

IMPORTANT NOTE FROM ILLINOIS CHIEFS: This document with recommended changes to the SAFE-T Act was compiled by the **Illinois Law Enforcement Coalition** and dated May 7, 2021. -- Ed Wojcicki

Public Act 101-0652

HB3653 Enrolled LRB101 05541 RLC 50557 b

AN ACT concerning criminal law.

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

Article 1.

Statewide Use of Force Standardization

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

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

Article 2.

No Representation Without Population Act

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

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

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

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

(a) Within 30 days after the effective date of this Act, and thereafter, on or before May 1 of each year where the federal decennial census is taken but in which the United

States Bureau of the Census allocates incarcerated persons as residents of correctional facilities, the Department shall deliver to the State Board of Elections the following information:

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

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

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

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

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

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

(c) Notwithstanding any other provision of law, the information required to be provided to the State Board of Elections pursuant to this Section shall not include the name of any incarcerated person and shall not allow for the identification of any person therefrom, except to the Department. The information shall be treated as confidential and shall not be disclosed by the State Board of Elections except as redistricting data aggregated by census block for purposes specified in Section 2-20.

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

Section 2-20. State Board of Elections; redistricting data. The State Board of Elections shall prepare redistricting population data to reflect incarcerated persons at their residential address, pursuant to Section 2-25. The data prepared by the State Board of Elections shall be the basis of the Legislative and Representative Districts required to be created pursuant to Section 3 of Article IV of the Illinois

Constitution of 1970. Incarcerated populations residing at unknown geographic locations within the State, as determined under paragraph (2) of subsection (c) of Section 2-25, shall not be used to determine the ideal population of any set of districts, wards, or precincts.

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

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

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

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

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

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

(1) ensure that the person is not represented in any population counts reported by the State Board of Elections for the geographic units that include the facility where the person was incarcerated; and

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

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

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

data prepared by the State Board of Elections in Section 2-25 shall not be used in the distribution of any State or federal aid.

Article 3.

Deaths in Custody

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

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

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

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

(1) while in the custody of:

(A) a law enforcement agency;

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

(C) a peace officer; or

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

(A) facts concerning the death that are in the possession of the law enforcement agency in charge of the investigation and the correctional facility where the death occurred including, but not limited to, race, age, and gender of the decedent, and a brief description of the circumstances surrounding the death;

(B) if the death occurred in the custody of the Illinois Department of Corrections, the report shall

also include the jurisdiction, the law enforcement agency providing the investigation, and the local or State facility where the death occurred;

(C) if the death occurred in the custody of the Illinois Department of Corrections, the report shall also include if emergency care was requested by the law enforcement agency in response to any illness, injury, self-inflicted or otherwise, or other issue related to rapid deterioration of physical wellness or human

subsistence, and details concerning emergency care
that were provided to the decedent if emergency care
was provided.
(c) The law enforcement agency and the involved
correctional administrators shall make a good faith effort to
obtain all relevant facts and circumstances relevant to the
death and include those in the report.
(d) The Illinois Criminal Justice Information Authority
shall create a standardized form to be used for the purpose of
collecting information as described in subsection (b). <u>The</u>
<u>information shall be no more than as prescribed in the Federal</u>
<u>Death in Custody Reporting Act of 2013.</u>
(e) Law enforcement agencies shall use the form described
in subsection (d) to report all cases in which a person dies:
(1) while in the custody of:
(A) a law enforcement agency;
(B) a local or State correctional facility in this
State; or
(C) a peace officer; or
(2) as a result of the peace officer's use of force.
(f) The Illinois Criminal Justice Information Authority
may determine the manner in which the form is transmitted from
a law enforcement agency to the Illinois Criminal Justice
Information Authority.
(g) The reports shall be public records within the meaning
of subsection (c) of Section 2 of the Freedom of Information
Act and are open to public inspection, with the exception of
any portion of the report that the Illinois Criminal Justice
Information Authority determines is privileged or protected
under Illinois or federal law.
(h) The Illinois Criminal Justice Information Authority
shall make available to the public information of all
individual reports relating to deaths in custody through the
Illinois Criminal Justice Information Authority's website to
be updated on a quarterly basis.
(i) The Illinois Criminal Justice Information Authority
shall issue a public annual report tabulating and evaluating
trends and information on deaths in custody, including, but not
limited to:
(1) information regarding the race, gender, sexual
orientation, and gender identity of the decedent; and a
brief description of the circumstances surrounding the
death;
(2) if the death occurred in the custody of the
Illinois Department of Corrections, the report shall also
include the jurisdiction, law enforcement agency providing
the investigation, and local or State facility where the
death occurred; and
(3) recommendations and State and local efforts
underway to reduce deaths in custody.

