parole,
5 probation, pretrial release, or diversionary program, and
6 any person detained under the immigration laws of the
7 United States at any correctional facility.

8 (7) "Extraordinary circumstance" means an
9 extraordinary medical or security circumstance, including
10 a substantial flight risk, that dictates restraints be used
11 to ensure the safety and security of the prisoner, the
12 staff of the correctional institution or medical facility,
13 other prisoners, or the public.

14 (b) A county department of corrections shall not apply
15 security restraints to a prisoner that has been determined by a
16 qualified medical professional to be pregnant and is known by
17 the county department of corrections to be pregnant or in
18 postpartum recovery, which is the entire period a woman is in
19 the medical facility after birth, unless the corrections
20 official makes an individualized determination that the
21 prisoner presents a substantial flight risk or some other
22 extraordinary circumstance that dictates security restraints
23 be used to ensure the safety and security of the prisoner, her
24 child or unborn child, the staff of the county department of
25 corrections or medical facility, other prisoners, or the
26 public. The protections set out in clauses (b) (3) and (b) (4) of

1 this Section shall apply to security restraints used pursuant
2 to this subsection. The corrections official shall immediately
3 remove all restraints upon the written or oral request of
4 medical personnel. Oral requests made by medical personnel
5 shall be verified in writing as promptly as reasonably
6 possible.

7 (1) Qualified authorized health staff shall have the
8 authority to order therapeutic restraints for a pregnant or
9 postpartum prisoner who is a danger to herself, her child,
10 unborn child, or other persons due to a psychiatric or
11 medical disorder. Therapeutic restraints may only be
12 initiated, monitored and discontinued by qualified and
13 authorized health staff and used to safely limit a
14 prisoner's mobility for psychiatric or medical reasons. No
15 order for therapeutic restraints shall be written unless
16 medical or mental health personnel, after personally
17 observing and examining the prisoner, are clinically
18 satisfied that the use of therapeutic restraints is
19 justified and permitted in accordance with hospital
20 policies and applicable State law. Metal handcuffs or
21 shackles are not considered therapeutic restraints.

22 (2) Whenever therapeutic restraints are used by
23 medical personnel, Section 2-108 of the Mental Health and
24 Developmental Disabilities Code shall apply.

25 (3) Leg irons, shackles or waist shackles shall not be
26 used on any pregnant or postpartum prisoner regardless of

1 security classification. Except for therapeutic restraints
2 under clause (b)(2), no restraints of any kind may be
3 applied to prisoners during labor.

4 (4) When a pregnant or postpartum prisoner must be
5 restrained, restraints used shall be the least restrictive
6 restraints possible to ensure the safety and security of
7 the prisoner, her child, unborn child, the staff of the
8 county department of corrections or medical facility,
9 other prisoners, or the public, and in no case shall
10 include leg irons, shackles or waist shackles.

11 (5) Upon the pregnant prisoner's entry into a hospital
12 room, and completion of initial room inspection, a
13 corrections official shall be posted immediately outside
14 the hospital room, unless requested to be in the room by
15 medical personnel attending to the prisoner's medical
16 needs.

17 (6) The county department of corrections shall provide
18 adequate corrections personnel to monitor the pregnant
19 prisoner during her transport to and from the hospital and
20 during her stay at the hospital.

21 (7) Where the county department of corrections
22 requires prisoner safety assessments, a corrections
23 official may enter the hospital room to conduct periodic
24 prisoner safety assessments, except during a medical
25 examination or the delivery process.

26 (8) Upon discharge from a medical facility, postpartum

1 prisoners shall be restrained only with handcuffs in front
2 of the body during transport to the county department of
3 corrections. A corrections official shall immediately
4 remove all security restraints upon written or oral request
5 by medical personnel. Oral requests made by medical
6 personnel shall be verified in writing as promptly as
7 reasonably possible.

8 (c) Enforcement. No later than 30 days before the end of
9 each fiscal year, the county sheriff or corrections official of
10 the correctional institution where a pregnant prisoner has been
11 restrained during that previous fiscal year, shall submit a
12 written report to the Illinois General Assembly and the Office
13 of the Governor that includes an account of every instance of
14 prisoner restraint pursuant to this Section. The written report
15 shall state the date, time, location and rationale for each
16 instance in which restraints are used. The written report shall
17 not contain any individually identifying information of any
18 prisoner. Such reports shall be made available for public
19 inspection.

20 (Source: P.A. 99-581, eff. 1-1-17; 100-513, eff. 1-1-18.)

21 (55 ILCS 5/3-15003.7 new)

22 Sec. 3-15003.7. Corrections official training related to
23 pregnant prisoners.

24 (a) A county department of corrections shall provide
25 training relating to medical and mental health care issues

1 applicable to pregnant prisoners to:

2 (1) each corrections official employed by a county
3 department at a correctional institution in which female
4 prisoners are confined; and

5 (2) any other county department of corrections
6 employee whose duties involve contact with pregnant
7 prisoners.

8 (b) The training must include information regarding:

9 (1) appropriate care for pregnant prisoners; and

10 (2) the impact on a pregnant prisoner and the
11 prisoner's unborn child of:

12 (A) the use of restraints;

13 (B) placement in administrative segregation; and

14 (C) invasive searches.

15 (55 ILCS 5/3-15003.8 new)

16 Sec. 3-15003.8. Educational programing for pregnant
17 prisoners. A county department of corrections shall develop and
18 provide to each pregnant prisoner educational programming
19 relating to pregnancy and parenting. The programming must
20 include instruction regarding:

21 (1) appropriate prenatal care and hygiene;

22 (2) the effects of prenatal exposure to alcohol and drugs
23 on a developing fetus;

24 (3) parenting skills; and

25 (4) medical and mental health issues applicable to

1 children.

2 (55 ILCS 5/3-15003.9 new)

3 Sec. 3-15003.9. Prisoner post-partum recovery
4 requirements. A county department of corrections shall ensure
5 that, for a period of 72 hours after the birth of an infant by a
6 prisoner:

7 (1) the infant is allowed to remain with the prisoner,
8 unless a medical professional determines doing so would
9 pose a health or safety risk to the prisoner or infant; and

10 (2) the prisoner has access to any nutritional or
11 hygiene-related products necessary to care for the infant,
12 including diapers.

13 (55 ILCS 5/3-15003.10 new)

14 Sec. 3-15003.10. Housing requirements applicable to
15 pregnant prisoners.

16 (a) A county department of corrections may not place in
17 administrative segregation a prisoner who is pregnant or who
18 gave birth during the preceding 30 days unless the director of
19 the county department of corrections or the director's designee
20 determines that the placement is necessary based on a
21 reasonable belief that the prisoner will harm herself, the
22 prisoner's infant, or any other person or will attempt escape.

23 (b) A county department of corrections may not assign a
24 pregnant prisoner to any bed that is elevated more than 3 feet

1 above the floor.

2 Section 15-10. The Unified Code of Corrections is amended
3 by adding Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4 as
4 follows:

5 (730 ILCS 5/3-6-7.1 new)

6 Sec. 3-6-7.1. Correctional officer training related to
7 pregnant committed persons.

8 (a) The Department shall provide training relating to
9 medical and mental health care issues applicable to pregnant
10 committed persons to:

11 (1) each correctional officer employed by the
12 Department at a correctional institution or facility in
13 which female committed persons are confined; and

14 (2) any other Department employee whose duties involve
15 contact with pregnant committed persons.

16 (b) The training must include information regarding:

17 (1) appropriate care for pregnant committed persons;
18 and

19 (2) the impact on a pregnant committed person and the
20 committed person's unborn child of:

21 (A) the use of restraints;

22 (B) placement in administrative segregation; and

23 (C) invasive searches.

1 (730 ILCS 5/3-6-7.2 new)

2 Sec. 3-6-7.2. Educational programing for pregnant
3 committed persons. The Department shall develop and provide to
4 each pregnant committed person educational programming
5 relating to pregnancy and parenting. The programming must
6 include instruction regarding:

7 (1) appropriate prenatal care and hygiene;

8 (2) the effects of prenatal exposure to alcohol and drugs
9 on a developing fetus;

10 (3) parenting skills; and

11 (4) medical and mental health issues applicable to
12 children.

13 (730 ILCS 5/3-6-7.3 new)

14 Sec. 3-6-7.3. Committed person post-partum recovery
15 requirements. The Department shall ensure that, for a period of
16 72 hours after the birth of an infant by an committed person:

17 (1) the infant is allowed to remain with the committed
18 person, unless a medical professional determines doing so
19 would pose a health or safety risk to the committed person
20 or infant; and

21 (2) the committed person has access to any nutritional
22 or hygiene-related products necessary to care for the
23 infant, including diapers.

24 (730 ILCS 5/3-6-7.4 new)

1 Sec. 3-6-7.4. Housing requirements applicable to pregnant
2 committed persons.

3 (a) The Department may not place in administrative
4 segregation a committed person who is pregnant or who gave
5 birth during the preceding 30 days unless the Director or the
6 Director's designee determines that the placement is necessary
7 based on a reasonable belief that the committed person will
8 harm herself, the committed person's infant, or any other
9 person or will attempt escape.

10 (b) The Department may not assign a pregnant committed
11 person to any bed that is elevated more than 3 feet above the
12 floor.

13 Section 15-15. The County Jail Act is amended by adding
14 Sections 17.6, 17.7, 17.8, and 17.9 as follows:

15 (730 ILCS 125/17.6 new)

16 Sec. 17.6. Sheriff training related to pregnant prisoners.

17 (a) The sheriff shall provide training relating to medical
18 and mental health care issues applicable to pregnant prisoners
19 confined in the county jail to:

20 (1) each correctional officer employed by the sheriff
21 at the county jail in which female committed persons are
22 confined; and

23 (2) any other sheriff employee whose duties involve
24 contact with pregnant prisoners.

1 (b) The training must include information regarding:

2 (1) appropriate care for pregnant prisoners; and

3 (2) the impact on a pregnant prisoner and the
4 prisoner's unborn child of:

5 (A) the use of restraints;

6 (B) placement in administrative segregation; and

7 (C) invasive searches.

8 (730 ILCS 125/17.7 new)

9 Sec. 17.7. Educational programing for pregnant prisoners.

10 The sheriff shall develop and provide to each pregnant prisoner
11 educational programming relating to pregnancy and parenting.

12 The programming must include instruction regarding:

13 (1) appropriate prenatal care and hygiene;

14 (2) the effects of prenatal exposure to alcohol and drugs
15 on a developing fetus;

16 (3) parenting skills; and

17 (4) medical and mental health issues applicable to
18 children.

19 (730 ILCS 125/17.8 new)

20 Sec. 17.8. Prisoner post-partum recovery requirements. The
21 sheriff shall ensure that, for a period of 72 hours after the
22 birth of an infant by a prisoner:

23 (1) the infant is allowed to remain with the prisoner,
24 unless a medical professional determines doing so would

1 pose a health or safety risk to the prisoner or infant; and
2 (2) the prisoner has access to any nutritional or
3 hygiene-related products necessary to care for the infant,
4 including diapers.

5 (730 ILCS 125/17.9 new)

6 Sec. 17.9. Housing requirements applicable to pregnant
7 prisoners.

8 (a) The sheriff may not place in administrative segregation
9 a prisoner who is pregnant or who gave birth during the
10 preceding 30 days unless the sheriff or the sheriff's designee
11 determines that the placement is necessary based on a
12 reasonable belief that the prisoner will harm herself, the
13 prisoner's infant, or any other person or will attempt escape.

14 (b) The sheriff may not assign a pregnant committed person
15 to any bed that is elevated more than 3 feet above the floor.

16 Article 20.

17 Mandatory Minimums

18 Section 20-5. The Unified Code of Corrections is amended by
19 changing Section 5-4-1 as follows:

20 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

21 Sec. 5-4-1. Sentencing hearing.

22 (a) Except when the death penalty is sought under hearing

1 procedures otherwise specified, after a determination of
2 guilt, a hearing shall be held to impose the sentence. However,
3 prior to the imposition of sentence on an individual being
4 sentenced for an offense based upon a charge for a violation of
5 Section 11-501 of the Illinois Vehicle Code or a similar
6 provision of a local ordinance, the individual must undergo a
7 professional evaluation to determine if an alcohol or other
8 drug abuse problem exists and the extent of such a problem.
9 Programs conducting these evaluations shall be licensed by the
10 Department of Human Services. However, if the individual is not
11 a resident of Illinois, the court may, in its discretion,
12 accept an evaluation from a program in the state of such
13 individual's residence. The court may in its sentencing order
14 approve an eligible defendant for placement in a Department of
15 Corrections impact incarceration program as provided in
16 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
17 order recommend a defendant for placement in a Department of
18 Corrections substance abuse treatment program as provided in
19 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
20 upon the defendant being accepted in a program by the
21 Department of Corrections. At the hearing the court shall:

22 (1) consider the evidence, if any, received upon the
23 trial;

24 (2) consider any presentence reports;

25 (3) consider the financial impact of incarceration
26 based on the financial impact statement filed with the

1 clerk of the court by the Department of Corrections;

2 (4) consider evidence and information offered by the
3 parties in aggravation and mitigation;

4 (4.5) consider substance abuse treatment, eligibility
5 screening, and an assessment, if any, of the defendant by
6 an agent designated by the State of Illinois to provide
7 assessment services for the Illinois courts;

8 (5) hear arguments as to sentencing alternatives;

9 (6) afford the defendant the opportunity to make a
10 statement in his own behalf;

11 (7) afford the victim of a violent crime or a violation
12 of Section 11-501 of the Illinois Vehicle Code, or a
13 similar provision of a local ordinance, the opportunity to
14 present an oral or written statement, as guaranteed by
15 Article I, Section 8.1 of the Illinois Constitution and
16 provided in Section 6 of the Rights of Crime Victims and
17 Witnesses Act. The court shall allow a victim to make an
18 oral statement if the victim is present in the courtroom
19 and requests to make an oral or written statement. An oral
20 or written statement includes the victim or a
21 representative of the victim reading the written
22 statement. The court may allow persons impacted by the
23 crime who are not victims under subsection (a) of Section 3
24 of the Rights of Crime Victims and Witnesses Act to present
25 an oral or written statement. A victim and any person
26 making an oral statement shall not be put under oath or

1 subject to cross-examination. All statements offered under
2 this paragraph (7) shall become part of the record of the
3 court. In this paragraph (7), "victim of a violent crime"
4 means a person who is a victim of a violent crime for which
5 the defendant has been convicted after a bench or jury
6 trial or a person who is the victim of a violent crime with
7 which the defendant was charged and the defendant has been
8 convicted under a plea agreement of a crime that is not a
9 violent crime as defined in subsection (c) of 3 of the
10 Rights of Crime Victims and Witnesses Act;

11 (7.5) afford a qualified person affected by: (i) a
12 violation of Section 405, 405.1, 405.2, or 407 of the
13 Illinois Controlled Substances Act or a violation of
14 Section 55 or Section 65 of the Methamphetamine Control and
15 Community Protection Act; or (ii) a Class 4 felony
16 violation of Section 11-14, 11-14.3 except as described in
17 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
18 11-18.1, or 11-19 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, committed by the defendant the
20 opportunity to make a statement concerning the impact on
21 the qualified person and to offer evidence in aggravation
22 or mitigation; provided that the statement and evidence
23 offered in aggravation or mitigation shall first be
24 prepared in writing in conjunction with the State's
25 Attorney before it may be presented orally at the hearing.
26 Sworn testimony offered by the qualified person is subject

1 to the defendant's right to cross-examine. All statements
2 and evidence offered under this paragraph (7.5) shall
3 become part of the record of the court. In this paragraph
4 (7.5), "qualified person" means any person who: (i) lived
5 or worked within the territorial jurisdiction where the
6 offense took place when the offense took place; or (ii) is
7 familiar with various public places within the territorial
8 jurisdiction where the offense took place when the offense
9 took place. "Qualified person" includes any peace officer
10 or any member of any duly organized State, county, or
11 municipal peace officer unit assigned to the territorial
12 jurisdiction where the offense took place when the offense
13 took place;

14 (8) in cases of reckless homicide afford the victim's
15 spouse, guardians, parents or other immediate family
16 members an opportunity to make oral statements;

17 (9) in cases involving a felony sex offense as defined
18 under the Sex Offender Management Board Act, consider the
19 results of the sex offender evaluation conducted pursuant
20 to Section 5-3-2 of this Act; and

21 (10) make a finding of whether a motor vehicle was used
22 in the commission of the offense for which the defendant is
23 being sentenced.

24 (b) All sentences shall be imposed by the judge based upon
25 his independent assessment of the elements specified above and
26 any agreement as to sentence reached by the parties. The judge

1 who presided at the trial or the judge who accepted the plea of
2 guilty shall impose the sentence unless he is no longer sitting
3 as a judge in that court. Where the judge does not impose
4 sentence at the same time on all defendants who are convicted
5 as a result of being involved in the same offense, the
6 defendant or the State's Attorney may advise the sentencing
7 court of the disposition of any other defendants who have been
8 sentenced.

9 (b-1) In imposing a sentence of imprisonment or periodic
10 imprisonment for a Class 3 or Class 4 felony for which a
11 sentence of probation or conditional discharge is an available
12 sentence, if the defendant has no prior sentence of probation
13 or conditional discharge and no prior conviction for a violent
14 crime, the defendant shall not be sentenced to imprisonment
15 before review and consideration of a presentence report and
16 determination and explanation of why the particular evidence,
17 information, factor in aggravation, factual finding, or other
18 reasons support a sentencing determination that one or more of
19 the factors under subsection (a) of Section 5-6-1 of this Code
20 apply and that probation or conditional discharge is not an
21 appropriate sentence.

22 (c) In imposing a sentence for a violent crime or for an
23 offense of operating or being in physical control of a vehicle
24 while under the influence of alcohol, any other drug or any
25 combination thereof, or a similar provision of a local
26 ordinance, when such offense resulted in the personal injury to

1 someone other than the defendant, the trial judge shall specify
2 on the record the particular evidence, information, factors in
3 mitigation and aggravation or other reasons that led to his
4 sentencing determination. The full verbatim record of the
5 sentencing hearing shall be filed with the clerk of the court
6 and shall be a public record.

7 (c-1) In imposing a sentence for the offense of aggravated
8 kidnapping for ransom, home invasion, armed robbery,
9 aggravated vehicular hijacking, aggravated discharge of a
10 firearm, or armed violence with a category I weapon or category
11 II weapon, the trial judge shall make a finding as to whether
12 the conduct leading to conviction for the offense resulted in
13 great bodily harm to a victim, and shall enter that finding and
14 the basis for that finding in the record.

15 (c-1.5) Notwithstanding any other provision of law to the
16 contrary, in imposing a sentence for an offense that requires a
17 mandatory minimum sentence of imprisonment, the court may
18 instead sentence the offender to probation, conditional
19 discharge, or a lesser term of imprisonment it deems
20 appropriate if: (1) the offense involves the use or possession
21 of drugs, retail theft, or driving on a revoked license due to
22 unpaid financial obligations; (2) the court finds that the
23 defendant does not pose a risk to public safety; and (3) the
24 interest of justice requires imposing a term of probation,
25 conditional discharge, or a lesser term of imprisonment. The
26 court must state on the record its reasons for imposing

1 probation, conditional discharge, or a lesser term of
2 imprisonment.

3 (c-2) If the defendant is sentenced to prison, other than
4 when a sentence of natural life imprisonment or a sentence of
5 death is imposed, at the time the sentence is imposed the judge
6 shall state on the record in open court the approximate period
7 of time the defendant will serve in custody according to the
8 then current statutory rules and regulations for sentence
9 credit found in Section 3-6-3 and other related provisions of
10 this Code. This statement is intended solely to inform the
11 public, has no legal effect on the defendant's actual release,
12 and may not be relied on by the defendant on appeal.

13 The judge's statement, to be given after pronouncing the
14 sentence, other than when the sentence is imposed for one of
15 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
16 shall include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois as
21 applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, assuming the defendant receives all of his or her
24 sentence credit, the period of estimated actual custody is ...
25 years and ... months, less up to 180 days additional earned
26 sentence credit. If the defendant, because of his or her own

1 misconduct or failure to comply with the institutional
2 regulations, does not receive those credits, the actual time
3 served in prison will be longer. The defendant may also receive
4 an additional one-half day sentence credit for each day of
5 participation in vocational, industry, substance abuse, and
6 educational programs as provided for by Illinois statute."

7 When the sentence is imposed for one of the offenses
8 enumerated in paragraph (a)(2) of Section 3-6-3, other than
9 first degree murder, and the offense was committed on or after
10 June 19, 1998, and when the sentence is imposed for reckless
11 homicide as defined in subsection (e) of Section 9-3 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 if the
13 offense was committed on or after January 1, 1999, and when the
14 sentence is imposed for aggravated driving under the influence
15 of alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof as defined in
17 subparagraph (F) of paragraph (1) of subsection (d) of Section
18 11-501 of the Illinois Vehicle Code, and when the sentence is
19 imposed for aggravated arson if the offense was committed on or
20 after July 27, 2001 (the effective date of Public Act 92-176),
21 and when the sentence is imposed for aggravated driving under
22 the influence of alcohol, other drug or drugs, or intoxicating
23 compound or compounds, or any combination thereof as defined in
24 subparagraph (C) of paragraph (1) of subsection (d) of Section
25 11-501 of the Illinois Vehicle Code committed on or after
26 January 1, 2011 (the effective date of Public Act 96-1230), the

1 judge's statement, to be given after pronouncing the sentence,
2 shall include the following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend in
5 prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois as
7 applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, the defendant is entitled to no more than 4 1/2 days of
10 sentence credit for each month of his or her sentence of
11 imprisonment. Therefore, this defendant will serve at least 85%
12 of his or her sentence. Assuming the defendant receives 4 1/2
13 days credit for each month of his or her sentence, the period
14 of estimated actual custody is ... years and ... months. If the
15 defendant, because of his or her own misconduct or failure to
16 comply with the institutional regulations receives lesser
17 credit, the actual time served in prison will be longer."

18 When a sentence of imprisonment is imposed for first degree
19 murder and the offense was committed on or after June 19, 1998,
20 the judge's statement, to be given after pronouncing the
21 sentence, shall include the following:

22 "The purpose of this statement is to inform the public of
23 the actual period of time this defendant is likely to spend in
24 prison as a result of this sentence. The actual period of
25 prison time served is determined by the statutes of Illinois as
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this
2 case, the defendant is not entitled to sentence credit.
3 Therefore, this defendant will serve 100% of his or her
4 sentence."

5 When the sentencing order recommends placement in a
6 substance abuse program for any offense that results in
7 incarceration in a Department of Corrections facility and the
8 crime was committed on or after September 1, 2003 (the
9 effective date of Public Act 93-354), the judge's statement, in
10 addition to any other judge's statement required under this
11 Section, to be given after pronouncing the sentence, shall
12 include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois as
17 applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant shall receive no earned sentence credit
20 under clause (3) of subsection (a) of Section 3-6-3 until he or
21 she participates in and completes a substance abuse treatment
22 program or receives a waiver from the Director of Corrections
23 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

24 (c-4) Before the sentencing hearing and as part of the
25 presentence investigation under Section 5-3-1, the court shall
26 inquire of the defendant whether the defendant is currently

1 serving in or is a veteran of the Armed Forces of the United
2 States. If the defendant is currently serving in the Armed
3 Forces of the United States or is a veteran of the Armed Forces
4 of the United States and has been diagnosed as having a mental
5 illness by a qualified psychiatrist or clinical psychologist or
6 physician, the court may:

7 (1) order that the officer preparing the presentence
8 report consult with the United States Department of
9 Veterans Affairs, Illinois Department of Veterans'
10 Affairs, or another agency or person with suitable
11 knowledge or experience for the purpose of providing the
12 court with information regarding treatment options
13 available to the defendant, including federal, State, and
14 local programming; and

15 (2) consider the treatment recommendations of any
16 diagnosing or treating mental health professionals
17 together with the treatment options available to the
18 defendant in imposing sentence.

19 For the purposes of this subsection (c-4), "qualified
20 psychiatrist" means a reputable physician licensed in Illinois
21 to practice medicine in all its branches, who has specialized
22 in the diagnosis and treatment of mental and nervous disorders
23 for a period of not less than 5 years.

24 (c-6) In imposing a sentence, the trial judge shall
25 specify, on the record, the particular evidence and other
26 reasons which led to his or her determination that a motor

1 vehicle was used in the commission of the offense.

2 (d) When the defendant is committed to the Department of
3 Corrections, the State's Attorney shall and counsel for the
4 defendant may file a statement with the clerk of the court to
5 be transmitted to the department, agency or institution to
6 which the defendant is committed to furnish such department,
7 agency or institution with the facts and circumstances of the
8 offense for which the person was committed together with all
9 other factual information accessible to them in regard to the
10 person prior to his commitment relative to his habits,
11 associates, disposition and reputation and any other facts and
12 circumstances which may aid such department, agency or
13 institution during its custody of such person. The clerk shall
14 within 10 days after receiving any such statements transmit a
15 copy to such department, agency or institution and a copy to
16 the other party, provided, however, that this shall not be
17 cause for delay in conveying the person to the department,
18 agency or institution to which he has been committed.

19 (e) The clerk of the court shall transmit to the
20 department, agency or institution, if any, to which the
21 defendant is committed, the following:

22 (1) the sentence imposed;

23 (2) any statement by the court of the basis for
24 imposing the sentence;

25 (3) any presentence reports;

26 (3.5) any sex offender evaluations;

1 (3.6) any substance abuse treatment eligibility
2 screening and assessment of the defendant by an agent
3 designated by the State of Illinois to provide assessment
4 services for the Illinois courts;

5 (4) the number of days, if any, which the defendant has
6 been in custody and for which he is entitled to credit
7 against the sentence, which information shall be provided
8 to the clerk by the sheriff;

9 (4.1) any finding of great bodily harm made by the
10 court with respect to an offense enumerated in subsection
11 (c-1);

12 (5) all statements filed under subsection (d) of this
13 Section;

14 (6) any medical or mental health records or summaries
15 of the defendant;

16 (7) the municipality where the arrest of the offender
17 or the commission of the offense has occurred, where such
18 municipality has a population of more than 25,000 persons;

19 (8) all statements made and evidence offered under
20 paragraph (7) of subsection (a) of this Section; and

21 (9) all additional matters which the court directs the
22 clerk to transmit.

23 (f) In cases in which the court finds that a motor vehicle
24 was used in the commission of the offense for which the
25 defendant is being sentenced, the clerk of the court shall,
26 within 5 days thereafter, forward a report of such conviction

1 to the Secretary of State.

2 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18;
3 100-961, eff. 1-1-19; revised 10-3-18.)

4 Article 25.

5 Law Enforcement

6 Section 25-5. The Open Meetings Act is amended by changing
7 Section 2 as follows:

8 (5 ILCS 120/2) (from Ch. 102, par. 42)

9 Sec. 2. Open meetings.

10 (a) Openness required. All meetings of public bodies shall
11 be open to the public unless excepted in subsection (c) and
12 closed in accordance with Section 2a.

13 (b) Construction of exceptions. The exceptions contained
14 in subsection (c) are in derogation of the requirement that
15 public bodies meet in the open, and therefore, the exceptions
16 are to be strictly construed, extending only to subjects
17 clearly within their scope. The exceptions authorize but do not
18 require the holding of a closed meeting to discuss a subject
19 included within an enumerated exception.

20 (c) Exceptions. A public body may hold closed meetings to
21 consider the following subjects:

22 (1) The appointment, employment, compensation,
23 discipline, performance, or dismissal of specific

1 employees, specific individuals who serve as independent
2 contractors in a park, recreational, or educational
3 setting, or specific volunteers of the public body or legal
4 counsel for the public body, including hearing testimony on
5 a complaint lodged against an employee, a specific
6 individual who serves as an independent contractor in a
7 park, recreational, or educational setting, or a volunteer
8 of the public body or against legal counsel for the public
9 body to determine its validity. However, a meeting to
10 consider an increase in compensation to a specific employee
11 of a public body that is subject to the Local Government
12 Wage Increase Transparency Act may not be closed and shall
13 be open to the public and posted and held in accordance
14 with this Act.

15 (2) Collective negotiating matters between the public
16 body and its employees or their representatives, or
17 deliberations concerning salary schedules for one or more
18 classes of employees.

19 (3) The selection of a person to fill a public office,
20 as defined in this Act, including a vacancy in a public
21 office, when the public body is given power to appoint
22 under law or ordinance, or the discipline, performance or
23 removal of the occupant of a public office, when the public
24 body is given power to remove the occupant under law or
25 ordinance.

26 (4) Evidence or testimony presented in open hearing, or

1 in closed hearing where specifically authorized by law, to
2 a quasi-adjudicative body, as defined in this Act, provided
3 that the body prepares and makes available for public
4 inspection a written decision setting forth its
5 determinative reasoning.

6 (5) The purchase or lease of real property for the use
7 of the public body, including meetings held for the purpose
8 of discussing whether a particular parcel should be
9 acquired.

10 (6) The setting of a price for sale or lease of
11 property owned by the public body.

12 (7) The sale or purchase of securities, investments, or
13 investment contracts. This exception shall not apply to the
14 investment of assets or income of funds deposited into the
15 Illinois Prepaid Tuition Trust Fund.

16 (8) Security procedures, school building safety and
17 security, and the use of personnel and equipment to respond
18 to an actual, a threatened, or a reasonably potential
19 danger to the safety of employees, students, staff, the
20 public, or public property.

21 (9) Student disciplinary cases.

22 (10) The placement of individual students in special
23 education programs and other matters relating to
24 individual students.

25 (11) Litigation, when an action against, affecting or
26 on behalf of the particular public body has been filed and

1 is pending before a court or administrative tribunal, or
2 when the public body finds that an action is probable or
3 imminent, in which case the basis for the finding shall be
4 recorded and entered into the minutes of the closed
5 meeting.

6 (12) The establishment of reserves or settlement of
7 claims as provided in the Local Governmental and
8 Governmental Employees Tort Immunity Act, if otherwise the
9 disposition of a claim or potential claim might be
10 prejudiced, or the review or discussion of claims, loss or
11 risk management information, records, data, advice or
12 communications from or with respect to any insurer of the
13 public body or any intergovernmental risk management
14 association or self insurance pool of which the public body
15 is a member.

16 (13) Conciliation of complaints of discrimination in
17 the sale or rental of housing, when closed meetings are
18 authorized by the law or ordinance prescribing fair housing
19 practices and creating a commission or administrative
20 agency for their enforcement.

21 (14) Informant sources, the hiring or assignment of
22 undercover personnel or equipment, or ongoing, prior or
23 future criminal investigations, when discussed by a public
24 body with criminal investigatory responsibilities.

25 (15) Professional ethics or performance when
26 considered by an advisory body appointed to advise a

1 licensing or regulatory agency on matters germane to the
2 advisory body's field of competence.

3 (16) Self evaluation, practices and procedures or
4 professional ethics, when meeting with a representative of
5 a statewide association of which the public body is a
6 member.

7 (17) The recruitment, credentialing, discipline or
8 formal peer review of physicians or other health care
9 professionals, or for the discussion of matters protected
10 under the federal Patient Safety and Quality Improvement
11 Act of 2005, and the regulations promulgated thereunder,
12 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
13 Health Insurance Portability and Accountability Act of
14 1996, and the regulations promulgated thereunder,
15 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,
16 or other institution providing medical care, that is
17 operated by the public body.

18 (18) Deliberations for decisions of the Prisoner
19 Review Board.

20 (19) Review or discussion of applications received
21 under the Experimental Organ Transplantation Procedures
22 Act.

23 (20) The classification and discussion of matters
24 classified as confidential or continued confidential by
25 the State Government Suggestion Award Board.

26 (21) Discussion of minutes of meetings lawfully closed

1 under this Act, whether for purposes of approval by the
2 body of the minutes or semi-annual review of the minutes as
3 mandated by Section 2.06.

4 (22) Deliberations for decisions of the State
5 Emergency Medical Services Disciplinary Review Board.

6 (23) The operation by a municipality of a municipal
7 utility or the operation of a municipal power agency or
8 municipal natural gas agency when the discussion involves
9 (i) contracts relating to the purchase, sale, or delivery
10 of electricity or natural gas or (ii) the results or
11 conclusions of load forecast studies.

12 (24) Meetings of a residential health care facility
13 resident sexual assault and death review team or the
14 Executive Council under the Abuse Prevention Review Team
15 Act.

16 (25) Meetings of an independent team of experts under
17 Brian's Law.

18 (26) Meetings of a mortality review team appointed
19 under the Department of Juvenile Justice Mortality Review
20 Team Act.

21 (27) (Blank).

22 (28) Correspondence and records (i) that may not be
23 disclosed under Section 11-9 of the Illinois Public Aid
24 Code or (ii) that pertain to appeals under Section 11-8 of
25 the Illinois Public Aid Code.

26 (29) Meetings between internal or external auditors

1 and governmental audit committees, finance committees, and
2 their equivalents, when the discussion involves internal
3 control weaknesses, identification of potential fraud risk
4 areas, known or suspected frauds, and fraud interviews
5 conducted in accordance with generally accepted auditing
6 standards of the United States of America.

7 (30) Those meetings or portions of meetings of a
8 fatality review team or the Illinois Fatality Review Team
9 Advisory Council during which a review of the death of an
10 eligible adult in which abuse or neglect is suspected,
11 alleged, or substantiated is conducted pursuant to Section
12 15 of the Adult Protective Services Act.

13 (31) Meetings and deliberations for decisions of the
14 Concealed Carry Licensing Review Board under the Firearm
15 Concealed Carry Act.

16 (32) Meetings between the Regional Transportation
17 Authority Board and its Service Boards when the discussion
18 involves review by the Regional Transportation Authority
19 Board of employment contracts under Section 28d of the
20 Metropolitan Transit Authority Act and Sections 3A.18 and
21 3B.26 of the Regional Transportation Authority Act.

22 (33) Those meetings or portions of meetings of the
23 advisory committee and peer review subcommittee created
24 under Section 320 of the Illinois Controlled Substances Act
25 during which specific controlled substance prescriber,
26 dispenser, or patient information is discussed.

1 (34) Meetings of the Tax Increment Financing Reform
2 Task Force under Section 2505-800 of the Department of
3 Revenue Law of the Civil Administrative Code of Illinois.

4 (35) Meetings of the group established to discuss
5 Medicaid capitation rates under Section 5-30.8 of the
6 Illinois Public Aid Code.

7 (36) Those deliberations or portions of deliberations
8 for decisions of the Illinois Gaming Board in which there
9 is discussed any of the following: (i) personal,
10 commercial, financial, or other information obtained from
11 any source that is privileged, proprietary, confidential,
12 or a trade secret; or (ii) information specifically
13 exempted from the disclosure by federal or State law.

14 (37) Deliberations for decisions of the Illinois Law
15 Enforcement Training Standards Board, the Certification
16 Review Panel, and the Illinois State Police Merit Board
17 regarding certification and decertification.

18 (d) Definitions. For purposes of this Section:

19 "Employee" means a person employed by a public body whose
20 relationship with the public body constitutes an
21 employer-employee relationship under the usual common law
22 rules, and who is not an independent contractor.

23 "Public office" means a position created by or under the
24 Constitution or laws of this State, the occupant of which is
25 charged with the exercise of some portion of the sovereign
26 power of this State. The term "public office" shall include

1 members of the public body, but it shall not include
2 organizational positions filled by members thereof, whether
3 established by law or by a public body itself, that exist to
4 assist the body in the conduct of its business.

5 "Quasi-adjudicative body" means an administrative body
6 charged by law or ordinance with the responsibility to conduct
7 hearings, receive evidence or testimony and make
8 determinations based thereon, but does not include local
9 electoral boards when such bodies are considering petition
10 challenges.

11 (e) Final action. No final action may be taken at a closed
12 meeting. Final action shall be preceded by a public recital of
13 the nature of the matter being considered and other information
14 that will inform the public of the business being conducted.

15 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
16 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
17 8-23-19; revised 9-27-19.)

18 Section 25-10. The Freedom of Information Act is amended by
19 changing Sections 7 and 7.5 as follows:

20 (5 ILCS 140/7) (from Ch. 116, par. 207)

21 Sec. 7. Exemptions.

22 (1) When a request is made to inspect or copy a public
23 record that contains information that is exempt from disclosure
24 under this Section, but also contains information that is not

1 exempt from disclosure, the public body may elect to redact the
2 information that is exempt. The public body shall make the
3 remaining information available for inspection and copying.
4 Subject to this requirement, the following shall be exempt from
5 inspection and copying:

6 (a) Information specifically prohibited from
7 disclosure by federal or State law or rules and regulations
8 implementing federal or State law.

9 (b) Private information, unless disclosure is required
10 by another provision of this Act, a State or federal law or
11 a court order.

12 (b-5) Files, documents, and other data or databases
13 maintained by one or more law enforcement agencies and
14 specifically designed to provide information to one or more
15 law enforcement agencies regarding the physical or mental
16 status of one or more individual subjects.

17 (c) Personal information contained within public
18 records, the disclosure of which would constitute a clearly
19 unwarranted invasion of personal privacy, unless the
20 disclosure is consented to in writing by the individual
21 subjects of the information. "Unwarranted invasion of
22 personal privacy" means the disclosure of information that
23 is highly personal or objectionable to a reasonable person
24 and in which the subject's right to privacy outweighs any
25 legitimate public interest in obtaining the information.
26 The disclosure of information that bears on the public

1 duties of public employees and officials shall not be
2 considered an invasion of personal privacy.

3 (d) Records in the possession of any public body
4 created in the course of administrative enforcement
5 proceedings, and any law enforcement or correctional
6 agency for law enforcement purposes, but only to the extent
7 that disclosure would:

8 (i) interfere with pending or actually and
9 reasonably contemplated law enforcement proceedings
10 conducted by any law enforcement or correctional
11 agency that is the recipient of the request;

12 (ii) interfere with active administrative
13 enforcement proceedings conducted by the public body
14 that is the recipient of the request;

15 (iii) create a substantial likelihood that a
16 person will be deprived of a fair trial or an impartial
17 hearing;

18 (iv) unavoidably disclose the identity of a
19 confidential source, confidential information
20 furnished only by the confidential source, or persons
21 who file complaints with or provide information to
22 administrative, investigative, law enforcement, or
23 penal agencies; except that the identities of
24 witnesses to traffic accidents, traffic accident
25 reports, and rescue reports shall be provided by
26 agencies of local government, except when disclosure

1 would interfere with an active criminal investigation
2 conducted by the agency that is the recipient of the
3 request;

4 (v) disclose unique or specialized investigative
5 techniques other than those generally used and known or
6 disclose internal documents of correctional agencies
7 related to detection, observation or investigation of
8 incidents of crime or misconduct, and disclosure would
9 result in demonstrable harm to the agency or public
10 body that is the recipient of the request;

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

13 (vii) obstruct an ongoing criminal investigation
14 by the agency that is the recipient of the request.

15 (d-5) A law enforcement record created for law
16 enforcement purposes and contained in a shared electronic
17 record management system if the law enforcement agency that
18 is the recipient of the request did not create the record,
19 did not participate in or have a role in any of the events
20 which are the subject of the record, and only has access to
21 the record through the shared electronic record management
22 system.

23 (d-6) Records contained in the Officer Professional
24 Conduct Database under Section 9.4 of the Illinois Police
25 Training Act, except to the extent authorized under that
26 Section. This includes the documents supplied to Illinois

1 Law Enforcement Training Standards Board from the Illinois
2 State Police and Illinois State Police Merit Board.

3 (e) Records that relate to or affect the security of
4 correctional institutions and detention facilities.

5 (e-5) Records requested by persons committed to the
6 Department of Corrections, Department of Human Services
7 Division of Mental Health, or a county jail if those
8 materials are available in the library of the correctional
9 institution or facility or jail where the inmate is
10 confined.

11 (e-6) Records requested by persons committed to the
12 Department of Corrections, Department of Human Services
13 Division of Mental Health, or a county jail if those
14 materials include records from staff members' personnel
15 files, staff rosters, or other staffing assignment
16 information.

17 (e-7) Records requested by persons committed to the
18 Department of Corrections or Department of Human Services
19 Division of Mental Health if those materials are available
20 through an administrative request to the Department of
21 Corrections or Department of Human Services Division of
22 Mental Health.

23 (e-8) Records requested by a person committed to the
24 Department of Corrections, Department of Human Services
25 Division of Mental Health, or a county jail, the disclosure
26 of which would result in the risk of harm to any person or

1 the risk of an escape from a jail or correctional
2 institution or facility.

3 (e-9) Records requested by a person in a county jail or
4 committed to the Department of Corrections or Department of
5 Human Services Division of Mental Health, containing
6 personal information pertaining to the person's victim or
7 the victim's family, including, but not limited to, a
8 victim's home address, home telephone number, work or
9 school address, work telephone number, social security
10 number, or any other identifying information, except as may
11 be relevant to a requester's current or potential case or
12 claim.

13 (e-10) Law enforcement records of other persons
14 requested by a person committed to the Department of
15 Corrections, Department of Human Services Division of
16 Mental Health, or a county jail, including, but not limited
17 to, arrest and booking records, mug shots, and crime scene
18 photographs, except as these records may be relevant to the
19 requester's current or potential case or claim.

20 (f) Preliminary drafts, notes, recommendations,
21 memoranda and other records in which opinions are
22 expressed, or policies or actions are formulated, except
23 that a specific record or relevant portion of a record
24 shall not be exempt when the record is publicly cited and
25 identified by the head of the public body. The exemption
26 provided in this paragraph (f) extends to all those records

1 of officers and agencies of the General Assembly that
2 pertain to the preparation of legislative documents.

3 (g) Trade secrets and commercial or financial
4 information obtained from a person or business where the
5 trade secrets or commercial or financial information are
6 furnished under a claim that they are proprietary,
7 privileged, or confidential, and that disclosure of the
8 trade secrets or commercial or financial information would
9 cause competitive harm to the person or business, and only
10 insofar as the claim directly applies to the records
11 requested.

12 The information included under this exemption includes
13 all trade secrets and commercial or financial information
14 obtained by a public body, including a public pension fund,
15 from a private equity fund or a privately held company
16 within the investment portfolio of a private equity fund as
17 a result of either investing or evaluating a potential
18 investment of public funds in a private equity fund. The
19 exemption contained in this item does not apply to the
20 aggregate financial performance information of a private
21 equity fund, nor to the identity of the fund's managers or
22 general partners. The exemption contained in this item does
23 not apply to the identity of a privately held company
24 within the investment portfolio of a private equity fund,
25 unless the disclosure of the identity of a privately held
26 company may cause competitive harm.

1 Nothing contained in this paragraph (g) shall be
2 construed to prevent a person or business from consenting
3 to disclosure.

4 (h) Proposals and bids for any contract, grant, or
5 agreement, including information which if it were
6 disclosed would frustrate procurement or give an advantage
7 to any person proposing to enter into a contractor
8 agreement with the body, until an award or final selection
9 is made. Information prepared by or for the body in
10 preparation of a bid solicitation shall be exempt until an
11 award or final selection is made.

12 (i) Valuable formulae, computer geographic systems,
13 designs, drawings and research data obtained or produced by
14 any public body when disclosure could reasonably be
15 expected to produce private gain or public loss. The
16 exemption for "computer geographic systems" provided in
17 this paragraph (i) does not extend to requests made by news
18 media as defined in Section 2 of this Act when the
19 requested information is not otherwise exempt and the only
20 purpose of the request is to access and disseminate
21 information regarding the health, safety, welfare, or
22 legal rights of the general public.

23 (j) The following information pertaining to
24 educational matters:

25 (i) test questions, scoring keys and other
26 examination data used to administer an academic

1 examination;

2 (ii) information received by a primary or
3 secondary school, college, or university under its
4 procedures for the evaluation of faculty members by
5 their academic peers;

6 (iii) information concerning a school or
7 university's adjudication of student disciplinary
8 cases, but only to the extent that disclosure would
9 unavoidably reveal the identity of the student; and

10 (iv) course materials or research materials used
11 by faculty members.

12 (k) Architects' plans, engineers' technical
13 submissions, and other construction related technical
14 documents for projects not constructed or developed in
15 whole or in part with public funds and the same for
16 projects constructed or developed with public funds,
17 including, but not limited to, power generating and
18 distribution stations and other transmission and
19 distribution facilities, water treatment facilities,
20 airport facilities, sport stadiums, convention centers,
21 and all government owned, operated, or occupied buildings,
22 but only to the extent that disclosure would compromise
23 security.

24 (l) Minutes of meetings of public bodies closed to the
25 public as provided in the Open Meetings Act until the
26 public body makes the minutes available to the public under

1 Section 2.06 of the Open Meetings Act.

2 (m) Communications between a public body and an
3 attorney or auditor representing the public body that would
4 not be subject to discovery in litigation, and materials
5 prepared or compiled by or for a public body in
6 anticipation of a criminal, civil, or administrative
7 proceeding upon the request of an attorney advising the
8 public body, and materials prepared or compiled with
9 respect to internal audits of public bodies.

10 (n) Records relating to a public body's adjudication of
11 employee grievances or disciplinary cases; however, this
12 exemption shall not extend to the final outcome of cases in
13 which discipline is imposed.

14 (o) Administrative or technical information associated
15 with automated data processing operations, including, but
16 not limited to, software, operating protocols, computer
17 program abstracts, file layouts, source listings, object
18 modules, load modules, user guides, documentation
19 pertaining to all logical and physical design of
20 computerized systems, employee manuals, and any other
21 information that, if disclosed, would jeopardize the
22 security of the system or its data or the security of
23 materials exempt under this Section.

24 (p) Records relating to collective negotiating matters
25 between public bodies and their employees or
26 representatives, except that any final contract or

1 agreement shall be subject to inspection and copying.

2 (q) Test questions, scoring keys, and other
3 examination data used to determine the qualifications of an
4 applicant for a license or employment.

5 (r) The records, documents, and information relating
6 to real estate purchase negotiations until those
7 negotiations have been completed or otherwise terminated.
8 With regard to a parcel involved in a pending or actually
9 and reasonably contemplated eminent domain proceeding
10 under the Eminent Domain Act, records, documents, and
11 information relating to that parcel shall be exempt except
12 as may be allowed under discovery rules adopted by the
13 Illinois Supreme Court. The records, documents, and
14 information relating to a real estate sale shall be exempt
15 until a sale is consummated.

16 (s) Any and all proprietary information and records
17 related to the operation of an intergovernmental risk
18 management association or self-insurance pool or jointly
19 self-administered health and accident cooperative or pool.
20 Insurance or self insurance (including any
21 intergovernmental risk management association or self
22 insurance pool) claims, loss or risk management
23 information, records, data, advice or communications.

24 (t) Information contained in or related to
25 examination, operating, or condition reports prepared by,
26 on behalf of, or for the use of a public body responsible

1 for the regulation or supervision of financial
2 institutions, insurance companies, or pharmacy benefit
3 managers, unless disclosure is otherwise required by State
4 law.

5 (u) Information that would disclose or might lead to
6 the disclosure of secret or confidential information,
7 codes, algorithms, programs, or private keys intended to be
8 used to create electronic or digital signatures under the
9 Electronic Commerce Security Act.

10 (v) Vulnerability assessments, security measures, and
11 response policies or plans that are designed to identify,
12 prevent, or respond to potential attacks upon a community's
13 population or systems, facilities, or installations, the
14 destruction or contamination of which would constitute a
15 clear and present danger to the health or safety of the
16 community, but only to the extent that disclosure could
17 reasonably be expected to jeopardize the effectiveness of
18 the measures or the safety of the personnel who implement
19 them or the public. Information exempt under this item may
20 include such things as details pertaining to the
21 mobilization or deployment of personnel or equipment, to
22 the operation of communication systems or protocols, or to
23 tactical operations.

24 (w) (Blank).

25 (x) Maps and other records regarding the location or
26 security of generation, transmission, distribution,

1 storage, gathering, treatment, or switching facilities
2 owned by a utility, by a power generator, or by the
3 Illinois Power Agency.

4 (y) Information contained in or related to proposals,
5 bids, or negotiations related to electric power
6 procurement under Section 1-75 of the Illinois Power Agency
7 Act and Section 16-111.5 of the Public Utilities Act that
8 is determined to be confidential and proprietary by the
9 Illinois Power Agency or by the Illinois Commerce
10 Commission.

11 (z) Information about students exempted from
12 disclosure under Sections 10-20.38 or 34-18.29 of the
13 School Code, and information about undergraduate students
14 enrolled at an institution of higher education exempted
15 from disclosure under Section 25 of the Illinois Credit
16 Card Marketing Act of 2009.