The report shall be submitted to the Governor and General Assembly and made available to the public on the Illinois Criminal Justice Information Authority's website the first week of February of each year.
(j) So that the State may oversee the healthcare provided to any person in the custody of each law enforcement agency within this State, provision of medical services to these persons, general care and treatment, and any other factors that may contribute to the death of any of these persons, the following information shall be made available to the public on the Illinois Criminal Justice Information Authority's website:
(1) the number of deaths that occurred during the preceding calendar year;
(2) the known, or discoverable upon reasonable inquiry, causes and contributing factors of each of the in-custody deaths as defined in subsection (b); and
(3) the law enforcement agency's policies, procedures, and protocols related to:
(A) treatment of a person experiencing withdrawal from alcohol or substance use;
(B) the facility's provision, or lack of provision, of medications used to treat, mitigate, or address a person's symptoms; and
(C) notifying an inmate's next of kin after the inmate's in-custody death.
(k) The family, next of kin, or any other person reasonably nominated by the decedent as an emergency contact shall be notified as soon as possible in a suitable manner giving an accurate factual account of the cause of death and circumstances surrounding the death in custody in accordance with State and federal law.
(l) The law enforcement agency or correctional facility shall name a staff person to act as dedicated family liaison officer to be a point of contact for the family, to make and maintain contact with the family, to report ongoing developments and findings of investigations, and to provide information and practical support. If requested by the deceased's next of kin, the law enforcement agency or correctional facility shall arrange for a chaplain, counselor, or other suitable staff member to meet with the family and discuss any faith considerations or concerns. The family has a right to the medical records of a family member who has died in custody and these records shall be disclosed to them in accordance with State and federal law.
(m) It is unlawful for a person who is required under this Section to investigate a death or file a report to fail to include in the report facts known or discovered in the investigation to the Illinois Criminal Justice Information Authority. A violation of this Section is a petty offense, with

fine not to exceed \$500.

Article 4.

Constitutional Rights and Remedies

Section 4-1. Short title. This Article may be cited as the Task Force on Constitutional Rights and Remedies Act.

References in this Article to "this Act" mean this Article.

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

Section 4-10. Task Force Members.

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

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

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

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

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

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

(6) A retired judge appointed by the Governor.

(7) one State Representative, appointed by the Speaker of the House of Representatives; one State Representative, appointed by the Minority Leader of the House of Representatives; one State Senator, appointed by the President of the Senate; one State Senator, appointed by the Minority Leader of the Senate.

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

(c) The Illinois Criminal Justice Information Authority
shall provide administrative and technical support to the Task Force and be responsible for administering its operations, appointing a chairperson, and ensuring that the requirements of the Task Force are met. The President of the Senate and the Speaker of the House of Representatives shall appoint co-chairpersons for the Task Force. The Task Force shall have all appointments made within 30 days of the effective date of this amendatory Act of the 101st General Assembly.
Section 4-15. Meetings; report.
(a) The Task Force shall meet at least 3 times with the first meeting occurring within 60 days after the effective date of this amendatory Act of the 101st General Assembly.
(b) The Task Force shall review available research, best practices, and effective interventions to formulate recommendations.
(c) The Task Force shall produce a report detailing the Task Force's findings and recommendations and needed resources. The Task Force shall submit a report of its findings and recommendations to the General Assembly and the Governor by May 1, 2021.
Section 4-20. Repeal. This Act is repealed on January 1, 2022.
Article 10.
Amendatory Provisions
Section 10-105. The Statute on Statutes is amended by adding Section 1.43 as follows:
(5 ILCS 70/1.43 new)
Sec. 1.43. Reference to bail, bail bond, or conditions of bail. Whenever there is a reference in any Act to "bail", "bail bond", or "conditions of bail", these terms shall be construed as "pretrial release" or "conditions of pretrial release".
Section 10-110. The Freedom of Information Act is amended by changing Section 2.15 as follows:
(5 ILCS 140/2.15)
Sec. 2.15. Arrest reports and criminal history records.
(a) Arrest reports. The following chronologically maintained arrest and criminal history information maintained by State or local criminal justice agencies shall be furnished as soon as practical, but in no event later than 72 hours after the arrest, notwithstanding the time limits otherwise provided for in Section 3 of this Act: (i) information that identifies the individual, including the name, age, address, and

photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the conditions of pretrial release ~~amount of any bail or bond~~; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

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

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

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

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

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

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

(5 ILCS 160/4a)

Sec. 4a. Arrest records and reports.