17 (aa) Information the disclosure of which is exempted
18 under the Viatical Settlements Act of 2009.

19 (bb) Records and information provided to a mortality
20 review team and records maintained by a mortality review
21 team appointed under the Department of Juvenile Justice
22 Mortality Review Team Act.

23 (cc) Information regarding interments, entombments, or
24 inurnments of human remains that are submitted to the
25 Cemetery Oversight Database under the Cemetery Care Act or
26 the Cemetery Oversight Act, whichever is applicable.

1 (dd) Correspondence and records (i) that may not be
2 disclosed under Section 11-9 of the Illinois Public Aid
3 Code or (ii) that pertain to appeals under Section 11-8 of
4 the Illinois Public Aid Code.

5 (ee) The names, addresses, or other personal
6 information of persons who are minors and are also
7 participants and registrants in programs of park
8 districts, forest preserve districts, conservation
9 districts, recreation agencies, and special recreation
10 associations.

11 (ff) The names, addresses, or other personal
12 information of participants and registrants in programs of
13 park districts, forest preserve districts, conservation
14 districts, recreation agencies, and special recreation
15 associations where such programs are targeted primarily to
16 minors.

17 (gg) Confidential information described in Section
18 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

19 (hh) The report submitted to the State Board of
20 Education by the School Security and Standards Task Force
21 under item (8) of subsection (d) of Section 2-3.160 of the
22 School Code and any information contained in that report.

23 (ii) Records requested by persons committed to or
24 detained by the Department of Human Services under the
25 Sexually Violent Persons Commitment Act or committed to the
26 Department of Corrections under the Sexually Dangerous

1 Persons Act if those materials: (i) are available in the
2 library of the facility where the individual is confined;
3 (ii) include records from staff members' personnel files,
4 staff rosters, or other staffing assignment information;
5 or (iii) are available through an administrative request to
6 the Department of Human Services or the Department of
7 Corrections.

8 (jj) Confidential information described in Section
9 5-535 of the Civil Administrative Code of Illinois.

10 (kk) The public body's credit card numbers, debit card
11 numbers, bank account numbers, Federal Employer
12 Identification Number, security code numbers, passwords,
13 and similar account information, the disclosure of which
14 could result in identity theft or impression or defrauding
15 of a governmental entity or a person.

16 (ll) ~~(kk)~~ Records concerning the work of the threat
17 assessment team of a school district.

18 (1.5) Any information exempt from disclosure under the
19 Judicial Privacy Act shall be redacted from public records
20 prior to disclosure under this Act.

21 (2) A public record that is not in the possession of a
22 public body but is in the possession of a party with whom the
23 agency has contracted to perform a governmental function on
24 behalf of the public body, and that directly relates to the
25 governmental function and is not otherwise exempt under this
26 Act, shall be considered a public record of the public body,

1 for purposes of this Act.

2 (3) This Section does not authorize withholding of
3 information or limit the availability of records to the public,
4 except as stated in this Section or otherwise provided in this
5 Act.

6 (Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
7 100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.
8 1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)

9 (5 ILCS 140/7.5)

10 Sec. 7.5. Statutory exemptions. To the extent provided for
11 by the statutes referenced below, the following shall be exempt
12 from inspection and copying:

13 (a) All information determined to be confidential
14 under Section 4002 of the Technology Advancement and
15 Development Act.

16 (b) Library circulation and order records identifying
17 library users with specific materials under the Library
18 Records Confidentiality Act.

19 (c) Applications, related documents, and medical
20 records received by the Experimental Organ Transplantation
21 Procedures Board and any and all documents or other records
22 prepared by the Experimental Organ Transplantation
23 Procedures Board or its staff relating to applications it
24 has received.

25 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

6 (e) Information the disclosure of which is exempted
7 under Section 30 of the Radon Industry Licensing Act.

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

20 (i) Information contained in a local emergency energy
21 plan submitted to a municipality in accordance with a local
22 emergency energy plan ordinance that is adopted under
23 Section 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Record Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Office due to its administration of
18 the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under the Developmental Disability and
26 Mental Health Safety Act (also known as Brian's Law).

1 (v) Names and information of people who have applied
2 for or received Firearm Owner's Identification Cards under
3 the Firearm Owners Identification Card Act or applied for
4 or received a concealed carry license under the Firearm
5 Concealed Carry Act, unless otherwise authorized by the
6 Firearm Concealed Carry Act; and databases under the
7 Firearm Concealed Carry Act, records of the Concealed Carry
8 Licensing Review Board under the Firearm Concealed Carry
9 Act, and law enforcement agency objections under the
10 Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of an
23 eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

13 (ee) Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure
16 under the Revised Uniform Unclaimed Property Act.

17 (gg) Information that is prohibited from being
18 disclosed under Section 7-603.5 of the Illinois Vehicle
19 Code.

20 (hh) Records that are exempt from disclosure under
21 Section 1A-16.7 of the Election Code.

22 (ii) Information which is exempted from disclosure
23 under Section 2505-800 of the Department of Revenue Law of
24 the Civil Administrative Code of Illinois.

25 (jj) Information and reports that are required to be
26 submitted to the Department of Labor by registering day and

1 temporary labor service agencies but are exempt from
2 disclosure under subsection (a-1) of Section 45 of the Day
3 and Temporary Labor Services Act.

4 (kk) Information prohibited from disclosure under the
5 Seizure and Forfeiture Reporting Act.

6 (ll) Information the disclosure of which is restricted
7 and exempted under Section 5-30.8 of the Illinois Public
8 Aid Code.

9 (mm) Records that are exempt from disclosure under
10 Section 4.2 of the Crime Victims Compensation Act.

11 (nn) Information that is exempt from disclosure under
12 Section 70 of the Higher Education Student Assistance Act.

13 (oo) Communications, notes, records, and reports
14 arising out of a peer support counseling session prohibited
15 from disclosure under the First Responders Suicide
16 Prevention Act.

17 (pp) Names and all identifying information relating to
18 an employee of an emergency services provider or law
19 enforcement agency under the First Responders Suicide
20 Prevention Act.

21 (qq) Information and records held by the Department of
22 Public Health and its authorized representatives collected
23 under the Reproductive Health Act.

24 (rr) Information that is exempt from disclosure under
25 the Cannabis Regulation and Tax Act.

26 (ss) Data reported by an employer to the Department of

1 Human Rights pursuant to Section 2-108 of the Illinois
2 Human Rights Act.

3 (tt) Recordings made under the Children's Advocacy
4 Center Act, except to the extent authorized under that Act.

5 (uu) Information that is exempt from disclosure under
6 Section 50 of the Sexual Assault Evidence Submission Act.

7 (vv) Information that is exempt from disclosure under
8 subsections (f) and (j) of Section 5-36 of the Illinois
9 Public Aid Code.

10 (ww) Information that is exempt from disclosure under
11 Section 16.8 of the State Treasurer Act.

12 (xx) Information that is exempt from disclosure or
13 information that shall not be made public under the
14 Illinois Insurance Code.

15 (yy) Information prohibited from being disclosed under
16 the Illinois Educational Labor Relations Act.

17 (zz) Information prohibited from being disclosed under
18 the Illinois Public Labor Relations Act.

19 (aaa) Information prohibited from being disclosed
20 under Section 1-167 of the Illinois Pension Code.

21 (bbb) Information that is prohibited from disclosure
22 by the Illinois Police Training Act and the State Police
23 Act.

24 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
25 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
26 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,

1 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
2 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
3 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
4 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
5 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
6 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,
7 eff. 7-7-20.)

8 (5 ILCS 140/7.1 rep.)

9 Section 25-15. The Freedom of Information Act is amended by
10 repealing Section 7.1.

11 Section 25-20. The State Employee Indemnification Act is
12 amended by changing Section 1 as follows:

13 (5 ILCS 350/1) (from Ch. 127, par. 1301)

14 Sec. 1. Definitions. For the purpose of this Act:

15 (a) The term "State" means the State of Illinois, the
16 General Assembly, the court, or any State office, department,
17 division, bureau, board, commission, or committee, the
18 governing boards of the public institutions of higher education
19 created by the State, the Illinois National Guard, the Illinois
20 State Guard, the Comprehensive Health Insurance Board, any
21 poison control center designated under the Poison Control
22 System Act that receives State funding, or any other agency or
23 instrumentality of the State. It does not mean any local public

1 entity as that term is defined in Section 1-206 of the Local
2 Governmental and Governmental Employees Tort Immunity Act or a
3 pension fund.

4 (b) The term "employee" means: any present or former
5 elected or appointed officer, trustee or employee of the State,
6 or of a pension fund; any present or former commissioner or
7 employee of the Executive Ethics Commission or of the
8 Legislative Ethics Commission; any present or former
9 Executive, Legislative, or Auditor General's Inspector
10 General; any present or former employee of an Office of an
11 Executive, Legislative, or Auditor General's Inspector
12 General; any present or former member of the Illinois National
13 Guard while on active duty; any present or former member of the
14 Illinois State Guard while on State active duty; individuals or
15 organizations who contract with the Department of Corrections,
16 the Department of Juvenile Justice, the Comprehensive Health
17 Insurance Board, or the Department of Veterans' Affairs to
18 provide services; individuals or organizations who contract
19 with the Department of Human Services (as successor to the
20 Department of Mental Health and Developmental Disabilities) to
21 provide services including but not limited to treatment and
22 other services for sexually violent persons; individuals or
23 organizations who contract with the Department of Military
24 Affairs for youth programs; individuals or organizations who
25 contract to perform carnival and amusement ride safety
26 inspections for the Department of Labor; individuals who

1 contract with the Office of the State's Attorneys Appellate
2 Prosecutor to provide legal services, but only when performing
3 duties within the scope of the Office's prosecutorial
4 activities; individual representatives of or designated
5 organizations authorized to represent the Office of State
6 Long-Term Ombudsman for the Department on Aging; individual
7 representatives of or organizations designated by the
8 Department on Aging in the performance of their duties as adult
9 protective services agencies or regional administrative
10 agencies under the Adult Protective Services Act; individuals
11 or organizations appointed as members of a review team or the
12 Advisory Council under the Adult Protective Services Act;
13 individuals or organizations who perform volunteer services
14 for the State where such volunteer relationship is reduced to
15 writing; individuals who serve on any public entity (whether
16 created by law or administrative action) described in paragraph
17 (a) of this Section; individuals or not for profit
18 organizations who, either as volunteers, where such volunteer
19 relationship is reduced to writing, or pursuant to contract,
20 furnish professional advice or consultation to any agency or
21 instrumentality of the State; individuals who serve as foster
22 parents for the Department of Children and Family Services when
23 caring for youth in care as defined in Section 4d of the
24 Children and Family Services Act; individuals who serve as
25 members of an independent team of experts under the
26 Developmental Disability and Mental Health Safety Act (also

1 known as Brian's Law); and individuals who serve as arbitrators
2 pursuant to Part 10A of Article II of the Code of Civil
3 Procedure and the rules of the Supreme Court implementing Part
4 10A, each as now or hereafter amended; the members of the
5 Certification Review Panel under the Illinois Police Training
6 Act; the term "employee" does not mean an independent
7 contractor except as provided in this Section. The term
8 includes an individual appointed as an inspector by the
9 Director of State Police when performing duties within the
10 scope of the activities of a Metropolitan Enforcement Group or
11 a law enforcement organization established under the
12 Intergovernmental Cooperation Act. An individual who renders
13 professional advice and consultation to the State through an
14 organization which qualifies as an "employee" under the Act is
15 also an employee. The term includes the estate or personal
16 representative of an employee.

17 (c) The term "pension fund" means a retirement system or
18 pension fund created under the Illinois Pension Code.

19 (Source: P.A. 100-159, eff. 8-18-17; 100-1030, eff. 8-22-18;
20 101-81, eff. 7-12-19.)

21 Section 25-25. The Personnel Code is amended by changing
22 Section 4c as follows:

23 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

24 Sec. 4c. General exemptions. The following positions in

1 State service shall be exempt from jurisdictions A, B, and C,
2 unless the jurisdictions shall be extended as provided in this
3 Act:

4 (1) All officers elected by the people.

5 (2) All positions under the Lieutenant Governor,
6 Secretary of State, State Treasurer, State Comptroller,
7 State Board of Education, Clerk of the Supreme Court,
8 Attorney General, and State Board of Elections.

9 (3) Judges, and officers and employees of the courts,
10 and notaries public.

11 (4) All officers and employees of the Illinois General
12 Assembly, all employees of legislative commissions, all
13 officers and employees of the Illinois Legislative
14 Reference Bureau and the Legislative Printing Unit.

15 (5) All positions in the Illinois National Guard and
16 Illinois State Guard, paid from federal funds or positions
17 in the State Military Service filled by enlistment and paid
18 from State funds.

19 (6) All employees of the Governor at the executive
20 mansion and on his immediate personal staff.

21 (7) Directors of Departments, the Adjutant General,
22 the Assistant Adjutant General, the Director of the
23 Illinois Emergency Management Agency, members of boards
24 and commissions, and all other positions appointed by the
25 Governor by and with the consent of the Senate.

26 (8) The presidents, other principal administrative

1 officers, and teaching, research and extension faculties
2 of Chicago State University, Eastern Illinois University,
3 Governors State University, Illinois State University,
4 Northeastern Illinois University, Northern Illinois
5 University, Western Illinois University, the Illinois
6 Community College Board, Southern Illinois University,
7 Illinois Board of Higher Education, University of
8 Illinois, State Universities Civil Service System,
9 University Retirement System of Illinois, and the
10 administrative officers and scientific and technical staff
11 of the Illinois State Museum.

12 (9) All other employees except the presidents, other
13 principal administrative officers, and teaching, research
14 and extension faculties of the universities under the
15 jurisdiction of the Board of Regents and the colleges and
16 universities under the jurisdiction of the Board of
17 Governors of State Colleges and Universities, Illinois
18 Community College Board, Southern Illinois University,
19 Illinois Board of Higher Education, Board of Governors of
20 State Colleges and Universities, the Board of Regents,
21 University of Illinois, State Universities Civil Service
22 System, University Retirement System of Illinois, so long
23 as these are subject to the provisions of the State
24 Universities Civil Service Act.

25 (10) The State Police so long as they are subject to
26 the merit provisions of the State Police Act. Employees of

1 the Illinois State Police Merit Board are subject to the
2 provisions of this Code.

3 (11) (Blank) .

4 (12) The technical and engineering staffs of the
5 Department of Transportation, the Department of Nuclear
6 Safety, the Pollution Control Board, and the Illinois
7 Commerce Commission, and the technical and engineering
8 staff providing architectural and engineering services in
9 the Department of Central Management Services.

10 (13) All employees of the Illinois State Toll Highway
11 Authority.

12 (14) The Secretary of the Illinois Workers'
13 Compensation Commission.

14 (15) All persons who are appointed or employed by the
15 Director of Insurance under authority of Section 202 of the
16 Illinois Insurance Code to assist the Director of Insurance
17 in discharging his responsibilities relating to the
18 rehabilitation, liquidation, conservation, and dissolution
19 of companies that are subject to the jurisdiction of the
20 Illinois Insurance Code.

21 (16) All employees of the St. Louis Metropolitan Area
22 Airport Authority.

23 (17) All investment officers employed by the Illinois
24 State Board of Investment.

25 (18) Employees of the Illinois Young Adult
26 Conservation Corps program, administered by the Illinois

1 Department of Natural Resources, authorized grantee under
2 Title VIII of the Comprehensive Employment and Training Act
3 of 1973, 29 USC 993.

4 (19) Seasonal employees of the Department of
5 Agriculture for the operation of the Illinois State Fair
6 and the DuQuoin State Fair, no one person receiving more
7 than 29 days of such employment in any calendar year.

8 (20) All "temporary" employees hired under the
9 Department of Natural Resources' Illinois Conservation
10 Service, a youth employment program that hires young people
11 to work in State parks for a period of one year or less.

12 (21) All hearing officers of the Human Rights
13 Commission.

14 (22) All employees of the Illinois Mathematics and
15 Science Academy.

16 (23) All employees of the Kankakee River Valley Area
17 Airport Authority.

18 (24) The commissioners and employees of the Executive
19 Ethics Commission.

20 (25) The Executive Inspectors General, including
21 special Executive Inspectors General, and employees of
22 each Office of an Executive Inspector General.

23 (26) The commissioners and employees of the
24 Legislative Ethics Commission.

25 (27) The Legislative Inspector General, including
26 special Legislative Inspectors General, and employees of

1 the Office of the Legislative Inspector General.

2 (28) The Auditor General's Inspector General and
3 employees of the Office of the Auditor General's Inspector
4 General.

5 (29) All employees of the Illinois Power Agency.

6 (30) Employees having demonstrable, defined advanced
7 skills in accounting, financial reporting, or technical
8 expertise who are employed within executive branch
9 agencies and whose duties are directly related to the
10 submission to the Office of the Comptroller of financial
11 information for the publication of the Comprehensive
12 Annual Financial Report (CAFR).

13 (31) All employees of the Illinois Sentencing Policy
14 Advisory Council.

15 (Source: P.A. 100-1148, eff. 12-10-18.)

16 Section 25-30. The Department of State Police Law of the
17 Civil Administrative Code of Illinois is amended by changing
18 Section 2605-50 as follows:

19 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

20 Sec. 2605-50. Division of Internal Investigation. The
21 Division of Internal Investigation shall initiate internal
22 departmental investigations and, at the direction of the
23 Governor, investigate complaints and initiate investigations
24 of official misconduct by State officers and State employees

1 under the jurisdiction of the Governor. Notwithstanding any
2 other provisions of law, the Division shall serve as the
3 investigative body for the Illinois State Police for purposes
4 of compliance with the provisions of Sections 12.6 and 12.7 of
5 this Act.

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 Section 25-35. The State Police Act is amended by changing
8 Sections 3, 6, 8, and 9 and by adding Sections 6.5, 11.5, 11.6,
9 12.6, 12.7, 40.1, and 46 as follows:

10 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

11 Sec. 3. The Governor shall appoint, by and with the advice
12 and consent of the Senate, a Department of State Police Merit
13 Board, hereinafter called the Board, consisting of 7 5 members
14 to hold office. The Governor shall appoint new board members
15 within 30 days for the vacancies created under this amendatory
16 Act. Board members shall be appointed to four-year terms. No
17 member shall be appointed to more than 2 terms. In making the
18 appointments, the Governor shall make a good faith effort to
19 appoint members reflecting the geographic, ethic, and cultural
20 diversity of this State. In making the appointments, the
21 Governor should also consider appointing: persons with
22 professional backgrounds, possessing legal, management,
23 personnel, or labor experience; at least one member with at
24 least 10 years of experience as a licensed physician or

1 clinical psychologist with expertise in mental health; and at
2 least one member affiliated with an organization commitment to
3 social and economic rights and to eliminating discrimination. 7
4 ~~one until the third Monday in March, 1951, one until the third~~
5 ~~Monday in March, 1953, and one until the third Monday in March,~~
6 ~~1955, and until their respective successors are appointed and~~
7 ~~qualified. One of the members added by this amendatory Act of~~
8 ~~1977 shall serve a term expiring on the third Monday in March,~~
9 ~~1980, and until his successor is appointed and qualified, and~~
10 ~~one shall serve a term expiring on the third Monday in March,~~
11 ~~1982, and until his successor is appointed and qualified. Upon~~
12 ~~the expiration of the terms of office of those first appointed,~~
13 ~~their respective successors shall be appointed to hold office~~
14 ~~from the third Monday in March of the year of their respective~~
15 ~~appointments for a term of six years and until their successors~~
16 ~~are appointed and qualified for a like term. No more than 4 3~~
17 members of the Board shall be affiliated with the same
18 political party. If the Senate is not in session at the time
19 initial appointments are made pursuant to this section, the
20 Governor shall make temporary appointments as in the case of a
21 vacancy. In order to avoid actual conflicts of interest, or the
22 appearance of conflicts of interest, no board member shall be a
23 retired or former employee of the Illinois State Police. When a
24 Board member may have an actual, perceived, or potential
25 conflict of interest that could prevent the Board member from
26 making a fair and impartial decision on a complaint or formal

1 complaint against an Illinois State Police officer, the Board
2 member shall recuse himself or herself; or If the Board member
3 fails to recuse himself or herself, then the Board may, by a
4 simple majority, vote to recuse the Board member.

5 (Source: P.A. 87-284.)

6 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

7 Sec. 6. The Board is authorized to employ such clerical and
8 technical staff assistants, not to exceed fifteen, as may be
9 necessary to enable the Board to transact its business and, if
10 the rate of compensation is not otherwise fixed by law, to fix
11 their compensation. In order to avoid actual conflicts of
12 interest, or the appearance of conflicts of interest, no
13 employee, contractor, clerical or technical staff shall be a
14 retired or former employee of the Illinois State Police. All
15 employees shall be subject to the Personnel Code.

16 (Source: Laws 1949, p. 1357.)

17 (20 ILCS 2610/6.5 new)

18 Sec. 6.5. Badges. No badge, star, or shield shall be
19 issued to Board members, employees, contractors, clerical or
20 technical staff.

21 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

22 Sec. 8. Board jurisdiction.

23 (a) The Board shall exercise jurisdiction over the

1 certification for appointment and promotion, and over the
2 discipline, removal, demotion and suspension of Department of
3 State Police officers. The Board and the Illinois State Police
4 should also ensure Illinois State Police cadets and officers
5 represent the utmost integrity and professionalism and
6 represent the geographic, ethnic, and cultural diversity of
7 this State. The Board shall also exercise jurisdiction to
8 certify and terminate Illinois State Police Officers in
9 compliance with certification standards consistent with
10 Sections 9, 11.5, and 12.6 of this Act. Pursuant to recognized
11 merit principles of public employment, the Board shall
12 formulate, adopt, and put into effect rules, regulations and
13 procedures for its operation and the transaction of its
14 business. The Board shall establish a classification of ranks
15 of persons subject to its jurisdiction and shall set standards
16 and qualifications for each rank. Each Department of State
17 Police officer appointed by the Director shall be classified as
18 a State Police officer as follows: trooper, sergeant, master
19 sergeant, lieutenant, captain, major, or Special Agent.

20 (b) The Board shall publish all standards and
21 qualifications for each rank, including Cadet, on its website.
22 This shall include, but not be limited to, all physical
23 fitness, medical, visual, and hearing standards. The Illinois
24 State Police shall cooperate with the Board by providing any
25 necessary information to complete this requirement.

26 (Source: P.A. 100-49, eff. 1-1-18.)

1 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

2 Sec. 9. Appointment; qualifications.

3 (a) Except as otherwise provided in this Section, the
4 appointment of Department of State Police officers shall be
5 made from those applicants who have been certified by the Board
6 as being qualified for appointment. All persons so appointed
7 shall, at the time of their appointment, be not less than 21
8 years of age, or 20 years of age and have successfully
9 completed an associate's degree or 60 credit hours at an
10 accredited college or university. Any person appointed
11 subsequent to successful completion of an associate's degree or
12 60 credit hours at an accredited college or university shall
13 not have power of arrest, nor shall he or she be permitted to
14 carry firearms, until he or she reaches 21 years of age. In
15 addition, all persons so certified for appointment shall be of
16 sound mind and body, be of good moral character, be citizens of
17 the United States, have no criminal records, possess such
18 prerequisites of training, education, and experience as the
19 Board may from time to time prescribe so long as persons who
20 have an associate's degree or 60 credit hours at an accredited
21 college or university are not disqualified, and shall be
22 required to pass successfully such mental and physical tests
23 and examinations as may be prescribed by the Board. All persons
24 who meet one of the following requirements are deemed to have
25 met the collegiate educational requirements:

1 (i) have been honorably discharged and who have been
2 awarded a Southwest Asia Service Medal, Kosovo Campaign
3 Medal, Korean Defense Service Medal, Afghanistan Campaign
4 Medal, Iraq Campaign Medal, or Global War on Terrorism
5 Expeditionary Medal by the United States Armed Forces;

6 (ii) are active members of the Illinois National Guard
7 or a reserve component of the United States Armed Forces
8 and who have been awarded a Southwest Asia Service Medal,
9 Kosovo Campaign Medal, Korean Defense Service Medal,
10 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
11 War on Terrorism Expeditionary Medal as a result of
12 honorable service during deployment on active duty;

13 (iii) have been honorably discharged who served in a
14 combat mission by proof of hostile fire pay or imminent
15 danger pay during deployment on active duty; or

16 (iv) have at least 3 years of full active and
17 continuous military duty and received an honorable
18 discharge before hiring.

19 Preference shall be given in such appointments to persons
20 who have honorably served in the military or naval services of
21 the United States. All appointees shall serve a probationary
22 period of 12 months from the date of appointment and during
23 that period may be discharged at the will of the Director.
24 However, the Director may in his or her sole discretion extend
25 the probationary period of an officer up to an additional 6
26 months when to do so is deemed in the best interest of the

1 Department. Nothing in this subsection (a) limits the Board's
2 ability to prescribe education prerequisites or requirements
3 to certify Department of State Police officers for promotion as
4 provided in Section 10 of this Act.

5 (b) Notwithstanding the other provisions of this Act, after
6 July 1, 1977 and before July 1, 1980, the Director of State
7 Police may appoint and promote not more than 20 persons having
8 special qualifications as special agents as he or she deems
9 necessary to carry out the Department's objectives. Any such
10 appointment or promotion shall be ratified by the Board.

11 (c) During the 90 days following the effective date of this
12 amendatory Act of 1995, the Director of State Police may
13 appoint up to 25 persons as State Police officers. These
14 appointments shall be made in accordance with the requirements
15 of this subsection (c) and any additional criteria that may be
16 established by the Director, but are not subject to any other
17 requirements of this Act. The Director may specify the initial
18 rank for each person appointed under this subsection.

19 All appointments under this subsection (c) shall be made
20 from personnel certified by the Board. A person certified by
21 the Board and appointed by the Director under this subsection
22 must have been employed by the Illinois Commerce Commission on
23 November 30, 1994 in a job title subject to the Personnel Code
24 and in a position for which the person was eligible to earn
25 "eligible creditable service" as a "noncovered employee", as
26 those terms are defined in Article 14 of the Illinois Pension

1 Code.

2 Persons appointed under this subsection (c) shall
3 thereafter be subject to the same requirements and procedures
4 as other State police officers. A person appointed under this
5 subsection must serve a probationary period of 12 months from
6 the date of appointment, during which he or she may be
7 discharged at the will of the Director.

8 This subsection (c) does not affect or limit the Director's
9 authority to appoint other State Police officers under
10 subsection (a) of this Section.

11 (d) During the 180 days following the effective date of
12 this amendatory Act of the 101st General Assembly, the Director
13 of the Illinois State Police may appoint current Illinois State
14 Police Employees serving in law enforcement officer positions
15 previously within Central Management Services as State Police
16 Officers. These appointments shall be made in accordance with
17 the requirements of this subsection (d) and any institutional
18 criteria that may be established by the Director, but are not
19 subject to any other requirements of this Act. All appointments
20 under this subsection (d) shall be made from personnel
21 certified by the Board. A person certified by the Board and
22 appointed by the Director under this subsection must have been
23 employed by the a state agency, board, or commission on January
24 1, 2021, in a job title subject to the Personnel Code and in a
25 position for which the person was eligible to earn "eligible
26 creditable service" as a "noncovered employee", as those terms

1 are defined in Article 14 of the Illinois Pension Code. Persons
2 appointed under this subsection (d) shall thereafter be subject
3 to the same requirements, and subject to the same contractual
4 benefits and obligations, as other State police officers. This
5 subsection (d) does not affect or limit the Director's
6 authority to appoint other State Police officers under
7 subsection (a) of this Section.

8 (e) The Merit Board shall review Illinois State Police
9 Cadet applicants. The Illinois State Police may provide
10 background check and investigation material to the Board for
11 their review 10 pursuant to this section. The Board shall
12 approve and ensure that no cadet applicant is certified unless
13 the applicant is a person of good character and has not been
14 convicted of, or entered a plea of guilty to, a felony offense,
15 any of the misdemeanors in Section or if committed in any other
16 state would be an offense similar to 11-1.50, 11-6, 11-6.5,
17 11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12- 3.2, 12-3.5,
18 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any
19 misdemeanor in violation of any section of Part E of Title III
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, or subsection (a) of Section 17-32 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, to Section
24 5 or 5.2 of the Cannabis Control Act, or any felony or
25 misdemeanor in violation of federal law or the law of any state
26 that is the equivalent of any of the offenses specified

1 therein. The Officer Misconduct Database, provided in Section
2 9.2 of the Illinois Police Training Act, shall be searched as
3 part of this process. For purposes of this Section "convicted
4 of, or entered a plea of guilty" regardless of whether the
5 adjudication of guilt or sentence is withheld or not entered
6 thereon. This includes sentences of supervision, conditional
7 discharge, or first offender probation, or any similar
8 disposition provided for by law.

9 (f) The Board shall by rule establish an application fee
10 waiver program for any person who meets one or more of the
11 following criteria:

12 (1) his or her available personal income is 200% or
13 less of the current poverty level; or

14 (2) he or she is, in the discretion of the Board,
15 unable to proceed in an action with payment of application
16 fee and payment of that fee would result in substantial
17 hardship to the person or the person's family.

18 (Source: P.A. 100-11, eff. 7-1-17; 101-374, eff. 1-1-20.)

19 (20 ILCS 2610/11.5 new)

20 Sec. 11.5. Merit Board annual report.

21 (a) The Illinois State Police Merit Board shall report
22 annually to the Governor and General Assembly the following
23 information:

24 (1) the number of state police officers terminated in
25 the preceding calendar year;

1 (2) the number of cadet written tests administered and
2 the pass and fail rate;

3 (3) cadet physical fitness testing and locations;

4 (4) the number of cadet applicants who administered a
5 physical fitness test and the pass and fail rate;

6 (5) the number of cadet applicants who failed the
7 background investigation and general categories for
8 failure; and

9 (6) the number of cadet applicants certified for each
10 cadet class.

11 (b) The Board shall also report the number of promotional
12 tests and assessments administered and the number of persons
13 who were certified for promotion. All reported categories and
14 data shall contain a gender and ethnic breakdown for those
15 individuals. The Illinois State Police shall cooperate with the
16 Board by providing any necessary information to complete this
17 annual report. The report shall also identify strategies for
18 promoting diversity and inclusion in all testing, including
19 promotional testing, and cadet recruitment, and barriers to
20 advancement of these goals. The first report shall be filed no
21 later than March 31, 2022.

22 (20 ILCS 2610/11.6 new)

23 Sec. 11.6. Illinois State Police annual disciplinary data
24 report.

25 (a) The Illinois State Police shall report annually to the

1 Governor and General Assembly the following statistical
2 information, which may be part of its annual report, pursuant
3 to Section 5-650 of the Civil Administrative Code of Illinois:

4 (1) the number of complaints received in the preceding
5 calendar year against an Illinois State Police officer,
6 including but not limited to the race, gender, and type of
7 complaints received;

8 (2) the number of internal investigations initiated in
9 the preceding calendar year since the date of the last
10 report;

11 (3) the number of internal investigations concluded in
12 the preceding calendar year;

13 (4) the number of investigations pending as of the
14 reporting date;

15 (5) the number of Merit Board referrals;

16 (6) the number of officers decertified in the preceding
17 calendar year; and

18 (7) the number of investigations that led to a
19 determination of: administratively closed, exonerated, not
20 sustained, sustained, and unfounded.

21 (b) This report shall not contain any personal identifiable
22 information or case specific information.

23 (c) This report shall be filed beginning March 1, 2023, or
24 whenever the agency files its annual report.

1 Sec. 12.6. Automatic termination of Illinois State Police
2 officers. The Board shall terminate a state police officer
3 convicted of a felony offense under the laws of this State or
4 any other state which if committed in this State would be
5 punishable as a felony. The Board must also terminate Illinois
6 State Police officers who were convicted of, or entered a plea
7 of guilty to, on or after the effective date of this amendatory
8 Act of the 101st General Assembly, any misdemeanor specified in
9 this Section or if committed in any other state would be an
10 offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,
11 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.5, 16-1,
12 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor
13 in violation of any section of Part E of Title III of the
14 Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or
15 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 or subsection (a) of Section 17-32 of the Criminal Code of 1961
17 or the Criminal Code of 2012, to Section 5 or 5.2 of the
18 Cannabis Control Act, or any felony or misdemeanor in violation
19 of federal law or the law of any state that is the equivalent
20 of any of the offenses specified therein. The Illinois State
21 Police Merit Board shall report terminations under this Section
22 to the Officer Misconduct Database, provided in Section 9.2 of
23 the Illinois Police Training Act. For purposes of this section
24 "convicted of, or entered a plea of guilty" regardless of
25 whether the adjudication of guilt or sentence is withheld or
26 not entered thereon. This includes sentences of supervision,

1 conditional discharge, or first offender probation, or any
2 similar disposition provided for by law.

3 (20 ILCS 2610/12.7 new)

4 Sec. 12.7. Discretionary termination of Illinois State
5 Police officers.

6 (a) Definitions. For purposes of this Section 6.3:

7 "Duty to Intervene" means an obligation to intervene to
8 prevent harm from occurring that arises when an officer is
9 present and has reason to know:

10 (1) that excessive force is being used; or

11 (2) that any constitutional violation has been
12 committed by a law enforcement official; and the officer
13 has a realistic opportunity to intervene.

14 This duty applies equally to supervisory and
15 nonsupervisory officers. If aid is required, the officer
16 shall not, when reasonable to administer aid, knowingly and
17 willingly refuse to render aid as defined by State or
18 federal law. An officer does not violate this duty if the
19 failure to render aid is due to circumstances such as lack
20 of appropriate specialized training, lack of resources or
21 equipment, or both, or if it is unsafe or impracticable to
22 render aid.

23 "Excessive use of force" means using force in violation of
24 State or federal law.

25 "False statement" means:

1 (1) any knowingly false statement provided on a form or
2 report;

3 (2) that the writer does not believe to be true; and

4 (3) that the writer includes to mislead a public
5 servant in performing that public servant's official
6 functions.

7 "Perjury" has the meaning as defined under Sections 32-2
8 and 32-3 of the Criminal Code of 2012.

9 "Tampers with or fabricates evidence" means if a law
10 enforcement officer:

11 (1) has reason to believe that an official proceeding
12 is pending or may be instituted; and

13 (2) alters, destroys, conceals, or removes any record,
14 document, data, video or thing to impair its validity or
15 availability in the proceeding.

16 (b) Discretionary termination conduct. The Board may
17 terminate an Illinois State Police officer upon a determination
18 by the Board that the Illinois State Police officer has:

19 (1) committed an act that would constitute a felony or
20 misdemeanor which could serve as basis for automatic
21 decertification, whether or not the law enforcement
22 officer was criminally prosecuted, and whether or not the
23 law enforcement officer's employment was terminated;

24 (2) exercised excessive use of force;

25 (3) failed to comply with the officer's duty to
26 intervene, including through acts or omission;

1 (4) tampered with a dash camera or body-worn camera or
2 data recorded by a dash camera or body-worn camera or
3 directed another to tamper with or turn off a dash camera
4 or body-worn camera or data recorded by a dash camera or
5 body-worn camera for the purpose of concealing, destroying
6 or altering potential evidence;

7 (5) engaged in the following conduct relating to the
8 reporting, investigation, or prosecution of a crime:
9 committed perjury, made a false statement, or knowingly
10 tampered with or fabricated evidence;

11 (6) engaged in any unprofessional, unethical,
12 deceptive, or deleterious conduct or practice harmful to
13 the public; such conduct or practice need not have resulted
14 in actual injury to any person. As used in this paragraph,
15 the term "unprofessional conduct" shall include any
16 departure from, or failure to conform to, the minimal
17 standards of acceptable and prevailing practice of an
18 officer.

19 (b) If an officer enters a plea of guilty, nolo contendere,
20 stipulates to the facts or is found guilty of a violation of
21 any law, or if there is any other Board or judicial
22 determination that will support any punitive measure taken
23 against the officer, such action by the officer or judicial
24 entity may be considered for the purposes of this Section.
25 Termination under this Section shall be by clear and convincing
26 evidence. If the Board votes to terminate, the Board shall put

1 its decision in writing, setting forth the specific reasons for
2 its decision. Final decisions under this Section are reviewable
3 under the Administrative Review Law.

4 (c) The Illinois State Police Merit Board shall report all
5 terminations under this Section to the Officer Misconduct
6 Database, provided in Section 9.2 of the Illinois Police
7 Training Act.

8 (d) Nothing in this Act shall require an Illinois State
9 Police officer to waive any applicable constitutional rights.

10 (e) Nothing in this Section shall prohibit the Merit Board
11 from administering discipline up to and including termination
12 for violations of Illinois State Police policies and procedures
13 pursuant to other sections of this Act.

14 (20 ILCS 2610/40.1 new)

15 Sec. 40.1. Mandated training compliance. The Director of
16 the Illinois State Police and the Illinois State Police Academy
17 shall ensure all Illinois State Police cadets and officers
18 comply with all statutory, regulatory, and department mandated
19 training.

20 (20 ILCS 2610/46 new)

21 Sec. 46. Officer Professional Conduct Database; reporting,
22 transparency.

23 (a) The Illinois State Police Merit Board shall be
24 responsible for reporting all required information contained

1 in the Officer Misconduct Database, provided in Section 9.2 of
2 the Illinois Police Training Act.

3 (b) Before the Illinois State Police Merit Board certifies
4 any Illinois State Police Cadet the Board shall conduct a
5 search of all Illinois State Police Cadet applicants in the
6 Officer Professional Conduct Database.

7 (c) The database, documents, materials, or other
8 information in the possession or control of the Board that are
9 obtained by or disclosed to the Board pursuant to this
10 subsection shall be confidential by law and privileged, shall
11 not be subject to subpoena, and shall not be subject to
12 discovery or admissible in evidence in any private civil
13 action. However, the Board is authorized to use such documents,
14 materials, or other information in furtherance of any
15 regulatory or legal action brought as part of the Board's
16 official duties. Unless otherwise required by law, the Board
17 shall not disclose the database or make such documents,
18 materials, or other information public without the prior
19 written consent of the governmental agency and the law
20 enforcement officer. The Board nor any person who received
21 documents, materials or other information shared pursuant to
22 this subsection shall be required to testify in any private
23 civil action concerning the database or any confidential
24 documents, materials, or information subject to this
25 subsection.

26 Nothing in this Section shall exempt a governmental agency

1 from disclosing public records in accordance with the Freedom
2 of Information Act.

3 Section 25-40. The Illinois Police Training Act is amended
4 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,
5 10.1, 10.2, 10.3, 10.7, 10.11, 10.12, 10.13, 10.16, 10.18,
6 10.19, 10.20, and 10.22 and by adding Sections 3.1, 6.3, 6.6,
7 6.7, 8.3, 8.4, 9.2, and 13 as follows:

8 (50 ILCS 705/2) (from Ch. 85, par. 502)

9 Sec. 2. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 "Board" means the Illinois Law Enforcement Training
12 Standards Board.

13 "Full-time law enforcement officer" means a law
14 enforcement officer who has completed the officer's
15 probationary period and is employed on a full-time basis as a
16 law enforcement officer by a local government agency, State
17 government agency, or as a campus police officer by a
18 participating State-controlled university, college, or public
19 community college.

20 "Governmental agency" means any local governmental agency
21 and any State governmental agency.

22 "Local governmental agency" means any local governmental
23 unit or municipal corporation in this State. It does not
24 include the State of Illinois or any office, officer,

1 department, division, bureau, board, commission, or agency of
2 the State, except that it does include a State-controlled
3 university, college or public community college.

4 "State governmental agency" means any governmental unit of
5 this State. This includes any office, officer, department,
6 division, bureau, board, commission, or agency of the State. It
7 does not include the Illinois State Police as defined in the
8 State Police Act.

9 "Panel" means the Certification Review Panel.

10 "Police training school" means any school located within
11 the State of Illinois whether privately or publicly owned which
12 offers a course in police or county corrections training and
13 has been approved by the Board.

14 "Probationary police officer" means a recruit law
15 enforcement officer required to successfully complete initial
16 minimum basic training requirements at a police training school
17 to be eligible for permanent full-time employment as a local
18 law enforcement officer.

19 "Probationary part-time police officer" means a recruit
20 part-time law enforcement officer required to successfully
21 complete initial minimum part-time training requirements to be
22 eligible for employment on a part-time basis as a local law
23 enforcement officer.

24 "Permanent law enforcement ~~police~~ officer" means a law
25 enforcement officer who has completed the officer's ~~his or her~~
26 probationary period and is permanently employed on a full-time

1 basis as a local law enforcement officer by a participating
2 local governmental unit or as a security officer or campus
3 police officer ~~police~~man permanently employed by a
4 participating State-controlled university, college, or public
5 community college.

6 "Part-time law enforcement ~~police~~ officer" means a law
7 enforcement officer who has completed the officer's ~~his or her~~
8 probationary period and is employed on a part-time basis as a
9 law enforcement officer by a participating unit of local
10 government or as a campus police officer ~~police~~man by a
11 participating State-controlled university, college, or public
12 community college.

13 "Law enforcement officer" means (i) any police officer of a
14 local governmental agency who is primarily responsible for
15 prevention or detection of crime and the enforcement of the
16 criminal code, traffic, or highway laws of this State or any
17 political subdivision of this State or (ii) any member of a
18 police force appointed and maintained as provided in Section 2
19 of the Railroad Police Act.

20 "Recruit" means any full-time or part-time law enforcement
21 officer or full-time county corrections officer who is enrolled
22 in an approved training course.

23 "Probationary county corrections officer" means a recruit
24 county corrections officer required to successfully complete
25 initial minimum basic training requirements at a police
26 training school to be eligible for permanent employment on a

1 full-time basis as a county corrections officer.

2 "Permanent county corrections officer" means a county
3 corrections officer who has completed the officer's ~~his~~
4 probationary period and is permanently employed on a full-time
5 basis as a county corrections officer by a participating local
6 governmental unit.

7 "County corrections officer" means any sworn officer of the
8 sheriff who is primarily responsible for the control and
9 custody of offenders, detainees or inmates.

10 "Probationary court security officer" means a recruit
11 court security officer required to successfully complete
12 initial minimum basic training requirements at a designated
13 training school to be eligible for employment as a court
14 security officer.

15 "Permanent court security officer" means a court security
16 officer who has completed the officer's ~~his or her~~ probationary
17 period and is employed as a court security officer by a
18 participating local governmental unit.

19 "Court security officer" has the meaning ascribed to it in
20 Section 3-6012.1 of the Counties Code.

21 (Source: P.A. 94-846, eff. 1-1-07.)

22 (50 ILCS 705/3) (from Ch. 85, par. 503)

23 Sec. 3. Board - composition - appointments - tenure -
24 vacancies.

25 (a) The Board shall be composed of 18 members selected as

1 follows: The Attorney General of the State of Illinois, the
2 Director of State Police, the Director of Corrections, the
3 Superintendent of the Chicago Police Department, the Sheriff of
4 Cook County, the Clerk of the Circuit Court of Cook County, who
5 shall serve as ex officio members, and the following to be
6 appointed by the Governor: 2 mayors or village presidents of
7 Illinois municipalities, 2 Illinois county sheriffs from
8 counties other than Cook County, 2 managers of Illinois
9 municipalities, 2 chiefs of municipal police departments in
10 Illinois having no Superintendent of the Police Department on
11 the Board, 2 citizens of Illinois who shall be members of an
12 organized enforcement officers' association, one active member
13 of a statewide association representing sheriffs, and one
14 active member of a statewide association representing
15 municipal police chiefs. The appointments of the Governor shall
16 be made on the first Monday of August in 1965 with 3 of the
17 appointments to be for a period of one year, 3 for 2 years, and
18 3 for 3 years. Their successors shall be appointed in like
19 manner for terms to expire the first Monday of August each 3
20 years thereafter. All members shall serve until their
21 respective successors are appointed and qualify. Vacancies
22 shall be filled by the Governor for the unexpired terms. Any ex
23 officio member may appoint a designee to the Board who shall
24 have the same powers and immunities otherwise conferred to the
25 member of the Board, including the power to vote and be counted
26 toward quorum, so long as the member is not in attendance.

1 (b) When a Board member may have an actual, perceived,
2 or potential conflict of interest or appearance of bias that
3 could prevent the Board member from making a fair and impartial
4 decision regarding decertification:

5 (1) The Board member shall recuse himself or herself.

6 (2) If the Board member fails to recuse himself or
7 herself, then the Board may, by a simple majority of the
8 remaining members, vote to recuse the Board member. Board
9 members who are found to have voted on a matter in which
10 they should have recused themselves may be removed from the
11 Board by the Governor.

12 A conflict of interest or appearance of bias may include,
13 but is not limited to, matters where one of the following is a
14 party to a decision on a decertification or formal complaint:
15 someone with whom the member has an employment relationship;
16 any of the following relatives: spouse, parents, children,
17 adopted children, legal wards, stepchildren, step parents,
18 step siblings, half siblings, siblings, parents-in-law,
19 siblings-in-law, children-in-law, aunts, uncles, nieces, and
20 nephews; a friend; or a member of a professional organization,
21 association, or a union in which the member now actively
22 serves.

23 (c) A vacancy in members does not prevent a quorum of the
24 remaining sitting members from exercising all rights and
25 performing all duties of the Board.

26 (d) An individual serving on the Board shall not also serve

1 on the Panel.

2 (Source: P.A. 99-651, eff. 7-28-16; 100-995, eff. 8-20-18.)

3 (50 ILCS 705/3.1 new)

4 Sec. 3.1. Illinois Law Enforcement Certification Review
5 Panel.

6 (a) There is hereby created the Illinois Law Enforcement
7 Certification Review Panel. The Panel shall be composed of the
8 following members, to be appointed in accordance with this
9 Section no later than 30 days after the effective date of this
10 amendatory Act of the 101st General Assembly. An individual
11 serving on the Panel shall not also serve on the Board.

12 (1) The Governor shall appoint 3 members as prescribed
13 in this paragraph (1): one person who shall be an active
14 member from a statewide association representing State's
15 Attorneys; and 2 persons who shall be Illinois residents
16 who are from communities with disproportionately high
17 instances of interaction with law enforcement, as
18 indicated by a high need, underserved community with high
19 rates of gun violence, unemployment, child poverty, and
20 commitments to Illinois Department of Corrections, but who
21 are not themselves law enforcement officers. The initial
22 appointments of the Governor shall be for a period of 3
23 years. Their successors shall be appointed in like manner
24 for terms to expire the first Monday of June each 3 years
25 thereafter. All members shall serve until their respective

1 successors are appointed and qualify. Vacancies shall be
2 filled by the Governor for the unexpired terms. Terms shall
3 run regardless of whether the position is vacant.

4 (2) The Attorney General shall appoint 8 members as
5 prescribed in this paragraph (2): two persons who shall be
6 active members of statewide organization representing more
7 than 20,000 active and retired law enforcement officers;
8 one person who shall be an active member of a statewide
9 association representing a minimum of 75 sheriffs; one
10 person who shall be an active member of a statewide
11 association representing at least 200 municipal police
12 chiefs; two persons who shall be active members of a
13 minority law enforcement association; one person who shall
14 be a representative of the victims' advocacy community but
15 shall not be a member of law enforcement; and one person
16 who shall be a resident of Illinois and shall not be an
17 employee of the Office of the Illinois Attorney General.
18 The members shall serve for a 3-year term and until their
19 respective successors are appointed and qualify. The
20 members' successors shall be appointed in like manner for
21 terms to expire the first Monday of June each 3 years
22 thereafter. Any vacancy of these positions shall be filled
23 by the Attorney General for the unexpired term. The term
24 shall run regardless of whether the position is vacant.

25 (b) The Panel shall annually elect by a simple majority
26 vote one of its members as chairperson and one of its members

1 as vice-chairperson. The vice-chairperson shall serve in the
2 place of the chairperson at any meeting of the Panel in which
3 the chairperson is not present. If both the chairperson and the
4 vice-chairperson are absent at any meeting, the members present
5 shall elect by a simple majority vote another member to serve
6 as a temporary chairperson for the limited purpose of that
7 meeting. No member shall be elected more than twice in
8 succession to the same office. Each member shall serve until
9 that member's successor has been elected and qualified.

10 (c) The Board shall provide administrative assistance to
11 the Panel.

12 (d) The members of the Panel shall serve without
13 compensation but shall be entitled to reimbursement for their
14 actual and necessary expenses in attending meetings and in the
15 performance of their duties hereunder.