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

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.
(2) Information detailing any charges relating to the arrest.
(3) The time and location of the arrest.
(4) The name of the investigating or arresting law enforcement agency.
(5) If the individual is incarcerated, the <u>conditions of pretrial release</u> amount of any bail or bond .
(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.
(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:
(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person;
or
(3) compromise the security of any correctional facility.
(c) For the purposes of this Section, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.
(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.
(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.
(f) All information, including photographs, made available under this Section is subject to the provisions of Section 2000 of the Consumer Fraud and Deceptive Business Practices Act.
(g) Notwithstanding the requirements of subsection (a), a law enforcement agency may not publish booking photographs, commonly known as "mugshots", on its social networking website in connection with civil offenses, petty offenses, business

offenses, Class C misdemeanors, and Class B misdemeanors unless the booking photograph is posted to the social networking website to assist in the search for a missing person or to assist in the search for a fugitive, person of interest, or individual wanted in relation to a crime other than a petty offense, business offense, Class C misdemeanor, or Class B misdemeanor. As used in this subsection, "social networking website" has the meaning provided in Section 10 of the Right to Privacy in the Workplace Act.
(Source: P.A. 101-433, eff. 8-20-19.)

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

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

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

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

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

(c) Within 7 days after the request of either party, the parties shall request a panel of impartial arbitrators from which they shall select the neutral chairman according to the

procedures provided in this Section. If the parties have agreed to a contract that contains a grievance resolution procedure as provided in Section 8, the chairman shall be selected using their agreed contract procedure unless they mutually agree to another procedure. If the parties fail to notify the Board of their selection of neutral chairman within 7 days after receipt of the list of impartial arbitrators, the Board shall appoint, at random, a neutral chairman from the list. In the absence of an agreed contract procedure for selecting an impartial arbitrator, either party may request a panel from the Board. Within 7 days of the request of either party, the Board shall select from the Public Employees Labor Mediation Roster 7 persons who are on the labor arbitration panels of either the American Arbitration Association or the Federal Mediation and Conciliation Service, or who are members of the National Academy of Arbitrators, as nominees for impartial arbitrator of the arbitration panel. The parties may select an individual on the list provided by the Board or any other individual mutually agreed upon by the parties. Within 7 days following the receipt of the list, the parties shall notify the Board of the person they have selected. Unless the parties agree on an alternate selection procedure, they shall alternatively strike one name from the list provided by the Board until only one name remains. A coin toss shall determine which party shall strike the first name. If the parties fail to notify the Board in a timely manner of their selection for neutral chairman, the Board shall appoint a neutral chairman from the Illinois Public Employees Mediation/Arbitration Roster.

(d) The chairman shall call a hearing to begin within 15 days and give reasonable notice of the time and place of the hearing. The hearing shall be held at the offices of the Board or at such other location as the Board deems appropriate. The chairman shall preside over the hearing and shall take testimony. Any oral or documentary evidence and other data deemed relevant by the arbitration panel may be received in evidence. The proceedings shall be informal. Technical rules of evidence shall not apply and the competency of the evidence shall not thereby be deemed impaired. A verbatim record of the proceedings shall be made and the arbitrator shall arrange for the necessary recording service. Transcripts may be ordered at the expense of the party ordering them, but the transcripts shall not be necessary for a decision by the arbitration panel. The expense of the proceedings, including a fee for the chairman, shall be borne equally by each of the parties to the dispute. The delegates, if public officers or employees, shall continue on the payroll of the public employer without loss of pay. The hearing conducted by the arbitration panel may be adjourned from time to time, but unless otherwise agreed by the parties, shall be concluded within 30 days of the time of its commencement. Majority actions and rulings shall constitute

the actions and rulings of the arbitration panel. Arbitration proceedings under this Section shall not be interrupted or terminated by reason of any unfair labor practice charge filed by either party at any time.