16 (e) Members of the Panel will receive initial and annual
17 training that is adequate in quality, quantity, scope, and
18 type, and will cover, at minimum the following topics:

19 (1) constitutional and other relevant law on
20 police-community encounters, including the law on the use
21 of force and stops, searches, and arrests;

22 (2) police tactics;

23 (3) investigations of police conduct;

24 (4) impartial policing;

25 (5) policing individuals in crisis;

26 (6) Illinois police policies, procedures, and

1 disciplinary rules;

2 (7) procedural justice; and

3 (8) community outreach.

4 (f) The State shall indemnify and hold harmless members of
5 the Panel for all of their acts, omissions, decisions, or other
6 conduct arising out of the scope of their service on the Panel,
7 except those involving willful or wanton misconduct. The method
8 of providing indemnification shall be as provided in the State
9 Employee Indemnification Act.

10 (g) When a Panel member may have an actual, perceived, or
11 potential conflict of interest or appearance of bias that could
12 prevent the Panel member from making a fair and impartial
13 decision on a complaint or formal complaint:

14 (1) The Panel member shall recuse himself or herself.

15 (2) If the Panel member fails to recuse himself or
16 herself, then the remaining members of the Panel may, by a
17 simple majority, vote to recuse the Panel member. Any Panel
18 member who is found to have voted on a matter in which they
19 should have recused themselves may be removed from the
20 Panel by the State official who initially appointed the
21 Panel member. A conflict of interest or appearance of bias
22 may include, but is not limited to, matters where one of
23 the following is a party to a certification decision for
24 formal complaint: someone with whom the member has an
25 employment relationship; any of the following relatives:
26 spouse, parents, children, adopted children, legal wards,

1 stepchildren, stepparents, step siblings, half siblings,
2 siblings, parents-in-law, siblings-in-law,
3 children-in-law, aunts, uncles, nieces, and nephews; a
4 friend; or a member of a professional organization,
5 association, or a union in which the member now actively
6 serves.

7 (h) A vacancy in membership does not impair the ability of
8 a quorum to exercise all rights and perform all duties of the
9 Panel.

10 (50 ILCS 705/6) (from Ch. 85, par. 506)

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

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

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

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

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

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

9 e. To review and approve applicants to ensure that no
10 applicant is admitted to a certified academy unless the
11 applicant is a person of good character and has not been
12 convicted of, found guilty of, or entered a plea of guilty
13 to, or entered a plea of nolo contendere to a felony
14 offense, any of the misdemeanors in Sections 11-1.50, 11-6,
15 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, ~~11-17, 11-19,
16 11-30, 12-2, 12-3.2, 12-3.5, ~~12-15,~~ 16-1, 17-1, 17-2,
17 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
18 violation of any Section of Part E of Title III of the
19 Criminal Code of 1961 or the Criminal Code of 2012, ~~31-1,~~
20 ~~31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or~~
21 ~~the Criminal Code of 2012, subdivision (a)(1) or (a)(2)(C)~~
22 ~~of Section 11-14.3 of the Criminal Code of 1961 or the~~
23 ~~Criminal Code of 2012,~~ or subsection (a) of Section 17-32
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 or Section 5 or 5.2 of the Cannabis Control Act, or a crime
26 involving moral turpitude under the laws of this State or~~

1 any other state which if committed in this State would be
2 punishable as a felony or a crime of moral turpitude, or
3 any felony or misdemeanor in violation of federal law or
4 the law of any state that is the equivalent of any of the
5 offenses specified therein. The Board may appoint
6 investigators who shall enforce the duties conferred upon
7 the Board by this Act.

8 f. For purposes of this paragraph (e), a person is
9 considered to have been "convicted of, found guilty of, or
10 entered a plea of guilty to, plea of nolo contendere to"
11 regardless of whether the adjudication of guilt or sentence
12 is withheld or not entered thereon. This includes sentences
13 of supervision, conditional discharge, or first offender
14 probation, or any similar disposition provided for by law.

15 g. To review and ensure all law enforcement officers
16 remain in compliance with this Act, and any administrative
17 rules adopted under this Act.

18 h. To suspend any certificate for a definite period,
19 limit or restrict any certificate, or revoke any
20 certificate.

21 i. The Board and the Panel shall have power to secure
22 by its subpoena and bring before it any person or entity in
23 this State and to take testimony either orally or by
24 deposition or both with the same fees and mileage and in
25 the same manner as prescribed by law in judicial
26 proceedings in civil cases in circuit courts of this State.

1 The Board and the Panel shall also have the power to
2 subpoena the production of documents, papers, files,
3 books, documents, and records, whether in physical or
4 electronic form, in support of the charges and for defense,
5 and in connection with a hearing or investigation.

6 j. The Executive Director, the administrative law
7 judge designated by the Executive Director, and each member
8 of the Board and the Panel shall have the power to
9 administer oaths to witnesses at any hearing that the Board
10 is authorized to conduct under this Act and any other oaths
11 required or authorized to be administered by the Board
12 under this Act.

13 k. In case of the neglect or refusal of any person to
14 obey a subpoena issued by the Board and the Panel, any
15 circuit court, upon application of the Board and the Panel,
16 through the Illinois Attorney General, may order such
17 person to appear before the Board and the Panel give
18 testimony or produce evidence, and any failure to obey such
19 order is punishable by the court as a contempt thereof.
20 This order may be served by personal delivery, by email, or
21 by mail to the address of record or email address of
22 record.

23 l. The Board shall have the power to administer state
24 certification examinations. Any and all records related to
25 these examinations, including but not limited to test
26 questions, test formats, digital files, answer responses,

1 answer keys, and scoring information shall be exempt from
2 disclosure.

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

4 (50 ILCS 705/6.1)

5 Sec. 6.1. Automatic Decertification of full-time and
6 part-time law enforcement ~~police~~ officers.

7 (a) The Board must review law enforcement ~~police~~ officer
8 conduct and records to ensure that no law enforcement ~~police~~
9 officer is certified or provided a valid waiver if that law
10 enforcement ~~police~~ officer has been convicted of, found guilty
11 of, or entered a plea of guilty to, or entered a plea of nolo
12 contendere to, a felony offense under the laws of this State or
13 any other state which if committed in this State would be
14 punishable as a felony. The Board must also ensure that no law
15 enforcement ~~police~~ officer is certified or provided a valid
16 waiver if that law enforcement ~~police~~ officer has been
17 convicted of, found guilty of, or entered a plea of guilty to,
18 on or after the effective date of this amendatory Act of the
19 101st General Assembly 1999 of any misdemeanor specified in
20 this Section or if committed in any other state would be an
21 offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,
22 11-9.1, 11-14, 11-14.1, 11-17, 11-19, 11-30, 12-2, 12-3.2,
23 12-3.5, 12-15, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3,
24 29-1, any misdemeanor in violation of any section of Part E of
25 Title III of the Criminal Code of 1961 or the Criminal Code of

1 ~~2012 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of~~
2 ~~1961 or the Criminal Code of 2012, to subdivision (a)(1) or~~
3 ~~(a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or~~
4 ~~the Criminal Code of 2012,~~ or subsection (a) of Section 17-32
5 of the Criminal Code of 1961 or the Criminal Code of 2012, or
6 to Section 5 or 5.2 of the Cannabis Control Act, or any felony
7 or misdemeanor in violation of federal law or the law of any
8 state that is the equivalent of any of the offenses specified
9 therein. The Board must appoint investigators to enforce the
10 duties conferred upon the Board by this Act.

11 (a-1) For purposes of this Section, a person is "convicted
12 of, or entered a plea of guilty to, plea of nolo contendere to,
13 found guilty of" regardless of whether the adjudication of
14 guilt or sentence is withheld or not entered thereon. This
15 includes sentences of supervision, conditional discharge, or
16 first offender probation, or any similar disposition provided
17 for by law.

18 (b) It is the responsibility of the sheriff or the chief
19 executive officer of every governmental ~~local law enforcement~~
20 agency or department within this State to report to the Board
21 any arrest, conviction, finding of guilt, ~~or~~ plea of guilty, or
22 plea of nolo contendere to, of any officer for an offense
23 identified in this Section, regardless of whether the
24 adjudication of guilt or sentence is withheld or not entered
25 thereon, this includes sentences of supervision, conditional
26 discharge, or first offender probation.

1 (c) It is the duty and responsibility of every full-time
2 and part-time law enforcement ~~police~~ officer in this State to
3 report to the Board within 14 ~~30~~ days, and the officer's
4 sheriff or chief executive officer, of the officer's ~~his or her~~
5 arrest, conviction, found guilty of, or plea of guilty for an
6 offense identified in this Section. Any full-time or part-time
7 law enforcement ~~police~~ officer who knowingly makes, submits,
8 causes to be submitted, or files a false or untruthful report
9 to the Board must have the officer's ~~his or her~~ certificate or
10 waiver immediately decertified or revoked.

11 (d) Any person, or a local or State agency, or the Board is
12 immune from liability for submitting, disclosing, or releasing
13 information of arrests, convictions, or pleas of guilty in this
14 Section as long as the information is submitted, disclosed, or
15 released in good faith and without malice. The Board has
16 qualified immunity for the release of the information.

17 (e) Any full-time or part-time law enforcement ~~police~~
18 officer with a certificate or waiver issued by the Board who is
19 convicted of, found guilty of, or entered a plea of guilty to,
20 or entered a plea of nolo contendere to any offense described
21 in this Section immediately becomes decertified or no longer
22 has a valid waiver. The decertification and invalidity of
23 waivers occurs as a matter of law. Failure of a convicted
24 person to report to the Board the officer's ~~his or her~~
25 conviction as described in this Section or any continued law
26 enforcement practice after receiving a conviction is a Class 4

1 felony.

2 For purposes of this Section, a person is considered to
3 have been "convicted of, found guilty of, or entered a plea of
4 guilty to, plea of nolo contendere to" regardless of whether
5 the adjudication of guilt or sentence is withheld or not
6 entered thereon, including sentences of supervision,
7 conditional discharge, first offender probation, or any
8 similar disposition as provided for by law.

9 (f) The Board's investigators shall be law enforcement
10 officers as defined in Section 2 of this Act ~~are peace officers~~
11 ~~and have all the powers possessed by policemen in cities and by~~
12 ~~sheriff's, and these investigators may exercise those powers~~
13 ~~anywhere in the State. An investigator shall not have peace~~
14 ~~officer status or exercise police powers unless he or she~~
15 ~~successfully completes the basic police training course~~
16 ~~mandated and approved by the Board or the Board waives the~~
17 ~~training requirement by reason of the investigator's prior law~~
18 ~~enforcement experience, training, or both.~~ The Board shall not
19 waive the training requirement unless the investigator has had
20 a minimum of 5 years experience as a sworn officer of a local,
21 State, or federal law enforcement agency. An investigator shall
22 not have been terminated for good cause, decertified, had his
23 or her law enforcement license or certificate revoked in this
24 or any other jurisdiction, or been convicted of any of the
25 conduct listed in subsection (a). Any complaint filed against
26 the Board's investigators shall be investigated by the Illinois

1 State Police.

2 (g) The Board must request and receive information and
3 assistance from any federal, state, or local governmental
4 agency as part of the authorized criminal background
5 investigation. The Department of State Police must process,
6 retain, and additionally provide and disseminate information
7 to the Board concerning criminal charges, arrests,
8 convictions, and their disposition, that have been filed
9 ~~before, on, or after the effective date of this amendatory Act~~
10 ~~of the 91st General Assembly~~ against a basic academy applicant,
11 law enforcement applicant, or law enforcement officer whose
12 fingerprint identification cards are on file or maintained by
13 the Department of State Police. The Federal Bureau of
14 Investigation must provide the Board any criminal history
15 record information contained in its files pertaining to law
16 enforcement officers or any applicant to a Board certified
17 basic law enforcement academy as described in this Act based on
18 fingerprint identification. The Board must make payment of fees
19 to the Department of State Police for each fingerprint card
20 submission in conformance with the requirements of paragraph 22
21 of Section 55a of the Civil Administrative Code of Illinois.

22 (h) (Blank). ~~A police officer who has been certified or~~
23 ~~granted a valid waiver shall also be decertified or have his or~~
24 ~~her waiver revoked upon a determination by the Illinois Labor~~
25 ~~Relations Board State Panel that he or she, while under oath,~~
26 ~~has knowingly and willfully made false statements as to a~~

1 ~~material fact going to an element of the offense of murder. If~~
2 ~~an appeal is filed, the determination shall be stayed.~~

3 ~~(1) In the case of an acquittal on a charge of murder,~~
4 ~~a verified complaint may be filed:~~

5 ~~(A) by the defendant; or~~

6 ~~(B) by a police officer with personal knowledge of~~
7 ~~perjured testimony.~~

8 ~~The complaint must allege that a police officer, while~~
9 ~~under oath, knowingly and willfully made false statements~~
10 ~~as to a material fact going to an element of the offense of~~
11 ~~murder. The verified complaint must be filed with the~~
12 ~~Executive Director of the Illinois Law Enforcement~~
13 ~~Training Standards Board within 2 years of the judgment of~~
14 ~~acquittal.~~

15 ~~(2) Within 30 days, the Executive Director of the~~
16 ~~Illinois Law Enforcement Training Standards Board shall~~
17 ~~review the verified complaint and determine whether the~~
18 ~~verified complaint is frivolous and without merit, or~~
19 ~~whether further investigation is warranted. The Illinois~~
20 ~~Law Enforcement Training Standards Board shall notify the~~
21 ~~officer and the Executive Director of the Illinois Labor~~
22 ~~Relations Board State Panel of the filing of the complaint~~
23 ~~and any action taken thereon. If the Executive Director of~~
24 ~~the Illinois Law Enforcement Training Standards Board~~
25 ~~determines that the verified complaint is frivolous and~~
26 ~~without merit, it shall be dismissed. The Executive~~

1 ~~Director of the Illinois Law Enforcement Training~~
2 ~~Standards Board has sole discretion to make this~~
3 ~~determination and this decision is not subject to appeal.~~

4 (i) (Blank). ~~If the Executive Director of the Illinois Law~~
5 ~~Enforcement Training Standards Board determines that the~~
6 ~~verified complaint warrants further investigation, he or she~~
7 ~~shall refer the matter to a task force of investigators created~~
8 ~~for this purpose. This task force shall consist of 8 sworn~~
9 ~~police officers: 2 from the Illinois State Police, 2 from the~~
10 ~~City of Chicago Police Department, 2 from county police~~
11 ~~departments, and 2 from municipal police departments. These~~
12 ~~investigators shall have a minimum of 5 years of experience in~~
13 ~~conducting criminal investigations. The investigators shall be~~
14 ~~appointed by the Executive Director of the Illinois Law~~
15 ~~Enforcement Training Standards Board. Any officer or officers~~
16 ~~acting in this capacity pursuant to this statutory provision~~
17 ~~will have statewide police authority while acting in this~~
18 ~~investigative capacity. Their salaries and expenses for the~~
19 ~~time spent conducting investigations under this paragraph~~
20 ~~shall be reimbursed by the Illinois Law Enforcement Training~~
21 ~~Standards Board.~~

22 (j) (Blank). ~~Once the Executive Director of the Illinois~~
23 ~~Law Enforcement Training Standards Board has determined that an~~
24 ~~investigation is warranted, the verified complaint shall be~~
25 ~~assigned to an investigator or investigators. The investigator~~
26 ~~or investigators shall conduct an investigation of the verified~~

1 ~~complaint and shall write a report of his or her findings. This~~
2 ~~report shall be submitted to the Executive Director of the~~
3 ~~Illinois Labor Relations Board State Panel.~~

4 ~~Within 30 days, the Executive Director of the Illinois~~
5 ~~Labor Relations Board State Panel shall review the~~
6 ~~investigative report and determine whether sufficient evidence~~
7 ~~exists to conduct an evidentiary hearing on the verified~~
8 ~~complaint. If the Executive Director of the Illinois Labor~~
9 ~~Relations Board State Panel determines upon his or her review~~
10 ~~of the investigatory report that a hearing should not be~~
11 ~~conducted, the complaint shall be dismissed. This decision is~~
12 ~~in the Executive Director's sole discretion, and this dismissal~~
13 ~~may not be appealed.~~

14 ~~If the Executive Director of the Illinois Labor Relations~~
15 ~~Board State Panel determines that there is sufficient evidence~~
16 ~~to warrant a hearing, a hearing shall be ordered on the~~
17 ~~verified complaint, to be conducted by an administrative law~~
18 ~~judge employed by the Illinois Labor Relations Board State~~
19 ~~Panel. The Executive Director of the Illinois Labor Relations~~
20 ~~Board State Panel shall inform the Executive Director of the~~
21 ~~Illinois Law Enforcement Training Standards Board and the~~
22 ~~person who filed the complaint of either the dismissal of the~~
23 ~~complaint or the issuance of the complaint for hearing. The~~
24 ~~Executive Director shall assign the complaint to the~~
25 ~~administrative law judge within 30 days of the decision~~
26 ~~granting a hearing.~~

1 (k) (Blank). ~~In the case of a finding of guilt on the~~
2 ~~offense of murder, if a new trial is granted on direct appeal,~~
3 ~~or a state post conviction evidentiary hearing is ordered,~~
4 ~~based on a claim that a police officer, under oath, knowingly~~
5 ~~and willfully made false statements as to a material fact going~~
6 ~~to an element of the offense of murder, the Illinois Labor~~
7 ~~Relations Board State Panel shall hold a hearing to determine~~
8 ~~whether the officer should be decertified if an interested~~
9 ~~party requests such a hearing within 2 years of the court's~~
10 ~~decision. The complaint shall be assigned to an administrative~~
11 ~~law judge within 30 days so that a hearing can be scheduled.~~

12 ~~At the hearing, the accused officer shall be afforded the~~
13 ~~opportunity to:~~

14 ~~(1) Be represented by counsel of his or her own~~
15 ~~choosing,~~

16 ~~(2) Be heard in his or her own defense,~~

17 ~~(3) Produce evidence in his or her defense,~~

18 ~~(4) Request that the Illinois Labor Relations Board~~
19 ~~State Panel compel the attendance of witnesses and~~
20 ~~production of related documents including but not limited~~
21 ~~to court documents and records.~~

22 ~~Once a case has been set for hearing, the verified~~
23 ~~complaint shall be referred to the Department of Professional~~
24 ~~Regulation. That office shall prosecute the verified complaint~~
25 ~~at the hearing before the administrative law judge. The~~
26 ~~Department of Professional Regulation shall have the~~

1 ~~opportunity to produce evidence to support the verified~~
2 ~~complaint and to request the Illinois Labor Relations Board~~
3 ~~State Panel to compel the attendance of witnesses and the~~
4 ~~production of related documents, including, but not limited to,~~
5 ~~court documents and records. The Illinois Labor Relations Board~~
6 ~~State Panel shall have the power to issue subpoenas requiring~~
7 ~~the attendance of and testimony of witnesses and the production~~
8 ~~of related documents including, but not limited to, court~~
9 ~~documents and records and shall have the power to administer~~
10 ~~oaths.~~

11 ~~The administrative law judge shall have the responsibility~~
12 ~~of receiving into evidence relevant testimony and documents,~~
13 ~~including court records, to support or disprove the allegations~~
14 ~~made by the person filing the verified complaint and, at the~~
15 ~~close of the case, hear arguments. If the administrative law~~
16 ~~judge finds that there is not clear and convincing evidence to~~
17 ~~support the verified complaint that the police officer has,~~
18 ~~while under oath, knowingly and willfully made false statements~~
19 ~~as to a material fact going to an element of the offense of~~
20 ~~murder, the administrative law judge shall make a written~~
21 ~~recommendation of dismissal to the Illinois Labor Relations~~
22 ~~Board State Panel. If the administrative law judge finds that~~
23 ~~there is clear and convincing evidence that the police officer~~
24 ~~has, while under oath, knowingly and willfully made false~~
25 ~~statements as to a material fact that goes to an element of the~~
26 ~~offense of murder, the administrative law judge shall make a~~

1 ~~written recommendation so concluding to the Illinois Labor~~
2 ~~Relations Board State Panel. The hearings shall be transcribed.~~
3 ~~The Executive Director of the Illinois Law Enforcement Training~~
4 ~~Standards Board shall be informed of the administrative law~~
5 ~~judge's recommended findings and decision and the Illinois~~
6 ~~Labor Relations Board State Panel's subsequent review of the~~
7 ~~recommendation.~~

8 (l) (Blank). ~~An officer named in any complaint filed~~
9 ~~pursuant to this Act shall be indemnified for his or her~~
10 ~~reasonable attorney's fees and costs by his or her employer.~~
11 ~~These fees shall be paid in a regular and timely manner. The~~
12 ~~State, upon application by the public employer, shall reimburse~~
13 ~~the public employer for the accused officer's reasonable~~
14 ~~attorney's fees and costs. At no time and under no~~
15 ~~circumstances will the accused officer be required to pay his~~
16 ~~or her own reasonable attorney's fees or costs.~~

17 (m) (Blank). ~~The accused officer shall not be placed on~~
18 ~~unpaid status because of the filing or processing of the~~
19 ~~verified complaint until there is a final non appealable order~~
20 ~~sustaining his or her guilt and his or her certification is~~
21 ~~revoked. Nothing in this Act, however, restricts the public~~
22 ~~employer from pursuing discipline against the officer in the~~
23 ~~normal course and under procedures then in place.~~

24 (n) (Blank). ~~The Illinois Labor Relations Board State Panel~~
25 ~~shall review the administrative law judge's recommended~~
26 ~~decision and order and determine by a majority vote whether or~~

~~not there was clear and convincing evidence that the accused officer, while under oath, knowingly and willfully made false statements as to a material fact going to the offense of murder. Within 30 days of service of the administrative law judge's recommended decision and order, the parties may file exceptions to the recommended decision and order and briefs in support of their exceptions with the Illinois Labor Relations Board State Panel. The parties may file responses to the exceptions and briefs in support of the responses no later than 15 days after the service of the exceptions. If exceptions are filed by any of the parties, the Illinois Labor Relations Board State Panel shall review the matter and make a finding to uphold, vacate, or modify the recommended decision and order. If the Illinois Labor Relations Board State Panel concludes that there is clear and convincing evidence that the accused officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense murder, the Illinois Labor Relations Board State Panel shall inform the Illinois Law Enforcement Training Standards Board and the Illinois Law Enforcement Training Standards Board shall revoke the accused officer's certification. If the accused officer appeals that determination to the Appellate Court, as provided by this Act, he or she may petition the Appellate Court to stay the revocation of his or her certification pending the court's review of the matter.~~

(o) (Blank). ~~None of the Illinois Labor Relations Board~~

1 ~~State Panel's findings or determinations shall set any~~
2 ~~precedent in any of its decisions decided pursuant to the~~
3 ~~Illinois Public Labor Relations Act by the Illinois Labor~~
4 ~~Relations Board State Panel or the courts.~~

5 (p) (Blank). ~~A party aggrieved by the final order of the~~
6 ~~Illinois Labor Relations Board State Panel may apply for and~~
7 ~~obtain judicial review of an order of the Illinois Labor~~
8 ~~Relations Board State Panel, in accordance with the provisions~~
9 ~~of the Administrative Review Law, except that such judicial~~
10 ~~review shall be afforded directly in the Appellate Court for~~
11 ~~the district in which the accused officer resides. Any direct~~
12 ~~appeal to the Appellate Court shall be filed within 35 days~~
13 ~~from the date that a copy of the decision sought to be reviewed~~
14 ~~was served upon the party affected by the decision.~~

15 (q) (Blank). ~~Interested parties. Only interested parties~~
16 ~~to the criminal prosecution in which the police officer~~
17 ~~allegedly, while under oath, knowingly and willfully made false~~
18 ~~statements as to a material fact going to an element of the~~
19 ~~offense of murder may file a verified complaint pursuant to~~
20 ~~this Section. For purposes of this Section, "interested~~
21 ~~parties" shall be limited to the defendant and any police~~
22 ~~officer who has personal knowledge that the police officer who~~
23 ~~is the subject of the complaint has, while under oath,~~
24 ~~knowingly and willfully made false statements as to a material~~
25 ~~fact going to an element of the offense of murder.~~

26 (r) (Blank). ~~Semi annual reports. The Executive Director~~

1 ~~of the Illinois Labor Relations Board shall submit semi-annual~~
2 ~~reports to the Governor, President, and Minority Leader of the~~
3 ~~Senate, and to the Speaker and Minority Leader of the House of~~
4 ~~Representatives beginning on June 30, 2004, indicating:~~

5 ~~(1) the number of verified complaints received since~~
6 ~~the date of the last report;~~

7 ~~(2) the number of investigations initiated since the~~
8 ~~date of the last report;~~

9 ~~(3) the number of investigations concluded since the~~
10 ~~date of the last report;~~

11 ~~(4) the number of investigations pending as of the~~
12 ~~reporting date;~~

13 ~~(5) the number of hearings held since the date of the~~
14 ~~last report; and~~

15 ~~(6) the number of officers decertified since the date~~
16 ~~of the last report.~~

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

18 (50 ILCS 705/6.3 new)

19 Sec. 6.3. Discretionary decertification of full-time and
20 part-time law enforcement officers.

21 (a) Definitions. For purposes of this Section 6.3:

22 "Duty to Intervene" means an obligation to intervene to
23 prevent harm from occurring that arises when: an officer is
24 present, and has reason to know (1) that excessive force is
25 being used or that any constitutional violation has been

1 committed by a law enforcement official; and (2) the officer
2 has a realistic opportunity to intervene. This duty applies
3 equally to supervisory and nonsupervisory officers. If aid is
4 required, the officer shall not, when reasonable to administer
5 aid, knowingly and willingly refuse to render aid as defined by
6 State or federal law. An officer does not violate this duty if
7 the failure to render aid is due to circumstances such as lack
8 of appropriate specialized training, lack of resources or
9 equipment, or if it is unsafe or impracticable to render aid.