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

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

(g) At or before the conclusion of the hearing held pursuant to subsection (d), the arbitration panel shall identify the economic issues in dispute, and direct each of the parties to submit, within such time limit as the panel shall prescribe, to the arbitration panel and to each other its last offer of settlement on each economic issue. The determination of the arbitration panel as to the issues in dispute and as to which of these issues are economic shall be conclusive. The arbitration panel, within 30 days after the conclusion of the hearing, or such further additional periods to which the parties may agree, shall make written findings of fact and promulgate a written opinion and shall mail or otherwise deliver a true copy thereof to the parties and their representatives and to the Board. As to each economic issue, the arbitration panel shall adopt the last offer of settlement which, in the opinion of the arbitration panel, more nearly complies with the applicable factors prescribed in subsection (h). The findings, opinions and order as to all other issues shall be based upon the applicable factors prescribed in subsection (h).

(h) Where there is no agreement between the parties, or where there is an agreement but the parties have begun negotiations or discussions looking to a new agreement or amendment of the existing agreement, and wage rates or other

conditions of employment under the proposed new or amended
agreement are in dispute, the arbitration panel shall base its
findings, opinions and order upon the following factors, as
applicable:
(1) The lawful authority of the employer.
(2) Stipulations of the parties.
(3) The interests and welfare of the public and the
financial ability of the unit of government to meet those
costs.
(4) Comparison of the wages, hours and conditions of
employment of the employees involved in the arbitration
proceeding with the wages, hours and conditions of
employment of other employees performing similar services
and with other employees generally:
(A) In public employment in comparable
communities.
(B) In private employment in comparable
communities.
(5) The average consumer prices for goods and services,
commonly known as the cost of living.
(6) The overall compensation presently received by the
employees, including direct wage compensation, vacations,
holidays and other excused time, insurance and pensions,
medical and hospitalization benefits, the continuity and
stability of employment and all other benefits received.
(7) Changes in any of the foregoing circumstances
during the pendency of the arbitration proceedings.
(8) Such other factors, not confined to the foregoing,
which are normally or traditionally taken into
consideration in the determination of wages, hours and
conditions of employment through voluntary collective
bargaining, mediation, fact-finding, arbitration or
otherwise between the parties, in the public service or in
private employment.
(i) In the case of peace officers, the arbitration decision
shall be limited to wages, hours, and conditions of employment
(which may include residency requirements in municipalities
with a population under <u>100,000</u> 1,000,000 , but those residency
requirements shall not allow residency outside of Illinois) and
shall not include the following: i) residency requirements in
municipalities with a population of at least <u>100,000</u> 1,000,000 ;
ii) the type of equipment, other than uniforms, issued or used;
iii) manning; iv) the total number of employees employed by the
department; v) mutual aid and assistance agreements to other
units of government; and vi) the criterion pursuant to which
force, including deadly force, can be used; provided, nothing
herein shall preclude an arbitration decision regarding
equipment or manning levels if such decision is based on a
finding that the equipment or manning considerations in a
specific work assignment involve a serious risk to the safety

of a peace officer beyond that which is inherent in the normal performance of police duties. Limitation of the terms of the arbitration decision pursuant to this subsection shall not be construed to limit the factors upon which the decision may be based, as set forth in subsection (h). Notwithstanding any limitations contained in this subsection, residency requirements in effect at the time an individual enters the service of a municipality between a population of 100,000 and a population of 1,000,000 cannot be made more restrictive for that individual during his period of service for that municipality.

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

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

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

(j) Arbitration procedures shall be deemed to be initiated by the filing of a letter requesting mediation as required under subsection (a) of this Section. The commencement of a new municipal fiscal year after the initiation of arbitration procedures under this Act, but before the arbitration decision,

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

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

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

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

(n) All of the terms decided upon by the arbitration panel

shall be included in an agreement to be submitted to the public employer's governing body for ratification and adoption by law, ordinance or the equivalent appropriate means.

The governing body shall review each term decided by the arbitration panel. If the governing body fails to reject one or more terms of the arbitration panel's decision by a 3/5 vote of those duly elected and qualified members of the governing body, within 20 days of issuance, or in the case of firefighters employed by a state university, at the next regularly scheduled meeting of the governing body after issuance, such term or terms shall become a part of the collective bargaining agreement of the parties. If the governing body affirmatively rejects one or more terms of the arbitration panel's decision, it must provide reasons for such rejection with respect to each term so rejected, within 20 days of such rejection and the parties shall return to the arbitration panel for further proceedings and issuance of a supplemental decision with respect to the rejected terms. Any supplemental decision by an arbitration panel or other decision maker agreed to by the parties shall be submitted to the governing body for ratification and adoption in accordance with the procedures and voting requirements set forth in this Section. The voting requirements of this subsection shall apply to all disputes submitted to arbitration pursuant to this Section

notwithstanding any contrary voting requirements contained in any existing collective bargaining agreement between the parties.

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

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

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

Section 10-116.5. The Community-Law Enforcement Partnership for Deflection and Substance Use Disorder Treatment Act is amended by changing Sections 1, 5, 10, 15, 20, 30, and 35 and by adding Section 21 as follows:

(5 ILCS 820/1)

Sec. 1. Short title. This Act may be cited as the Community-Law Enforcement and Other First Responder

Partnership for Deflection and Substance Use Disorder Treatment Act.
(Source: P.A. 100-1025, eff. 1-1-19.)
(5 ILCS 820/5)
Sec. 5. Purposes. The General Assembly hereby acknowledges that opioid use disorders, overdoses, and deaths in Illinois are persistent and growing concerns for Illinois communities. These concerns compound existing challenges to adequately address and manage substance use and mental health disorders. Law enforcement officers, other first responders, and co-responders have a unique opportunity to facilitate connections to community-based behavioral health interventions that provide substance use treatment and can help save and restore lives; help reduce drug use, overdose incidence, criminal offending, and recidivism; and help prevent arrest and conviction records that destabilize health, families, and opportunities for community citizenship and self-sufficiency. These efforts are bolstered when pursued in partnership with licensed behavioral health treatment providers and community members or organizations. It is the intent of the General Assembly to authorize law enforcement and other first responders to develop and implement collaborative deflection programs in Illinois that offer immediate pathways to substance use treatment and other services as an alternative to traditional case processing and involvement in the criminal justice system, and to unnecessary admission to emergency departments.
(Source: P.A. 100-1025, eff. 1-1-19.)
(5 ILCS 820/10)
Sec. 10. Definitions. In this Act:
"Case management" means those services which will assist persons in gaining access to needed social, educational, medical, substance use and mental health treatment, and other services.
"Community member or organization" means an individual volunteer, resident, public office, or a not-for-profit organization, religious institution, charitable organization, or other public body committed to the improvement of individual and family mental and physical well-being and the overall social welfare of the community, and may include persons with lived experience in recovery from substance use disorder, either themselves or as family members.
"Other first responder" means and includes emergency medical services providers that are public units of government, fire departments and districts, and officials and responders representing and employed by these entities.
"Deflection program" means a program in which a peace officer or member of a law enforcement agency or other first

<p>responder facilitates contact between an individual and a licensed substance use treatment provider or clinician for assessment and coordination of treatment planning, including co-responder approaches that incorporate behavioral health, peer, or social work professionals with law enforcement or other first responders at the scene. This facilitation includes defined criteria for eligibility and communication protocols agreed to by the law enforcement agency or other first responder entity and the licensed treatment provider for the purpose of providing substance use treatment to those persons in lieu of arrest or further justice system involvement, or unnecessary admissions to the emergency department. Deflection programs may include, but are not limited to, the following types of responses:</p>
<p>(1) a post-overdose deflection response initiated by a peace officer or law enforcement agency subsequent to emergency administration of medication to reverse an overdose, or in cases of severe substance use disorder with acute risk for overdose;</p>
<p>(2) a self-referral deflection response initiated by an individual by contacting a peace officer or law enforcement agency or other first responder in the acknowledgment of their substance use or disorder;</p>
<p>(3) an active outreach deflection response initiated by a peace officer or law enforcement agency or other first responder as a result of proactive identification of persons thought likely to have a substance use disorder;</p>
<p>(4) an officer or other first responder prevention deflection response initiated by a peace officer or law enforcement agency in response to a community call when no criminal charges are present; and</p>
<p>(5) an officer intervention deflection response when criminal charges are present but held in abeyance pending engagement with treatment.</p>
<p>"Law enforcement agency" means a municipal police department or county sheriff's office of this State, the Department of State Police, or other law enforcement agency whose officers, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.</p>
<p>"Licensed treatment provider" means an organization licensed by the Department of Human Services to perform an activity or service, or a coordinated range of those activities or services, as the Department of Human Services may establish by rule, such as the broad range of emergency, outpatient, intensive outpatient, and residential services and care, including assessment, diagnosis, case management, medical, psychiatric, psychological and social services, medication-assisted treatment, care and counseling, and recovery support, which may be extended to persons to assess or</p>