10 "Excessive use of force" means using force in violation of
11 State or federal law.

12 "False statement" means (1) any knowingly false statement
13 provided on a form or report, (2) that the writer does not
14 believe to be true, and (3) that the writer includes to mislead
15 a public servant in performing the public servant's official
16 functions.

17 "Perjury" means that as defined under Sections 32-2 and
18 32-3 of the Criminal Code of 2012.

19 "Tampers with or fabricates evidence" means if a law
20 enforcement officer (1) has reason to believe that an official
21 proceeding is pending or may be instituted, and (2) alters,
22 destroys, conceals, or removes any record, document, data,
23 video or thing to impair its validity or availability in the
24 proceeding.

25 (b) Decertification conduct. The Board has the authority to
26 decertify a full-time or a part-time law enforcement officer

1 upon a determination by the Board that the law enforcement
2 officer has:

3 (1) committed an act that would constitute a felony or
4 misdemeanor which could serve as basis for automatic
5 decertification, whether or not the law enforcement
6 officer was criminally prosecuted, and whether or not the
7 law enforcement officer's employment was terminated;

8 (2) exercised excessive use of force;

9 (3) failed to comply with the officer's duty to
10 intervene, including through acts or omissions;

11 (4) tampered with a dash camera or body-worn camera or
12 data recorded by a dash camera or body-worn camera or
13 directed another to tamper with or turn off a dash camera
14 or body-worn camera or data recorded by a dash camera or
15 body-worn camera for the purpose of concealing, destroying
16 or altering potential evidence;

17 (5) engaged in the following conduct relating to the
18 reporting, investigation, or prosecution of a crime:
19 committed perjury, made a false statement, or knowingly
20 tampered with or fabricated evidence; and

21 (6) engaged in any unprofessional, unethical,
22 deceptive, or deleterious conduct or practice harmful to
23 the public; such conduct or practice need not have resulted
24 in actual injury to any person. As used in this paragraph,
25 the term "unprofessional conduct" shall include any
26 departure from, or failure to conform to, the minimal

1 standards of acceptable and prevailing practice of an
2 officer.

3 (c) Notice of Alleged Violation.

4 (1) The following individuals and agencies shall
5 notify the Board within 7 days of becoming aware of any
6 violation described in subsection (b):

7 (A) A governmental agency as defined in Section 2
8 or any law enforcement officer of this State. For this
9 subsection (c), governmental agency includes, but is
10 not limited to, a civilian review board, an inspector
11 general, and legal counsel for a government agency.

12 (B) The Executive Director of the Board;

13 (C) A State's Attorney's Office of this State.

14 "Becoming aware" does not include confidential
15 communications between agency lawyers and agencies
16 regarding legal advice. For purposes of this subsection,
17 "governmental agency" does not include the Illinois
18 Attorney General when providing legal representation to a
19 law enforcement officer under the State Employee
20 Indemnification Act.

21 (2) Any person may also notify the Board of any conduct
22 the person believes a law enforcement officer has committed
23 as described in subsection (b). Such notifications may be
24 made confidentially. Notwithstanding any other provision
25 in state law or any collective bargaining agreement, the
26 Board shall accept notice and investigate any allegations

1 from individuals who remain confidential.

2 (3) Upon written request, the Board shall disclose to
3 the individual or entity who filed a notice of violation
4 the status of the Board's review.

5 (d) Form. The notice of violation reported under subsection
6 (c) shall be on a form prescribed by the Board in its rules.
7 The form shall be publicly available by paper and electronic
8 means. The form shall include fields for the following
9 information, at a minimum:

10 (1) the full name, address, and telephone number of the
11 person submitting the notice;

12 (2) if submitted under subsection (c)(1), the agency
13 name and title of the person submitting the notice;

14 (3) the full name, badge number, governmental agency,
15 and physical description of the officer, if known;

16 (4) the full name or names, address or addresses,
17 telephone number or numbers, and physical description or
18 descriptions of any witnesses, if known;

19 (5) a concise statement of facts that describe the
20 alleged violation and any copies of supporting evidence
21 including but not limited to any photographic, video, or
22 audio recordings of the incident;

23 (6) whether the person submitting the notice has
24 notified any other agency; and

25 (7) an option for an individual, who submits directly
26 to the Board, to consent to have the individual's identity

1 disclosed.

2 (a) The identity of any individual providing
3 information or reporting any possible or alleged
4 violation to the Board shall be kept confidential and
5 may not be disclosed without the consent of that
6 individual, unless the individual consents to
7 disclosure of the individual's name or disclosure of
8 the individual's identity is otherwise required by
9 law. The confidentiality granted by this subsection
10 does not preclude the disclosure of the identity of a
11 person in any capacity other than as the source of an
12 allegation.

13 Nothing in this subsection (d) shall preclude the Board
14 from receiving, investigating, or acting upon allegations made
15 confidentially or in a format different from the form provided
16 for in this subsection.

17 (e) Preliminary review.

18 (1) The Board shall complete a preliminary review of
19 the allegations to determine whether there is sufficient
20 information to warrant a further investigation of any
21 violations of the Act. Upon initiating a preliminary review
22 of the allegations, the Board shall notify the head of the
23 governmental agency that employs the law enforcement
24 officer who is the subject of the allegations. At the
25 request of the Board, the governmental agency must submit
26 any copies of investigative findings, evidence, or

1 documentation to the Board in accordance with rules adopted
2 by the Board to facilitate the Board's preliminary review.
3 The Board may correspond with the governmental agency,
4 official records clerks or any investigative agencies in
5 conducting its preliminary review.

6 (2) During the preliminary review, the Board will take
7 all reasonable steps to discover any and all objective
8 verifiable evidence relevant to the alleged violation
9 through the identification, retention, review, and
10 analysis of all currently available evidence, including,
11 but not limited to: all time-sensitive evidence, audio and
12 video evidence, physical evidence, arrest reports,
13 photographic evidence, GPS records, computer data, lab
14 reports, medical documents, and witness interviews. All
15 reasonable steps will be taken to preserve relevant
16 evidence identified during the preliminary investigation.

17 (3) If after a preliminary review of the alleged
18 violation or violations, the Board believes there is
19 sufficient information to warrant further investigation of
20 any violations of this Act, the alleged violation or
21 violations shall be assigned for investigation in
22 accordance with subsection (f).

23 (4) If after a review of the allegations, the Board
24 believes there is insufficient information supporting the
25 allegations to warrant further investigation, it may close
26 a notice. Notification of the Board's decision to close a

1 notice shall be sent to all relevant individuals, agencies,
2 and any entities that received notice of the violation
3 under subsection (c) within 30 days of the notice being
4 closed, except in cases where the notice is submitted
5 anonymously if the complainant is unknown.

6 (5) Except when the Board has received notice under
7 subparagraph (A) of paragraph (1) of subsection (c), no
8 later than 30 days after receiving notice, the Board shall
9 report any notice of violation it receives to the relevant
10 governmental agency, unless reporting the notice would
11 jeopardize any subsequent investigation. The Board shall
12 also record any notice of violation it receives to the
13 Officer Professional Conduct Database in accordance with
14 Section 9.2. The Board shall report to the appropriate
15 State's Attorney any alleged violations that contain
16 allegations, claims, or factual assertions that, if true,
17 would constitute a violation of Illinois law. The Board
18 shall inform the law enforcement officer via certified mail
19 that it has received a notice of violation against the law
20 enforcement officer.

21 If the Board determines that due to the circumstances
22 and the nature of the allegation that it would not be
23 prudent to notify the law enforcement officer and the
24 officer's governmental agency unless and until the filing
25 of a Formal Complaint, the Board shall document in the file
26 the reason or reasons a notification was not made.

1 (6) If a criminal proceeding has been initiated against
2 the law enforcement officer, the Board is responsible for
3 maintaining a current status report including court dates,
4 hearings, pleas, adjudication status and sentencing. A
5 State's Attorney's Office is responsible for notifying the
6 Board of any criminal charges filed against a law
7 enforcement officer.

8 (f) Investigations; requirements. Investigations are to be
9 assigned after a preliminary review, unless the investigations
10 were closed under paragraph (4) of subsection (e), as follows
11 in paragraphs (1), (2), and (3) of this subsection (f).

12 (1) A governmental agency that submits a notice of
13 violation to the Board under subparagraph (A) of paragraph
14 (1) of subsection (c) shall be responsible for conducting
15 an investigation of the underlying allegations except
16 when: (i) the governmental agency refers the notice to
17 another governmental agency or the Board for investigation
18 and such other agency or the Board agrees to conduct the
19 investigation; (ii) an external, independent, or civilian
20 oversight agency conducts the investigation in accordance
21 with local ordinance or other applicable law; or (iii) the
22 Board has determined that it will conduct the investigation
23 based upon the facts and circumstances of the alleged
24 violation, including but not limited to, investigations
25 regarding the Chief or Sheriff of a governmental agency,
26 familial conflict of interests, complaints involving a

1 substantial portion of a governmental agency, or
2 complaints involving a policy of a governmental agency. Any
3 agency or entity conducting an investigation under this
4 paragraph (1) shall, within 7 days of completing an
5 investigation, deliver an Investigative Summary Report and
6 copies of any administrative evidence to the Board. If the
7 Board finds an investigation conducted under this
8 paragraph (1) is incomplete, unsatisfactory, or deficient
9 in any way, the Board may direct the investigating entity
10 or agency to take any additional investigative steps deemed
11 necessary to thoroughly and satisfactorily complete the
12 investigation, or the Board may take any steps necessary to
13 complete the investigation. The investigating entity or
14 agency or, when necessary, the Board will then amend and
15 re-submit the Investigative Summary Report to the Board for
16 approval.

17 (2) The Board shall investigate and complete an
18 Investigative Summary Report when a State's Attorney's
19 Office submits a notice of violation to the Board under
20 (c) (1) (C).

21 (3) When a person submits a notice to the Board under
22 paragraph (2) of subsection (c), The Board shall assign the
23 investigation to the governmental agency that employs the
24 law enforcement officer, except when: (i) the governmental
25 agency requests to refer the notice to another governmental
26 agency or the Board for investigation and such other agency

1 or the Board agrees to conduct the investigation; (ii) an
2 external, independent, or civilian oversight agency
3 conducts the investigation in accordance with local
4 ordinance or other applicable law; or (iii) the Board has
5 determined that it will conduct the investigation based
6 upon the facts and circumstances of the alleged violation,
7 including but not limited to, investigations regarding the
8 Chief or Sheriff of a governmental agency, familial
9 conflict of interests, complaints involving a substantial
10 portion of a governmental agency, or complaints involving a
11 policy of a governmental agency. The investigating entity
12 or agency shall, within 7 days of completing an
13 investigation, deliver an Investigative Summary Report and
14 copies of any evidence to the Board. If the Board finds an
15 investigation conducted under this subsection (f)(3) is
16 incomplete, unsatisfactory, or deficient in any way, the
17 Board may direct the investigating entity to take any
18 additional investigative steps deemed necessary to
19 thoroughly and satisfactorily complete the investigation,
20 or the Board may take any steps necessary to complete the
21 investigation. The investigating entity or agency or, when
22 necessary, the Board will then amend and re-submit The
23 Investigative Summary Report to the Board for approval. The
24 investigating entity shall cooperate with and assist the
25 Board, as necessary, in any subsequent investigation.

26 (4) Concurrent Investigations. The Board may, at any

1 point, initiate a concurrent investigation under this
2 section. The original investigating entity shall timely
3 communicate, coordinate, and cooperate with the Board to
4 the fullest extent. The Board shall promulgate rules that
5 shall address, at a minimum, the sharing of information and
6 investigative means such as subpoenas and interviewing
7 witnesses.

8 (5) Investigative Summary Report. An Investigative
9 Summary Report shall contain, at a minimum, the allegations
10 and elements within each allegation followed by the
11 testimonial, documentary, or physical evidence that is
12 relevant to each such allegation or element listed and
13 discussed in association with it. All persons who have been
14 interviewed and listed in the Investigative Summary Report
15 will be identified as a complainant, witness, person with
16 specialized knowledge, or law enforcement employee.

17 (6) Each governmental agency shall adopt a written
18 policy regarding the investigation of conduct under
19 subsection (a) that involves a law enforcement officer
20 employed by that governmental agency. The written policy
21 adopted must include the following, at a minimum:

22 (a) Each law enforcement officer shall immediately
23 report any conduct under subsection (b) to the
24 appropriate supervising officer.

25 (b) The written policy under this Section shall be
26 available for inspection and copying under the Freedom

1 of Information Act, and not subject to any exemption of
2 that Act.

3 (7) Nothing in this Act shall prohibit a governmental
4 agency from conducting an investigation for the purpose of
5 internal discipline. However, any such investigation shall
6 be conducted in a manner that avoids interference with, and
7 preserves the integrity of, any separate investigation
8 being conducted.

9 (g) Formal complaints. Upon receipt of an Investigative
10 Summary Report, the Board shall review the Report and any
11 relevant evidence obtained and determine whether there is
12 reasonable basis to believe that the law enforcement officer
13 committed any conduct that would be deemed a violation of this
14 Act. If after reviewing the Report and any other relevant
15 evidence obtained, the Board determines that a reasonable basis
16 does exist, the Board shall file a formal complaint with the
17 Certification Review Panel.

18 (h) Formal Complaint Hearing.

19 (1) Upon issuance of a formal complaint, the Panel
20 shall set the matter for an initial hearing in front of an
21 administrative law judge. At least 30 days before the date
22 set for an initial hearing, the Panel must, in writing,
23 notify the law enforcement officer subject to the complaint
24 of the following:

25 (i) the allegations against the law enforcement
26 officer, the time and place for the hearing, and

1 whether the law enforcement officer's certification
2 has been temporarily suspended under Section 8.3;

3 (ii) the right to file a written answer to the
4 complaint with the Panel within 30 days after service
5 of the notice;

6 (iii) if the law enforcement officer fails to
7 comply with the notice of the default order in
8 paragraph (2), the Panel shall enter a default order
9 against the law enforcement officer along with a
10 finding that the allegations in the complaint are
11 deemed admitted, and that the law enforcement
12 officer's certification may be revoked as a result; and

13 (iv) the law enforcement officer may request an
14 informal conference to surrender the officer's
15 certification.

16 (2) The Board shall send the law enforcement officer
17 notice of the default order. The notice shall state that
18 the officer has 30 days to notify the Board in writing of
19 their desire to have the order vacated and to appear before
20 the Board. If the law enforcement officer does not notify
21 the Board within 30 days, the Board may set the matter for
22 hearing. If the matter is set for hearing, the Board shall
23 send the law enforcement officer the notice of the date,
24 time and location of the hearing. If the law enforcement
25 officer or counsel for the officer does appear, at the
26 Board's discretion, the hearing may proceed or may be

1 continued to a date and time agreed upon by all parties. If
2 on the date of the hearing, neither the law enforcement
3 officer nor counsel for the officer appears, the Board may
4 proceed with the hearing for default in their absence.

5 (3) If the law enforcement officer fails to comply with
6 paragraph (2), all of the allegations contained in the
7 complaint shall be deemed admitted and the law enforcement
8 officer shall be decertified if, by a majority vote of the
9 panel, the conduct charged in the complaint is found to
10 constitute sufficient grounds for decertification under
11 this Act. Notice of the decertification decision may be
12 served by personal delivery, by mail, or, at the discretion
13 of the Board, by electronic means as adopted by rule to the
14 address or email address specified by the law enforcement
15 officer in the officer's last communication with the Board.
16 Notice shall also be provided to the law enforcement
17 officer's governmental agency.

18 (4) The Board, at the request of the law enforcement
19 officer subject to the Formal Complaint, may suspend a
20 hearing on a Formal Complaint for no more than one year if
21 a concurrent criminal matter is pending. If the law
22 enforcement officer requests to have the hearing
23 suspended, the law enforcement officer's certification
24 shall be deemed inactive until the law enforcement
25 officer's Formal Complaint hearing concludes.

26 (5) Surrender of certification or waiver. Upon the

1 Board's issuance of a complaint, and prior to hearing on
2 the matter, a law enforcement officer may choose to
3 surrender the officer's certification or waiver by
4 notifying the Board in writing of the officer's decision to
5 do so. Upon receipt of such notification from the law
6 enforcement officer, the Board shall immediately decertify
7 the officer, or revoke any waiver previously granted. In
8 the case of a surrender of certification or waiver, the
9 Board's proceeding shall terminate.

10 (6) Appointment of administrative law judges. The
11 Board shall retain any attorney licensed to practice law in
12 the State of Illinois to serve as an administrative law
13 judge in any action initiated against a law enforcement
14 officer under this Act. The administrative law judge shall
15 be retained to a term of no greater than 4 years. If more
16 than one judge is retained, the terms shall be staggered.
17 The administrative law judge has full authority to conduct
18 the hearings.

19 Administrative law judges will receive initial and annual
20 training that is adequate in quality, quantity, scope, and
21 type, and will cover, at minimum the following topics:

22 (i) constitutional and other relevant law on
23 police- community encounters, including the law on the
24 use of force and stops, searches, and arrests;

25 (ii) police tactics;

26 (iii) investigations of police conduct;

1 (iv) impartial policing;

2 (v) policing individuals in crisis;

3 (vi) Illinois police policies, procedures, and
4 disciplinary rules;

5 (vii) procedural justice; and

6 (viii) community outreach.

7 (7) Hearing. At the hearing, the administrative law
8 judge will hear the allegations alleged in the complaint.
9 The law enforcement officer, the counsel of the officer's
10 choosing, and the Board, or the officer's counsel, shall be
11 afforded the opportunity to present any pertinent
12 statements, testimony, evidence, and arguments. The law
13 enforcement officer shall be afforded the opportunity to
14 request that the Board compel the attendance of witnesses
15 and production of related documents. After the conclusion
16 of the hearing, the administrative law judge shall report
17 his or her findings of fact, conclusions of law, and
18 recommended disposition to the Panel.

19 (8) Certification Review Meeting. Upon receipt of the
20 administrative law judge's findings of fact, conclusions
21 of law, and recommended disposition, the Panel shall call
22 for a certification review meeting.

23 In such a meeting, the Panel may adjourn into a closed
24 conference for the purposes of deliberating on the evidence
25 presented during the hearing. In closed conference, the
26 Panel shall consider the hearing officer's findings of

1 fact, conclusions of law, and recommended disposition and
2 may deliberate on all evidence and testimony received and
3 may consider the weight and credibility to be given to the
4 evidence received. No new or additional evidence may be
5 presented to the Panel. After concluding its
6 deliberations, the Panel shall convene in open session for
7 its consideration of the matter. If a simple majority of
8 the Panel finds that no allegations in the complaint
9 supporting one or more charges of misconduct are proven by
10 clear and convincing evidence, then the Panel shall
11 recommend to the Board that the complaint be dismissed. If
12 a simple majority of the Panel finds that the allegations
13 in the complaint supporting one or more charges of
14 misconduct are proven by clear and convincing evidence,
15 then the Panel shall recommend to the Board to decertify
16 the officer. In doing so, the Panel may adopt, in whole or
17 in part, the hearing officer's findings of fact,
18 conclusions of law, and recommended disposition.

19 (9) Final action by the Board. After receiving the
20 Panel's recommendations, and after due consideration of
21 the Panel's recommendations, the Board, by majority vote,
22 shall issue a final decision to decertify the law
23 enforcement officer or take no action in regard to the law
24 enforcement officer. No new or additional evidence may be
25 presented to the Board. If the Board makes a final decision
26 contrary to the recommendations of the Panel, the Board

1 shall set forth in its final written decision the specific
2 written reasons for not following the Panel's
3 recommendations. A copy of the Board's final decision shall
4 be served upon the law enforcement officer by the Board,
5 either personally or as provided in this Act for the
6 service of a notice of hearing. A copy of the Board's final
7 decision also shall be delivered to the employing
8 governmental agency, the complainant, and the Panel.

9 (10) Reconsideration of the Board's Decision. Within
10 30 days after service of the Board's final decision, the
11 Panel or the law enforcement officer may file a written
12 motion for reconsideration with the Board. The motion for
13 reconsideration shall specify the particular grounds for
14 reconsideration. The non-moving party may respond to the
15 motion for reconsideration. The Board may deny the motion
16 for reconsideration, or it may grant the motion in whole or
17 in part and issue a new final decision in the matter. The
18 Board must notify the law enforcement officer within 14
19 days of a denial and state the reasons for denial.

20 (50 ILCS 705/6.6 new)

21 Sec. 6.6. Administrative Review Law; application.

22 (a) All final administrative decisions regarding
23 discretionary decertification of the Board are subject to
24 judicial review under the Administrative Review Law and its
25 rules. The term "administrative decision" is defined in Section

1 3-101 of the Code of Civil Procedure.

2 (b) Proceedings for judicial review shall be commenced in
3 Sangamon County or Cook County.

4 (50 ILCS 705/6.7 new)

5 Sec. 6.7. Certification and decertification procedures
6 under Act exclusive. Notwithstanding any other law, the
7 certification and decertification procedures, including the
8 conduct of any investigation or hearing, under this Act are the
9 sole and exclusive procedures for certification as law
10 enforcement officers in Illinois and are not subject to
11 collective bargaining under the Illinois Public Labor
12 Relations Act or appealable except as set forth herein. The
13 provisions of any collective bargaining agreement adopted by a
14 governmental agency and covering the law enforcement officer or
15 officers under investigation shall be inapplicable to any
16 investigation or hearing conducted under this Act.

17 An individual has no property interest in employment or
18 otherwise resulting from law enforcement officer certification
19 at the time of initial certification or at any time thereafter,
20 including, but not limited to, after decertification or the
21 officer's certification has been deemed inactive. Nothing in
22 this Act shall be construed to create a requirement that a
23 governmental agency shall continue to employ a law enforcement
24 officer who has been decertified.