treat substance use disorder or to families of those persons.
"Peace officer" means any peace officer or member of any
duly organized State, county, or municipal peace officer unit,
any police force of another State, or any police force whose
members, by statute, are granted and authorized to exercise
powers similar to those conferred upon any peace officer
employed by a law enforcement agency of this State.
"Substance use disorder" means a pattern of use of alcohol
or other drugs leading to clinical or functional impairment, in
accordance with the definition in the Diagnostic and
Statistical Manual of Mental Disorders (DSM-5), or in any
subsequent editions.
"Treatment" means the broad range of emergency,
outpatient, intensive outpatient, and residential services and
care (including assessment, diagnosis, case management,
medical, psychiatric, psychological and social services,
medication-assisted treatment, care and counseling, and
recovery support) which may be extended to persons who have
substance use disorders, persons with mental illness, or
families of those persons.
(Source: P.A. 100-1025, eff. 1-1-19.)
(5 ILCS 820/15)
Sec. 15. Authorization.
(a) Any law enforcement agency or other first responder
entity may establish a deflection program subject to the
provisions of this Act in partnership with one or more licensed
providers of substance use disorder treatment services and one
or more community members or organizations. Programs
established by another first responder entity shall also
include a law enforcement agency.
(b) The deflection program may involve a post-overdose
deflection response, a self-referral deflection response, an
active outreach deflection response, an officer or other first
responder prevention deflection response, or an officer
intervention deflection response, or any combination of those.
(c) Nothing shall preclude the General Assembly from adding
other responses to a deflection program, or preclude a law
enforcement agency or other first responder entity from
developing a deflection program response based on a model
unique and responsive to local issues, substance use or mental
health needs, and partnerships, using sound and promising or
evidence-based practices.
(c-5) Whenever appropriate and available, case management
should be provided by a licensed treatment provider or other
appropriate provider and may include peer recovery support
approaches.
(d) To receive funding for activities as described in
Section 35 of this Act, planning for the deflection program
shall include:

(1) the involvement of one or more licensed treatment programs and one or more community members or organizations; and
(2) an agreement with the Illinois Criminal Justice Information Authority to collect and evaluate relevant statistical data related to the program, as established by the Illinois Criminal Justice Information Authority in paragraph (2) of subsection (a) of Section 25 of this Act.
(3) an agreement with participating licensed treatment providers authorizing the release of statistical data to the Illinois Criminal Justice Information Authority, in compliance with State and Federal law, as established by the Illinois Criminal Justice Information Authority in paragraph (2) of subsection (a) of Section 25 of this Act.
(Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19.)
(5 ILCS 820/20)
Sec. 20. Procedure. The law enforcement agency or other first responder entity, licensed treatment providers, and community members or organizations shall establish a local deflection program plan that includes protocols and procedures for participant identification, screening or assessment, treatment facilitation, reporting, and ongoing involvement of the law enforcement agency. Licensed substance use disorder treatment organizations shall adhere to 42 CFR Part 2 regarding confidentiality regulations for information exchange or release. Substance use disorder treatment services shall adhere to all regulations specified in Department of Human Services Administrative Rules, Parts 2060 and 2090.
(Source: P.A. 100-1025, eff. 1-1-19.)
(5 ILCS 820/21 new)
Sec. 21. Training. The law enforcement agency or other first responder entity in programs that receive funding for services under Section 35 of this Act shall and that receive training under subsection (a.1) of Section 35 shall be trained in:
(a)Neuroscience of Addiction for Law Enforcement;
(b)Medication-Assisted Treatment;
(c)Criminogenic Risk-Need for Health and Safety;
(d)Why Drug Treatment Works?;
(e)Eliminating Stigma for People with Substance-Use Disorders and Mental Health;
(f)Avoiding Racial Bias in Deflection Program;
(g)Promotion Racial and Gender Equity in Deflection;
(h)Working With Community Partnerships; and
(i)Deflection in Rural Communities.
(5 ILCS 820/30)
Sec. 30. Exemption from civil liability. The law