1 (50 ILCS 705/7) (from Ch. 85, par. 507)

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

5 a. The curriculum for probationary law enforcement
6 ~~police~~ officers which shall be offered by all certified
7 schools shall include, but not be limited to, courses of
8 procedural justice, arrest and use and control tactics,
9 search and seizure, including temporary questioning, civil
10 rights, human rights, human relations, cultural
11 competency, including implicit bias and racial and ethnic
12 sensitivity, criminal law, law of criminal procedure,
13 constitutional and proper use of law enforcement
14 authority, vehicle and traffic law including uniform and
15 non-discriminatory enforcement of the Illinois Vehicle
16 Code, traffic control and accident investigation,
17 techniques of obtaining physical evidence, court
18 testimonies, statements, reports, firearms training,
19 training in the use of electronic control devices,
20 including the psychological and physiological effects of
21 the use of those devices on humans, first-aid (including
22 cardiopulmonary resuscitation), training in the
23 administration of opioid antagonists as defined in
24 paragraph (1) of subsection (e) of Section 5-23 of the
25 Substance Use Disorder Act, handling of juvenile
26 offenders, recognition of mental conditions and crises,

1 including, but not limited to, the disease of addiction,
2 which require immediate assistance and response and
3 methods to safeguard and provide assistance to a person in
4 need of mental treatment, recognition of abuse, neglect,
5 financial exploitation, and self-neglect of adults with
6 disabilities and older adults, as defined in Section 2 of
7 the Adult Protective Services Act, crimes against the
8 elderly, law of evidence, the hazards of high-speed police
9 vehicle chases with an emphasis on alternatives to the
10 high-speed chase, and physical training. The curriculum
11 shall include specific training in techniques for
12 immediate response to and investigation of cases of
13 domestic violence and of sexual assault of adults and
14 children, including cultural perceptions and common myths
15 of sexual assault and sexual abuse as well as interview
16 techniques that are age sensitive and are trauma informed,
17 victim centered, and victim sensitive. The curriculum
18 shall include training in techniques designed to promote
19 effective communication at the initial contact with crime
20 victims and ways to comprehensively explain to victims and
21 witnesses their rights under the Rights of Crime Victims
22 and Witnesses Act and the Crime Victims Compensation Act.
23 The curriculum shall also include training in effective
24 recognition of and responses to stress, trauma, and
25 post-traumatic stress experienced by law enforcement
26 ~~police~~ officers that is consistent with Section 25 of the

1 Illinois Mental Health First Aid Training Act in a peer
2 setting, including recognizing signs and symptoms of
3 work-related cumulative stress, issues that may lead to
4 suicide, and solutions for intervention with peer support
5 resources. The curriculum shall include a block of
6 instruction addressing the mandatory reporting
7 requirements under the Abused and Neglected Child
8 Reporting Act. The curriculum shall also include a block of
9 instruction aimed at identifying and interacting with
10 persons with autism and other developmental or physical
11 disabilities, reducing barriers to reporting crimes
12 against persons with autism, and addressing the unique
13 challenges presented by cases involving victims or
14 witnesses with autism and other developmental
15 disabilities. The curriculum shall include training in the
16 detection and investigation of all forms of human
17 trafficking. The curriculum shall also include instruction
18 in trauma-informed responses designed to ensure the
19 physical safety and well-being of a child of an arrested
20 parent or immediate family member; this instruction must
21 include, but is not limited to: (1) understanding the
22 trauma experienced by the child while maintaining the
23 integrity of the arrest and safety of officers, suspects,
24 and other involved individuals; (2) de-escalation tactics
25 that would include the use of force when reasonably
26 necessary; and (3) inquiring whether a child will require

1 supervision and care. The curriculum for permanent law
2 enforcement ~~police~~ officers shall include, but not be
3 limited to: (1) refresher and in-service training in any of
4 the courses listed above in this subparagraph, (2) advanced
5 courses in any of the subjects listed above in this
6 subparagraph, (3) training for supervisory personnel, and
7 (4) specialized training in subjects and fields to be
8 selected by the board. The training in the use of
9 electronic control devices shall be conducted for
10 probationary law enforcement ~~police~~ officers, including
11 University police officers.

12 b. Minimum courses of study, attendance requirements
13 and equipment requirements.

14 c. Minimum requirements for instructors.

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

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

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

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

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

26 All individuals hired as court security officers on or

1 after June 1, 1997 (the effective date of Public Act
2 89-685) shall be certified within 12 months of the date of
3 their hire, unless a waiver has been obtained by the Board,
4 or they shall forfeit their positions.

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

15 g. Minimum in-service training requirements, which a
16 law enforcement ~~police~~ officer must satisfactorily
17 complete every 3 years. Those requirements shall include
18 constitutional and proper use of law enforcement
19 authority, procedural justice, civil rights, human rights,
20 mental health awareness and response, officer wellness,
21 reporting child abuse and neglect, and cultural
22 competency.

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

1 include scenario based training, or similar training
2 approved by the Board.

3 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
4 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
5 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
6 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
7 101-564, eff. 1-1-20; revised 9-10-19.)

8 (50 ILCS 705/7.5)

9 Sec. 7.5. Law enforcement ~~Police~~ pursuit guidelines. The
10 Board shall annually review police pursuit procedures and make
11 available suggested law enforcement ~~police~~ pursuit guidelines
12 for law enforcement agencies. This Section does not alter the
13 effect of previously existing law, including the immunities
14 established under the Local Governmental and Governmental
15 Employees Tort Immunity Act.

16 (Source: P.A. 88-637, eff. 9-9-94.)

17 (50 ILCS 705/8) (from Ch. 85, par. 508)

18 Sec. 8. Participation required. All home rule local
19 governmental units shall comply with Sections 6.3, 8.1, and 8.2
20 and any other mandatory provisions of this Act. This Act is a
21 limitation on home rule powers under subsection (i) of Section
22 6 of Article VII of the Illinois Constitution.

23 (Source: P.A. 89-170, eff. 1-1-96.)

1 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

2 Sec. 8.1. Full-time law enforcement ~~police~~ and county
3 corrections officers.

4 (a) ~~No~~ After January 1, 1976, no person shall receive a
5 permanent appointment as a law enforcement officer or ~~as~~
6 ~~defined in this Act nor shall any person receive, after the~~
7 ~~effective date of this amendatory Act of 1984,~~ a permanent
8 appointment as a county corrections officer unless that person
9 has been awarded, within 6 months of the officer's ~~his or her~~
10 initial full-time employment, a certificate attesting to the
11 officer's ~~his or her~~ successful completion of the Minimum
12 Standards Basic Law Enforcement or ~~and~~ County Correctional
13 Training Course as prescribed by the Board; or has been awarded
14 a certificate attesting to the officer's ~~his or her~~
15 satisfactory completion of a training program of similar
16 content and number of hours and which course has been found
17 acceptable by the Board under the provisions of this Act; or a
18 training waiver by reason of extensive prior law enforcement or
19 county corrections experience the basic training requirement
20 is determined by the Board to be illogical and unreasonable.

21 If such training is required and not completed within the
22 applicable 6 months, then the officer must forfeit the
23 officer's ~~his or her~~ position, or the employing agency must
24 obtain a waiver from the Board extending the period for
25 compliance. Such waiver shall be issued only for good and
26 justifiable reasons, and in no case shall extend more than 90

1 days beyond the initial 6 months. Any hiring agency that fails
2 to train a law enforcement officer within this period shall be
3 prohibited from employing this individual in a law enforcement
4 capacity for one year from the date training was to be
5 completed. If an agency again fails to train the individual a
6 second time, the agency shall be permanently barred from
7 employing this individual in a law enforcement capacity.

8 An individual who is not certified by the Board or whose
9 certified status is inactive shall not function as a law
10 enforcement officer, be assigned the duties of a law
11 enforcement officer by an employing agency, or be authorized to
12 carry firearms under the authority of the employer, except as
13 otherwise authorized to carry a firearm under State or federal
14 law. Sheriffs who are elected as of the effective date of this
15 Amendatory Act of the 101st General Assembly, are exempt from
16 the requirement of certified status. Failure to be certified in
17 accordance with this Act shall cause the officer to forfeit the
18 officer's position.

19 An employing agency may not grant a person status as a law
20 enforcement officer unless the person has been granted an
21 active law enforcement officer certification by the Board.

22 (b) Inactive status. A person who has an inactive law
23 enforcement officer certification has no law enforcement
24 authority.

25 (1) A law enforcement officer's certification becomes
26 inactive upon termination, resignation, retirement, or

1 separation from the officer's employing governmental
2 agency for any reason. The Board shall re-activate a
3 certification upon written application from the law
4 enforcement officer's governmental agency that shows the
5 law enforcement officer: (i) has accepted a full-time law
6 enforcement position with that governmental agency, (ii)
7 is not the subject of a decertification proceeding, and
8 (iii) meets all other criteria for re-activation required
9 by the Board. The Board may also establish special training
10 requirements to be completed as a condition for
11 re-activation.

12 A law enforcement officer who is refused reactivation
13 under this Section may request a hearing in accordance with
14 the hearing procedures as outlined in subsection (h) of
15 Section 6.3 of this Act.

16 The Board may refuse to re-activate the certification
17 of a law enforcement officer who was involuntarily
18 terminated for good cause by his or her governmental agency
19 for conduct subject to decertification under this Act or
20 resigned or retired after receiving notice of a
21 governmental agency's investigation.

22 (2) A law enforcement officer who is currently
23 certified can place his or her certificate on inactive
24 status by sending a written request to the Board. A law
25 enforcement officer whose certificate has been placed on
26 inactive status shall not function as a law enforcement

1 officer until the officer has completed any requirements
2 for reactivating the certificate as required by the Board.
3 A request for inactive status in this subsection shall be
4 in writing, accompanied by verifying documentation, and
5 shall be submitted to the Board with a copy to the chief
6 administrator of the law enforcement officer's
7 governmental agency.

8 (3) Certification that has become inactive under
9 paragraph (2) of this subsection (b), shall be reactivated
10 by written notice from the law enforcement officer's agency
11 upon a showing that the law enforcement officer is: (i)
12 employed in a full-time law enforcement position with the
13 same governmental agency (ii) not the subject of a
14 decertification proceeding, and (iii) meets all other
15 criteria for re-activation required by the Board.

16 (4) Notwithstanding paragraph (3) of this subsection
17 (b), a law enforcement officer whose certification has
18 become inactive under paragraph (2) may have the officer's
19 governmental agency submit a request for a waiver of
20 training requirements to the Board. A grant of a waiver is
21 within the discretion of the Board. Within 7 days of
22 receiving a request for a waiver under this section, the
23 Board shall notify the law enforcement officer and the
24 chief administrator of the law enforcement officer's
25 governmental agency, whether the request has been granted,
26 denied, or if the Board will take additional time for

1 information. A law enforcement officer whose request for a
2 waiver under this subsection is denied is entitled to
3 appeal the denial to the Board within 20 days of the waiver
4 being denied.

5 (c) ~~(b)~~ No provision of this Section shall be construed to
6 mean that a law enforcement officer employed by a local
7 governmental agency at the time of the effective date of this
8 amendatory Act, either as a probationary police officer or as a
9 permanent police officer, shall require certification under
10 the provisions of this Section. No provision of this Section
11 shall be construed to mean that a county corrections officer
12 employed by a ~~local~~ governmental agency at the time of the
13 effective date of this amendatory Act ~~of 1984~~, either as a
14 probationary county corrections or as a permanent county
15 corrections officer, shall require certification under the
16 provisions of this Section. No provision of this Section shall
17 be construed to apply to certification of elected county
18 sheriffs.

19 (d) Within 14 days, a law enforcement officer shall report
20 to the Board: (1) any name change; (2) any change in
21 employment; or (3) the filing of any criminal indictment or
22 charges against the officer alleging that the officer committed
23 any offense as enumerated in section 6.1 of this Act.

24 (e) All law enforcement officers must report the completion
25 of the training requirements required in this Act in compliance
26 with Section 8.4 of this Act.

1 (e-1) Each employing governmental agency shall allow and
2 provide an opportunity for a law enforcement officer to
3 complete the mandated requirements in this Act.

4 (f) ~~(e)~~ This Section does not apply to part-time law
5 enforcement ~~police~~ officers or probationary part-time law
6 enforcement ~~police~~ officers.

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

8 (50 ILCS 705/8.2)

9 Sec. 8.2. Part-time law enforcement ~~police~~ officers.

10 (a) A person hired to serve as a part-time law enforcement
11 ~~police~~ officer must obtain from the Board a certificate (i)
12 attesting to the officer's ~~his or her~~ successful completion of
13 the part-time police training course; (ii) attesting to the
14 officer's ~~his or her~~ satisfactory completion of a training
15 program of similar content and number of hours that has been
16 found acceptable by the Board under the provisions of this Act;
17 or (iii) a training waiver attesting to the Board's
18 determination that the part-time police training course is
19 unnecessary because of the person's extensive prior law
20 enforcement experience. A person hired on or after the
21 effective date of this amendatory Act of the 92nd General
22 Assembly must obtain this certificate within 18 months after
23 the initial date of hire as a probationary part-time law
24 enforcement ~~police~~ officer in the State of Illinois. The
25 probationary part-time law enforcement ~~police~~ officer must be

1 enrolled and accepted into a Board-approved course within 6
2 months after active employment by any department in the State.
3 A person hired on or after January 1, 1996 and before the
4 effective date of this amendatory Act of the 92nd General
5 Assembly must obtain this certificate within 18 months after
6 the date of hire. A person hired before January 1, 1996 must
7 obtain this certificate within 24 months after the effective
8 date of this amendatory Act of 1995.

9 The employing agency may seek an extension ~~a~~ waiver from
10 the Board extending the period for compliance. An extension ~~A~~
11 waiver shall be issued only for good and justifiable reasons,
12 and the probationary part-time law enforcement ~~police~~ officer
13 may not practice as a part-time law enforcement ~~police~~ officer
14 during the extension waiver period. If training is required and
15 not completed within the applicable time period, as extended by
16 any waiver that may be granted, then the officer must forfeit
17 the officer's ~~his or her~~ position.

18 An individual who is not certified by the Board or whose
19 certified status is inactive shall not function as a law
20 enforcement officer, be assigned the duties of a law
21 enforcement officer by an agency, or be authorized to carry
22 firearms under the authority of the employer, except that
23 sheriffs who are elected are exempt from the requirement of
24 certified status. Failure to be in accordance with this Act
25 shall cause the officer to forfeit the officer's position.

26 A part-time probationary officer shall be allowed to

1 complete six months of a part-time police training course and
2 function as a law enforcement officer with a waiver from the
3 Board, provided the part-time law enforcement officer is still
4 enrolled in the training course. If the part-time probationary
5 officer withdraws from the course for any reason or does not
6 complete the course within the applicable time period, as
7 extended by any waiver that may be granted, then the officer
8 must forfeit the officer's position.

9 A governmental agency may not grant a person status as a
10 law enforcement officer unless the person has been granted an
11 active law enforcement officer certification by the Board.

12 (b) Inactive status. A person who has an inactive law
13 enforcement officer certification has no law enforcement
14 authority. ~~(Blank)~~.

15 (1) A law enforcement officer's certification becomes
16 inactive upon termination, resignation, retirement, or
17 separation from the governmental agency for any reason. The
18 Board shall re-activate a certification upon written
19 application from the law enforcement officer's
20 governmental agency that shows the law enforcement
21 officer: (i) has accepted a part-time law enforcement
22 position with that a governmental agency, (ii) is not the
23 subject of a decertification proceeding, and (iii) meets
24 all other criteria for re-activation required by the Board.

25 The Board may refuse to re-activate the certification
26 of a law enforcement officer who was involuntarily

1 terminated for good cause by the officer's governmental
2 agency for conduct subject to decertification under this
3 Act or resigned or retired after receiving notice of a
4 governmental agency's investigation.

5 (2) A law enforcement officer who is currently
6 certified can place his or her certificate on inactive
7 status by sending a written request to the Board. A law
8 enforcement officer whose certificate has been placed on
9 inactive status shall not function as a law enforcement
10 officer until the officer has completed any requirements
11 for reactivating the certificate as required by the Board.
12 A request for inactive status in this subsection shall be
13 in writing, accompanied by verifying documentation, and
14 shall be submitted to the Board by the law enforcement
15 officer's governmental agency.

16 (3) Certification that has become inactive under
17 paragraph (2) of this subsection (b), shall be reactivated
18 by written notice from the law enforcement officer's agency
19 upon a showing that the law enforcement officer is: (i)
20 employed in a full-time law enforcement position with the
21 same governmental agency, (ii) not the subject of a
22 decertification proceeding, and (iii) meets all other
23 criteria for re-activation required by the Board. The Board
24 may also establish special training requirements to be
25 completed as a condition for re-activation.

26 A law enforcement officer who is refused reactivation

1 under this Section may request a hearing in accordance with
2 the hearing procedures as outlined in subsection (h) of
3 Section 6.3 of this Act.

4 (4) Notwithstanding paragraph (3) of this Section, a
5 law enforcement officer whose certification has become
6 inactive under paragraph (2) may have the officer's
7 governmental agency submit a request for a waiver of
8 training requirements to the Board. A grant of a waiver is
9 within the discretion of the Board. Within 7 days of
10 receiving a request for a waiver under this section, the
11 Board shall notify the law enforcement officer and the
12 chief administrator of the law enforcement officer's
13 governmental agency, whether the request has been granted,
14 denied, or if the Board will take additional time for
15 information. A law enforcement officer whose request for a
16 waiver under this subsection is denied is entitled to
17 appeal the denial to the Board within 20 days of the waiver
18 being denied.

19 (c) The part-time police training course referred to in
20 this Section shall be of similar content and the same number of
21 hours as the courses for full-time officers and shall be
22 provided by Mobile Team In-Service Training Units under the
23 Intergovernmental Law Enforcement Officer's In-Service
24 Training Act or by another approved program or facility in a
25 manner prescribed by the Board.

26 (d) Within 14 days, a law enforcement officer shall report

1 to the Board: (1) any name change; (2) any change in
2 employment; or (3) the filing of any criminal indictment or
3 charges against the officer alleging that the officer committed
4 any offense as enumerated in section 6.1 of this Act.

5 (e) All law enforcement officers must report the completion
6 of the training requirements required in this Act in compliance
7 with Section 8.4 of this Act.

8 (e-1) Each employing agency shall allow and provide an
9 opportunity for a law enforcement officer to complete the
10 requirements in this Act.

11 (f) ~~(d)~~ For the purposes of this Section, the Board shall
12 adopt rules defining what constitutes employment on a part-time
13 basis.

14 (Source: P.A. 92-533, eff. 3-14-02.)

15 (50 ILCS 705/8.3 new)

16 Sec. 8.3. Emergency order of suspension.

17 (a) The Board, upon being notified that a law enforcement
18 officer has been arrested or indicted on any felony charge or
19 charges, may immediately suspend the law enforcement officer's
20 certification. The Board shall also notify the chief
21 administrator of any governmental agency currently employing
22 the officer. The Board shall have authority to dissolve an
23 emergency order of suspension at any time for any reason.

24 (b) Notice of the immediate suspension shall be served on
25 the law enforcement officer, the governmental agency, the chief

1 executive of the municipality, and state the reason for
2 suspension within seven days.

3 (c) Upon service of the notice, the law enforcement officer
4 shall have 30 days to request to be heard by the Panel. The
5 hearing, if requested by the licensee, shall follow the hearing
6 procedures as outlined in subsection (h) of Section 6.3 of this
7 Act.

8 (d) At the meeting, the law enforcement officer may present
9 evidence, witnesses and argument as to why the officer's
10 certification should not be suspended. The Panel shall review
11 the suspension, and if the Panel finds that the proof is
12 evident or the presumption great that the officer has committed
13 the offense charged, the Panel can sustain or reduce the length
14 of the suspension. If the Panel does not find that the proof is
15 evident or the presumption great that the officer has committed
16 the offense charged, the Panel can reverse the suspension.

17 If the law enforcement officer does not request to be heard
18 or does not appear, the Panel may hold the hearing in the
19 officer's absence. The law enforcement officer and the
20 governmental agency shall be notified of the decision of the
21 Panel within 7 days. The law enforcement officer may request to
22 suspend the hearing until after the officer's criminal trial
23 has occurred, however the suspension will remain intact until
24 the hearing.

25 (e) Findings and conclusions made in hearing for an
26 emergency suspension shall not be binding on any party in any

1 subsequent proceeding under this Act.

2 (f) A Panel member acting in good faith, and not in a
3 willful and wanton manner, in accordance with this Section,
4 shall not, as a result of such actions, be subject to criminal
5 prosecution or civil damages, including but not limited to lost
6 wages.

7 (50 ILCS 705/8.4 new)

8 Sec. 8.4. Law Enforcement Compliance Verification.

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

1 responsible for reporting and demonstrating compliance to the
2 officer's chief administrative officer.

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

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

18 (b) (1) On October 1 of each year, the Board shall send
19 notice to all certified law enforcement officers, unless
20 exempted in (a), of the upcoming deadline to submit the
21 compliance verification form. No later than March 1 of each
22 year, the Board shall send notice to all certified law
23 enforcement officers who have failed to submit the compliance
24 verification form, as well as the officer's governmental
25 agencies. The Board shall not send a notice of noncompliance to
26 law enforcement officers whom the Board knows, based on the

1 status of the law enforcement officer's certification status,
2 are inactive or retired. The Board may accept compliance
3 verification forms until April 1 of the year in which a law
4 enforcement officer is required to submit the form.

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

23 (3) A law enforcement officer who was on voluntary inactive
24 status shall, upon return to active status, be required to
25 complete the deferred training programs within 1 year.

26 (4) The Board may waive the reporting requirements, as

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

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

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

24 (c) Recordkeeping and Audits.

25 (1) For four years after the end of each reporting
26 period, each certified law enforcement officer shall

1 maintain sufficient documentation necessary to corroborate
2 compliance with the mandatory training requirements under
3 this Act.

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

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

16 (d) Audits that Reveal an Inaccurate Verification.

17 (1) If an audit conducted under paragraph (3) of
18 subsection (c) of this Section reveals inaccurate
19 information, the Board shall provide the law enforcement
20 officer and employing governmental agency with written
21 notice containing: (i) the results of the audit, specifying
22 each alleged inaccuracy; (ii) a summary of the basis of
23 that determination; and (iii) a deadline, which shall be at
24 least 30 days from the date of the notice, for the law
25 enforcement officer to file a written response if the law
26 enforcement officer objects to any of the contents of the

1 notice.

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

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

16 (e) Reactivation. A law enforcement officer who has been
17 deemed inactive due to noncompliance with the reporting
18 requirements under paragraph (a) (1) may request to have the
19 Board re-activate his or her certification upon submitting a
20 compliance verification form that shows full compliance for the
21 period in which the law enforcement officer was deemed inactive
22 due to noncompliance. The Board shall make a determination
23 regarding a submission under this subsection active no later
24 than 7 days after the Board determines full compliance or
25 continued noncompliance.

1 (50 ILCS 705/9) (from Ch. 85, par. 509)

2 Sec. 9. A special fund is hereby established in the State
3 Treasury to be known as the Traffic and Criminal Conviction
4 Surcharge Fund. Moneys in this Fund shall be expended as
5 follows:

6 (1) a portion of the total amount deposited in the Fund
7 may be used, as appropriated by the General Assembly, for
8 the ordinary and contingent expenses of the Illinois Law
9 Enforcement Training Standards Board;

10 (2) a portion of the total amount deposited in the Fund
11 shall be appropriated for the reimbursement of local
12 governmental agencies participating in training programs
13 certified by the Board, in an amount equaling 1/2 of the
14 total sum paid by such agencies during the State's previous
15 fiscal year for mandated training for probationary law
16 enforcement ~~police~~ officers or probationary county
17 corrections officers and for optional advanced and
18 specialized law enforcement or county corrections
19 training; these reimbursements may include the costs for
20 tuition at training schools, the salaries of trainees while
21 in schools, and the necessary travel and room and board
22 expenses for each trainee; if the appropriations under this
23 paragraph (2) are not sufficient to fully reimburse the
24 participating local governmental agencies, the available
25 funds shall be apportioned among such agencies, with
26 priority first given to repayment of the costs of mandatory

1 training given to law enforcement officer or county
2 corrections officer recruits, then to repayment of costs of
3 advanced or specialized training for permanent law
4 enforcement ~~police~~ officers or permanent county
5 corrections officers;

6 (3) a portion of the total amount deposited in the Fund
7 may be used to fund the Intergovernmental Law Enforcement
8 Officer's In-Service Training Act, veto overridden October
9 29, 1981, as now or hereafter amended, at a rate and method
10 to be determined by the board;

11 (4) a portion of the Fund also may be used by the
12 Illinois Department of State Police for expenses incurred
13 in the training of employees from any State, county or
14 municipal agency whose function includes enforcement of
15 criminal or traffic law;

16 (5) a portion of the Fund may be used by the Board to
17 fund grant-in-aid programs and services for the training of
18 employees from any county or municipal agency whose
19 functions include corrections or the enforcement of
20 criminal or traffic law;

21 (6) for fiscal years 2013 through 2017 only, a portion
22 of the Fund also may be used by the Department of State
23 Police to finance any of its lawful purposes or functions;

24 (7) a portion of the Fund may be used by the Board,
25 subject to appropriation, to administer grants to local law
26 enforcement agencies for the purpose of purchasing

1 bulletproof vests under the Law Enforcement Officer
2 Bulletproof Vest Act; and

3 (8) a portion of the Fund may be used by the Board to
4 create a law enforcement grant program available for units
5 of local government to fund crime prevention programs,
6 training, and interdiction efforts, including enforcement
7 and prevention efforts, relating to the illegal cannabis
8 market and driving under the influence of cannabis.

9 All payments from the Traffic and Criminal Conviction
10 Surcharge Fund shall be made each year from moneys appropriated
11 for the purposes specified in this Section. No more than 50% of
12 any appropriation under this Act shall be spent in any city
13 having a population of more than 500,000. The State Comptroller
14 and the State Treasurer shall from time to time, at the
15 direction of the Governor, transfer from the Traffic and
16 Criminal Conviction Surcharge Fund to the General Revenue Fund
17 in the State Treasury such amounts as the Governor determines
18 are in excess of the amounts required to meet the obligations
19 of the Traffic and Criminal Conviction Surcharge Fund.

20 (Source: P.A. 100-987, eff. 7-1-19; 101-27, eff. 6-25-19.)

21 (50 ILCS 705/9.2 new)

22 Sec. 9.2. Officer professional conduct database;
23 Transparency.

24 (a) All governmental agencies and the Illinois State Police
25 shall notify the Board of any final determination of a willful

1 violation of department, agency, or the Illinois State Police
2 policy, official misconduct, or violation of law within 10 days
3 when:

4 (1) the determination leads to a suspension of at least
5 10 days;

6 (2) any infraction that would trigger an official or
7 formal investigation under a governmental agency or the
8 Illinois State Police policy;

9 (3) there is an allegation of misconduct or regarding
10 truthfulness as to a material fact, bias, or integrity; or

11 (4) the officer resigns or retires during the course of
12 an investigation and the officer has been served notice
13 that the officer is under investigation.

14 Agencies and the Illinois State Police may report to the
15 Board any conduct they deem appropriate to disseminate to
16 another governmental agency regarding a law enforcement
17 officer.

18 The agency or the Illinois State Police shall report to the
19 Board within 10 days of a final determination and final
20 exhaustion of any administrative appeal, or the law enforcement
21 officer's resignation or retirement, and shall provide
22 information regarding the nature of the violation. This
23 notification shall not necessarily trigger certification
24 review.

25 A governmental agency and the Illinois State Police shall
26 be immune from liability for a disclosure made as described in

1 this subsection, unless the disclosure would constitute
2 intentional misrepresentation or gross negligence.

3 (b) Upon receiving notification from a governmental agency
4 or the Illinois State Police, the Board must notify the law
5 enforcement officer of the report and the officer's right to
6 provide a statement regarding the reported violation.

7 (c) The Board shall maintain a database readily available
8 to any chief administrative officer, or the officer's designee,
9 of a governmental agency and the Illinois State Police that
10 shall show for each law enforcement officer: (i) dates of
11 certification, decertification, and inactive status; (ii) each
12 sustained instance of departmental misconduct that lead to a
13 suspension at least 10 days or any infraction that would
14 trigger an official or formal investigation under the
15 governmental agency policy, any allegation of misconduct
16 regarding truthfulness as to a material fact, bias, or
17 integrity, or any other reported violation, the nature of the
18 violation, the reason for the final decision of discharge or
19 dismissal, and any statement provided by the officer; (iii)
20 date of separation from employment from any local or state
21 governmental agency; (iv) the reason for separation from
22 employment, including, but not limited to: whether the
23 separation was based on misconduct or occurred while the local
24 or State governmental agency was conducting an investigation of
25 the certified individual for a violation of an employing
26 agency's rules, policy or procedure or other misconduct or

1 improper action.

2 (1) This database shall also be accessible to the
3 State's Attorney of any county in this State and the
4 Attorney General for the purpose of complying with
5 obligations under Brady v. Maryland (373 U.S. 83) or Giglio
6 v. United States (405 U.S. 150). This database shall also
7 be accessible to the chief administrative officer of any
8 governmental agency for the purposes of hiring law
9 enforcement officers. This database shall not be
10 accessible to anyone not listed in this subsection.

11 (2) Before a governmental agency may appoint a law
12 enforcement officer or a person seeking a certification as
13 a law enforcement officer in this State, the chief
14 administrative officer or designee must check the Officer
15 Professional Conduct Database, contact each person's
16 previous law enforcement employers, and document the
17 contact. This documentation must be available for review by
18 the Board for a minimum of five years after the law
19 enforcement officer's termination, retirement, resignation
20 or separation with that agency.

21 (3) The database, documents, materials, or other
22 information in the possession or control of the Board that
23 are obtained by or disclosed to the Board under this
24 subsection shall be confidential by law and privileged,
25 shall not be subject to subpoena, and shall not be subject
26 to discovery or admissible in evidence in any private civil

1 action. However, the Board is authorized to use such
2 documents, materials, or other information in furtherance
3 of any regulatory or legal action brought as part of the
4 Board's official duties. Unless otherwise required by law,
5 the Board shall not disclose the database or make such
6 documents, materials, or other information public without
7 the prior written consent of the governmental agency and
8 the law enforcement officer. Neither the Board nor any
9 person who received documents, materials or other
10 information shared under this subsection shall be required
11 to testify in any private civil action concerning the
12 database or any confidential documents, materials, or
13 information subject to this subsection.

14 Nothing in this Section shall exempt a governmental agency
15 from disclosing public records in accordance with the Freedom
16 of Information Act.

17 (d) The Board shall maintain a searchable database of law
18 enforcement officers accessible to the public that shall
19 include: (i) the law enforcement officer's local or state
20 governmental agency; (ii) the date of the officer's initial
21 certification and the officer's current certification status;
22 and (iii) any sustained complaint of misconduct that resulted
23 in decertification and the date thereof; provided, however,
24 that information shall not be included in the database that
25 would allow the public to ascertain the home address of an
26 officer or another person; provided further, that information

1 regarding an officer's or another person's family member shall
2 not be included in the database. The Board shall make the
3 database publicly available on its website.

4 (e) The Board shall maintain a searchable database of all
5 completed investigations against law enforcement officers
6 related to decertification. The database shall identify each
7 law enforcement officer by a confidential and anonymous number
8 and include: (i) the law enforcement officer's local or state
9 governmental agency; (ii) the date of the incident referenced
10 in the complaint; (iii) the location of the incident; (iv) the
11 race and ethnicity of each officer involved in the incident;
12 (v) the age, gender, race and ethnicity of each person involved
13 in the incident, if known; (vi) whether a person in the
14 complaint, including a law enforcement officer, was injured,
15 received emergency medical care, was hospitalized or died as a
16 result of the incident; (vii) the governmental agency or other
17 entity assigned to conduct an investigation of the incident;
18 (viii) when the investigation was completed; (ix) whether the
19 complaint was sustained; and (x) the type of misconduct
20 investigated; provided, however, that the Board shall redact or
21 withhold such information as necessary to prevent the
22 disclosure of the identity of an officer. The Board shall make
23 the database publicly available on its website.

24 (e-1) An investigation is complete when the investigation
25 has either been terminated or the decertification action,
26 including the administrative review process, has been

1 completed, whichever is later.

2 (f) Annual report. The Board shall submit an annual report
3 to the Governor, Attorney General, President and Minority
4 Leader of the Senate, and the Speaker and Minority Leader of
5 the House of Representatives beginning on March 1, 2023, and
6 every year thereafter indicating:

7 (1) the number of complaints received in the preceding
8 calendar year, including but not limited to the race,
9 gender, and type of complaints received;

10 (2) the number of investigations initiated in the
11 preceding calendar year since the date of the last report;

12 (3) the number of investigations concluded in the
13 preceding calendar year;

14 (4) the number of investigations pending as of the
15 reporting date;

16 (5) the number of hearings held in the preceding
17 calendar year; and

18 (6) the number of officers decertified in the preceding
19 calendar year.

20 (50 ILCS 705/10) (from Ch. 85, par. 510)

21 Sec. 10. The Board may make, amend and rescind such rules
22 and regulations as may be necessary to carry out the provisions
23 of this Act, including those relating to the annual
24 certification of retired law enforcement officers qualified
25 under federal law to carry a concealed weapon. A copy of all

1 rules and regulations and amendments or rescissions thereof
2 shall be filed with the Secretary of State within a reasonable
3 time after their adoption. The schools certified by the Board
4 and participating in the training program may dismiss from the
5 school any trainee prior to the officer's ~~his~~ completion of the
6 course, if in the opinion of the person in charge of the
7 training school, the trainee is unable or unwilling to
8 satisfactorily complete the prescribed course of training.

9 The Board shall adopt emergency rules to administer this
10 Act in accordance with Section 5-45 of the Illinois
11 Administrative Procedure Act. For the purposes of the Illinois
12 Administrative Procedure Act, the General Assembly finds that
13 the adoption of rules to implement this Act is deemed an
14 emergency and necessary to the public interest, safety, and
15 welfare.

16 (Source: P.A. 94-103, eff. 7-1-05.)

17 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

18 Sec. 10.1. Additional training programs. The Board shall
19 initiate, administer, and conduct training programs for
20 permanent law enforcement ~~police~~ officers and permanent county
21 corrections officers in addition to the basic recruit training
22 program. The Board may initiate, administer, and conduct
23 training programs for part-time law enforcement ~~police~~
24 officers in addition to the basic part-time law enforcement
25 ~~police~~ training course. The training for permanent and

1 part-time law enforcement ~~police~~ officers and permanent county
2 corrections officers may be given in any schools selected by
3 the Board. Such training may include all or any part of the
4 subjects enumerated in Section 7 of this Act.

5 The corporate authorities of all participating local
6 governmental agencies may elect to participate in the advanced
7 training for permanent and part-time law enforcement ~~police~~
8 officers and permanent county corrections officers but
9 nonparticipation in this program shall not in any way affect
10 the mandatory responsibility of governmental units to
11 participate in the basic recruit training programs for
12 probationary full-time and part-time law enforcement ~~police~~
13 and permanent county corrections officers. The failure of any
14 permanent or part-time law enforcement ~~police~~ officer or
15 permanent county corrections officer to successfully complete
16 any course authorized under this Section shall not affect the
17 officer's status as a member of the police department or county
18 sheriff's office of any local governmental agency.

19 The Board may initiate, administer, and conduct training
20 programs for clerks of circuit courts. Those training programs,
21 at the Board's discretion, may be the same or variations of
22 training programs for law enforcement officers.

23 The Board shall initiate, administer, and conduct a
24 training program regarding the set up and operation of portable
25 scales for all municipal and county police officers,
26 technicians, and employees who set up and operate portable

1 scales. This training program must include classroom and field
2 training.

3 (Source: P.A. 90-271, eff. 7-30-97, 91-129, eff. 7-16-99.)

4 (50 ILCS 705/10.2)

5 Sec. 10.2. Criminal background investigations.

6 (a) On and after March 14, 2002 (the effective date of
7 Public Act 92-533) ~~this amendatory Act of the 92nd General~~
8 ~~Assembly~~, an applicant for employment as a peace officer, or
9 for annual certification as a retired law enforcement officer
10 qualified under federal law to carry a concealed weapon, shall
11 authorize an investigation to determine if the applicant has
12 been convicted of, ~~or entered a plea of guilty to~~, any criminal
13 offense that disqualifies the person as a peace officer.

14 (b) No governmental ~~law enforcement~~ agency may knowingly
15 employ a person, or certify a retired law enforcement officer
16 qualified under federal law to carry a concealed weapon, unless
17 (i) a criminal background investigation of that person has been
18 completed and (ii) that investigation reveals no convictions of
19 or pleas of guilty to ~~of~~ offenses specified in subsection (a)
20 of Section 6.1 of this Act.

21 (Source: P.A. 101-187, eff. 1-1-20; revised 9-23-19.)

22 (50 ILCS 705/10.3)

23 Sec. 10.3. Training of law enforcement ~~police~~ officers to
24 conduct electronic interrogations.

1 (a) From appropriations made to it for that purpose, the
2 Board shall initiate, administer, and conduct training
3 programs for permanent law enforcement ~~police~~ officers,
4 part-time law enforcement ~~police~~ officers, and recruits on the
5 methods and technical aspects of conducting electronic
6 recordings of interrogations.

7 (b) Subject to appropriation, the Board shall develop
8 technical guidelines for the mandated recording of custodial
9 interrogations in all homicide investigations by law
10 enforcement agencies. These guidelines shall be developed in
11 conjunction with law enforcement agencies and technology
12 accreditation groups to provide guidance for law enforcement
13 agencies in implementing the mandated recording of custodial
14 interrogations in all homicide investigations.

15 (Source: P.A. 95-688, eff. 10-23-07.)

16 (50 ILCS 705/10.7)

17 Sec. 10.7. Mandatory training; police chief and deputy
18 police chief. Each police chief and deputy police chief shall
19 obtain at least 20 hours of training each year. The training
20 must be approved by the Illinois Law Enforcement Training ~~and~~
21 Standards Board and must be related to law enforcement,
22 management or executive development, or ethics. This
23 requirement may be satisfied by attending any training portion
24 of a conference held by an association that represents chiefs
25 of police that has been approved by the Illinois Law

1 Enforcement Training ~~and~~ Standards Board. Any police chief and
2 any deputy police chief, upon presentation of a certificate of
3 completion from the person or entity conducting the training,
4 shall be reimbursed by the municipality in accordance with the
5 municipal policy regulating the terms of reimbursement, for the
6 officer's ~~his or her~~ reasonable expenses in obtaining the
7 training required under this Section. No police chief or deputy
8 police chief may attend any recognized training offering
9 without the prior approval of the officer's ~~his or her~~
10 municipal mayor, manager, or immediate supervisor.

11 This Section does not apply to the City of Chicago or the
12 Sheriff's Police Department in Cook County.

13 (Source: P.A. 94-354, eff. 1-1-06; revised 11-16-20.)

14 (50 ILCS 705/10.11)

15 Sec. 10.11. Training; death and homicide investigation.
16 The Illinois Law Enforcement Training ~~and~~ Standards Board shall
17 conduct or approve a training program in death and homicide
18 investigation for the training of law enforcement officers of
19 local government agencies. Only law enforcement officers who
20 successfully complete the training program may be assigned as
21 lead investigators in death and homicide investigations.
22 Satisfactory completion of the training program shall be
23 evidenced by a certificate issued to the law enforcement
24 officer by the Illinois Law Enforcement Training ~~and~~ Standards
25 Board.

1 The Illinois Law Enforcement Training ~~and~~ Standards Board
2 shall develop a process for waiver applications sent by a local
3 governmental ~~law enforcement~~ agency administrator for those
4 officers whose prior training and experience as homicide
5 investigators may qualify them for a waiver. The Board may
6 issue a waiver at its discretion, based solely on the prior
7 training and experience of an officer as a homicide
8 investigator. This Section does not affect or impede the powers
9 of the office of the coroner to investigate all deaths as
10 provided in Division 3-3 of the Counties Code and the Coroner
11 Training Board Act.

12 (Source: P.A. 99-408, eff. 1-1-16; revised 11-16-20.)

13 (50 ILCS 705/10.12)

14 Sec. 10.12. Police dog training standards. All police dogs
15 used by State and local governmental ~~law enforcement~~ agencies
16 for drug enforcement purposes pursuant to the Cannabis Control
17 Act, the Illinois Controlled Substances Act, or the
18 Methamphetamine Control and Community Protection Act shall be
19 trained by programs that meet the minimum certification
20 requirements set by the Board.

21 (Source: P.A. 101-27, eff. 6-25-19.)

22 (50 ILCS 705/10.13)

23 Sec. 10.13. Training; Post-Traumatic Stress Disorder
24 (PTSD). The Illinois Law Enforcement Training Standards Board

1 shall conduct or approve a training program in Post-Traumatic
2 Stress Disorder (PTSD) for law enforcement officers of local
3 governmental ~~government~~ agencies. The purpose of that training
4 shall be to equip law enforcement officers of local
5 governmental ~~government~~ agencies to identify the symptoms of
6 PTSD and to respond appropriately to individuals exhibiting
7 those symptoms.

8 (Source: P.A. 97-1040, eff. 1-1-13.)

9 (50 ILCS 705/10.16)

10 Sec. 10.16. Veterans' awareness. The Illinois Law
11 Enforcement Training Standards Board may conduct or approve a
12 training program in veterans' awareness for law enforcement
13 officers of local government agencies. The program shall train
14 law enforcement officers to identify issues relating to
15 veterans and provide guidelines dictating how law enforcement
16 officers should respond to and address such issues. Each local
17 governmental ~~government~~ agency is encouraged to designate an
18 individual to respond to veterans' issues.

19 (Source: P.A. 98-960, eff. 1-1-15.)

20 (50 ILCS 705/10.18)

21 Sec. 10.18. Training; administration of opioid
22 antagonists. The Board shall conduct or approve an in-service
23 training program for law enforcement ~~police~~ officers in the
24 administration of opioid antagonists as defined in paragraph

1 (1) of subsection (e) of Section 5-23 of the Substance Use
2 Disorder Act that is in accordance with that Section. As used
3 in this Section, the term "law enforcement ~~police~~ officers"
4 includes full-time or part-time probationary law enforcement
5 ~~police~~ officers, permanent or part-time law enforcement ~~police~~
6 officers, law enforcement officers, recruits, permanent or
7 probationary county corrections officers, permanent or
8 probationary county security officers, and court security
9 officers. The term does not include auxiliary police officers
10 as defined in Section 3.1-30-20 of the Illinois Municipal Code.
11 (Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16;
12 100-759, eff. 1-1-19.)

13 (50 ILCS 705/10.19)

14 Sec. 10.19. Training; administration of epinephrine.

15 (a) This Section, along with Section 40 of the State Police
16 Act, may be referred to as the Annie LeGere Law.

17 (b) For purposes of this Section, "epinephrine
18 auto-injector" means a single-use device used for the automatic
19 injection of a pre-measured dose of epinephrine into the human
20 body prescribed in the name of a local governmental agency.

21 (c) The Board shall conduct or approve an optional advanced
22 training program for law enforcement ~~police~~ officers to
23 recognize and respond to anaphylaxis, including the
24 administration of an epinephrine auto-injector. The training
25 must include, but is not limited to:

1 (1) how to recognize symptoms of an allergic reaction;

2 (2) how to respond to an emergency involving an
3 allergic reaction;

4 (3) how to administer an epinephrine auto-injector;

5 (4) how to respond to an individual with a known
6 allergy as well as an individual with a previously unknown
7 allergy;

8 (5) a test demonstrating competency of the knowledge
9 required to recognize anaphylaxis and administer an
10 epinephrine auto-injector; and

11 (6) other criteria as determined in rules adopted by
12 the Board.

13 (d) A local governmental agency may authorize a law
14 enforcement ~~police~~ officer who has completed an optional
15 advanced training program under subsection (c) to carry,
16 administer, or assist with the administration of epinephrine
17 auto-injectors provided by the local governmental agency
18 whenever the officer ~~he or she~~ is performing official duties.

19 (e) A local governmental agency that authorizes its
20 officers to carry and administer epinephrine auto-injectors
21 under subsection (d) must establish a policy to control the
22 acquisition, storage, transportation, administration, and
23 disposal of epinephrine auto-injectors and to provide
24 continued training in the administration of epinephrine
25 auto-injectors.

26 (f) A physician, physician's assistant with prescriptive

1 authority, or advanced practice registered nurse with
2 prescriptive authority may provide a standing protocol or
3 prescription for epinephrine auto-injectors in the name of a
4 local governmental agency to be maintained for use when
5 necessary.

6 (g) When a law enforcement ~~police~~ officer administers an
7 epinephrine auto-injector in good faith, the law enforcement
8 ~~police~~ officer and local governmental agency, and its employees
9 and agents, including a physician, physician's assistant with
10 prescriptive authority, or advanced practice registered nurse
11 with prescriptive authority who provides a standing order or
12 prescription for an epinephrine auto-injector, incur no civil
13 or professional liability, except for willful and wanton
14 conduct, or as a result of any injury or death arising from the
15 use of an epinephrine auto-injector.

16 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
17 100-648, eff. 7-31-18.)

18 (50 ILCS 705/10.20)

19 Sec. 10.20. Disposal of medications. The Board shall
20 develop rules and minimum standards for local governmental
21 agencies that authorize law enforcement ~~police~~ officers to
22 dispose of unused medications under Section 18 of the Safe
23 Pharmaceutical Disposal Act.

24 (Source: P.A. 99-648, eff. 1-1-17; 100-201, eff. 8-18-17.)

1 (50 ILCS 705/10.22)

2 Sec. 10.22. School resource officers.

3 (a) The Board shall develop or approve a course for school
4 resource officers as defined in Section 10-20.68 of the School
5 Code.

6 (b) The school resource officer course shall be developed
7 within one year after January 1, 2019 (the effective date of
8 Public Act 100-984) and shall be created in consultation with
9 organizations demonstrating expertise and or experience in the
10 areas of youth and adolescent developmental issues,
11 educational administrative issues, prevention of child abuse
12 and exploitation, youth mental health treatment, and juvenile
13 advocacy.

14 (c) The Board shall develop a process allowing law
15 enforcement agencies to request a waiver of this training
16 requirement for any specific individual assigned as a school
17 resource officer. Applications for these waivers may be
18 submitted by a local governmental ~~law enforcement~~ agency chief
19 administrator for any officer whose prior training and
20 experience may qualify for a waiver of the training requirement
21 of this subsection (c). The Board may issue a waiver at its
22 discretion, based solely on the prior training and experience
23 of an officer.

24 (d) Upon completion, the employing agency shall be issued a
25 certificate attesting to a specific officer's completion of the
26 school resource officer training. Additionally, a letter of

1 approval shall be issued to the employing agency for any
2 officer who is approved for a training waiver under this
3 subsection (d).

4 (Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19.)

5 (50 ILCS 705/13 new)

6 Sec. 13. Admissibility. Notwithstanding any other law or
7 rule of evidence, the fact that a certificate was issued,
8 denied, or revoked by the Board, is admissible in a judicial or
9 administrative proceeding as prima facie evidence of any facts
10 stated.

11 (50 ILCS 705/6.2 rep.)

12 (50 ILCS 705/9.1 rep.)

13 (50 ILCS 705/10.5 rep.)

14 Section 25-45. The Illinois Police Training Act is amended
15 by repealing Sections 6.2, 9.1, and 10.5.

16 Section 25-50. The Counties Code is amended by changing
17 Section 3-6001.5 as follows:

18 (55 ILCS 5/3-6001.5)

19 Sec. 3-6001.5. Sheriff qualifications. ~~A On or after the~~
20 ~~effective date of this amendatory Act of the 98th General~~
21 ~~Assembly, except as otherwise provided in this Section, a~~
22 person is not eligible to be elected or appointed to the office

1 of sheriff, unless that person meets all of the following
2 requirements:

3 (1) Is a United States citizen.

4 (2) Has been a resident of the county for at least one
5 year.

6 (3) Is not a convicted felon.

7 (4) Has a certificate attesting to his or her
8 successful completion of the Minimum Standards Basic Law
9 Enforcement Officers Training Course as prescribed by the
10 Illinois Law Enforcement Training Standards Board or a
11 substantially similar training program of another state or
12 the federal government. This paragraph does not apply to a
13 sheriff currently serving on the effective date of this
14 amendatory Act of the 101st General Assembly.

15 (Source: P.A. 98-115, eff. 7-29-13.)

16 Article 99.

17 General Provisions

18 Section 99-995. No acceleration or delay. Where this Act
19 makes changes in a statute that is represented in this Act by
20 text that is not yet or no longer in effect (for example, a
21 Section represented by multiple versions), the use of that text
22 does not accelerate or delay the taking effect of (i) the
23 changes made by this Act or (ii) provisions derived from any
24 other Public Act.

1 Section 99-997. Severability. The provisions of this Act
2 are severable under Section 1.31 of the Statute on Statutes.

3 Section 99-999. Effective date. This Act takes effect July
4 1, 2021, except that Article 25 takes effect January 1, 2022,
5 Sections 10-105, 10-110, 10-115, 10-120, 10-140, 10-155,
6 10-160, 10-175, 10-180, 10-185, 10-190, 10-195, 10-200,
7 10-205, 10-210, 10-215, 10-255, 10-265, 10-270, 10-275,
8 10-280, 10-285, 10-290, 10-295, 10-300, 10-305, 10-310,
9 10-315, 10-320, and 10-325 take effect January 1, 2023, and
10 Article 2 takes effect January 1, 2025.".