enforcement agency or peace officer or other first responder acting in good faith shall not, as the result of acts or omissions in providing services under Section 15 of this Act, be liable for civil damages, unless the acts or omissions constitute willful and wanton misconduct.
(Source: P.A. 100-1025, eff. 1-1-19.)
(5 ILCS 820/35)
Sec. 35. Funding.
(a) The General Assembly may appropriate funds to the Illinois Criminal Justice Information Authority for the purpose of funding law enforcement agencies or other first responder entities for services provided by deflection program partners as part of deflection programs subject to subsection (d) of Section 15 of this Act.
(a.1) Up to 10 percent of appropriated funds may be expended on activities related to knowledge dissemination, training, technical assistance, or other similar activities intended to increase practitioner and public awareness of deflection and/or to support its implementation. The Illinois Criminal Justice Information Authority may adopt guidelines and requirements to direct the distribution of funds for these activities.
(b) For all appropriated funds not distributed under subsection a.1, the The Illinois Criminal Justice Information Authority may adopt guidelines and requirements to direct the distribution of funds for expenses related to deflection programs. Funding shall be made available to support both new and existing deflection programs in a broad spectrum of geographic regions in this State, including urban, suburban, and rural communities. Funding for deflection programs shall be prioritized for communities that have been impacted by the war on drugs, communities that have a police/community relations issue, and communities that have a disproportionate lack of access to mental health and drug treatment. Activities eligible for funding under this Act may include, but are not limited to, the following:
(1) activities related to program administration, coordination, or management, including, but not limited to, the development of collaborative partnerships with licensed treatment providers and community members or organizations; collection of program data; or monitoring of compliance with a local deflection program plan;
(2) case management including case management provided prior to assessment, diagnosis, and engagement in treatment, as well as assistance navigating and gaining access to various treatment modalities and support services;
(3) peer recovery or recovery support services that include the perspectives of persons with the experience of

recovering from a substance use disorder, either themselves or as family members;
(4) transportation to a licensed treatment provider or other program partner location;
(5) program evaluation activities.
(6) naloxone and related supplies necessary for carrying out overdose reversal for purposes of distribution to program participants or for use by law enforcement or other first responders; and
(7) treatment necessary to prevent gaps in service delivery between linkage and coverage by other funding sources when otherwise non-reimbursable.
(c) Specific linkage agreements with recovery support services or self-help entities may be a requirement of the program services protocols. All deflection programs shall encourage the involvement of key family members and significant others as a part of a family-based approach to treatment. All deflection programs are encouraged to use evidence-based practices and outcome measures in the provision of substance use disorder treatment and medication-assisted treatment for persons with opioid use disorders.
(Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19.)
Section 10-116.7. The Attorney General Act is amended by adding Section 10 as follows:
(15 ILCS 205/10 new)
<u>Sec. 10. Executive officers.</u>
<u>(a) As used in this Section:</u>
<u>(1) "Governmental authority" means any local governmental unit in this State, any municipal corporation in this State, or any governmental unit of the State of Illinois. This includes any office, officer, department, division, bureau, board, commission, or agency of the State.</u>
<u>(2) "Officer" means any probationary law enforcement officer, probationary part-time law enforcement officer, permanent law enforcement officer, part-time law enforcement officer, law enforcement officer, recruit, probationary county corrections officer, permanent county corrections officer, county corrections officer, probationary court security officer, permanent court security officer, or court security officer as defined in Section 2 of the Police Training Act.</u>
<u>(b) No governmental authority, or agent of a governmental authority, or person acting on behalf of a governmental authority, shall engage in a pattern or practice of conduct by officers that deprives any person of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States or by the Constitution or laws of Illinois.</u>

(c) Whenever the Illinois Attorney General has reasonable cause to believe that a violation of subsection (b) has occurred, the Illinois Attorney General may commence a civil action in the name of the People of the State to obtain appropriate equitable and declaratory relief to eliminate the pattern or practice. Venue for this civil action shall be Sangamon County or Cook County. Such actions shall be commenced no later than 5 years after the occurrence or the termination of an alleged violation, whichever occurs last.

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

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

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

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

~~(4) individuals required to appear under this subsection are entitled to counsel who may be present for any examination, questioning or interrogation~~

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

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

(2) by mailing by certified mail a duly executed copy thereof to the person to be served at his or her last known abode or principal place of business within this State or, if a person is not a natural person, in the manner provided in the Code of Civil Procedure when a complaint is filed.

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

(f) (1) In any civil action brought pursuant to subsection (c) of this Section, the Attorney General may obtain as a remedy equitable and declaratory relief (including any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such violation or ordering any action as may be appropriate). ~~In addition, the Attorney General may request and the Court may impose a civil penalty to vindicate the public interest in an amount not exceeding~~

~~§25,000 per violation, or if the defendant has been adjudged to have committed one other civil rights violation under this Section within 5 years of the occurrence of the violation that is the basis of the complaint, in an amount not exceeding \$50,000.~~

~~(g) For Pattern-or-practice cases, they must focus on systemic police misconduct rather than isolated instances of wrongdoing. They shall focus on the responsibilities of law enforcement agencies and local governments rather than on individual officers. At all stages of a pattern-or-practice case, the Attorney General's Office shall engage with stakeholders including community members, victims of police misconduct, police leadership, police officers, and police labor organizations.~~

~~(2) A civil penalty imposed under this subsection shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund, which is a special fund in the State Treasury. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General including but not limited to enforcement of any law of this State and conducting public education programs; however, any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose shall be used for that purpose.~~

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

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

Sec. 2605-302. Arrest reports.

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

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

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

(3) The time and location of the arrest.

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

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

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

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72

hours from the arrest. The information described in items (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

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

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

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

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

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

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

Sec. 14. Except as is otherwise provided in this Act, no Department of State Police officer shall be removed, demoted or suspended except for cause, upon written charges filed with the Board by the Director and a hearing before the Board thereon upon not less than 10 days' notice at a place to be designated by the chairman thereof. At such hearing, the accused shall be afforded full opportunity to be heard in his or her own defense and to produce proof in his or her defense. It shall not be a requirement of a person ~~Anyone~~ filing a complaint against a State Police Officer to ~~must~~ have a ~~the~~ complaint supported by a sworn affidavit or any other legal documentation. This ban on an affidavit requirement shall apply to any collective bargaining agreements entered after the effective date of this provision. For good cause, the name of a complainant may be kept confidential until the conclusion of an investigation. A finding of good cause must be verified, in writing and it must remain part of the investigative file. However, anonymous complaints will not be accepted unless supported by objective

and verifiable evidence. Any Statement made in the course of the complaint or the investigation of an officer tha is false shall b e subject to prosecution, and the complainant shall be informed of this. Any such complaint, having been supported by a sworn

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

Before any such officer may be interrogated or examined by or before the Board, or by a departmental agent or investigator specifically assigned to conduct an internal investigation,

the results of which hearing, interrogation or examination may be the basis for filing charges seeking his or her suspension for more than 15 days or his or her removal or discharge, he or she shall be advised in writing as to what specific improper or illegal act he or she is alleged to have committed; he or she shall be advised in writing that his or her admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking his or her suspension, removal or discharge; and he or she shall be advised in writing that he or she has a right to counsel of his or her choosing, who may be present to advise him or her at any hearing, interrogation or examination. A complete record of any hearing, interrogation or examination shall be made, and a complete transcript or electronic recording thereof shall be made available to such officer without charge and without delay.

The Board shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers in support of the charges and for the defense. Each member of the Board or a designated hearing officer shall have the power to administer oaths or affirmations. If the charges against an accused are established by a preponderance of evidence, the Board shall make a finding of guilty and order either removal, demotion, suspension for a period of not more than 180 days, or such other disciplinary punishment as may be prescribed by the rules and regulations of the Board which, in the opinion of the members thereof, the offense merits. Thereupon the Director shall direct such removal or other punishment as ordered by the Board and if the accused refuses to abide by any such disciplinary order, the Director shall remove him or her forthwith.

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

The Board may include in its order appropriate sanctions based upon the Board's rules and regulations. If the Board finds that a party has made allegations or denials without

reasonable cause or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation, it may order that party to pay the other party's reasonable expenses, including costs and reasonable attorney's fees. The State of Illinois and the Department shall be subject to these sanctions in the same manner as other parties.

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

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

Notwithstanding the provisions of this Section, a policy making officer, as defined in the Employee Rights Violation Act, of the Department of State Police shall be discharged from the Department of State Police as provided in the Employee Rights Violation Act, enacted by the 85th General Assembly. (Source: P.A. 96-891, eff. 5-10-10.)

(20 ILCS 2610/17c new)

Sec. 17c. Military equipment surplus program.

(a) For purposes of this Section:

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

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

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

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

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

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

(1) tracked armored vehicles **except for vehicles intended to be used primarily for rescue operations;**

(2) <u>weaponized aircraft, except aircraft used for traffic patrol, vessels, or vehicles;</u>
(3) <u>firearms of .50-caliber or higher;</u>
(4) <u>ammunition of .50-caliber or higher;</u>
(5) <u>grenade launchers; or</u>
(6) <u>bayonets.</u>
(c) <u>If the Illinois State Police request other property not prohibited by this Section from a military equipment surplus program, the Illinois State Police shall publish notice of the request on a publicly accessible website maintained by the Illinois State Police within 14 days after the request.</u>
Section 10-130. The Illinois Criminal Justice Information Act is amended by adding Sections 7.7 and 7.8 as follows:
(20 ILCS 3930/7.7 new)
<u>Sec. 7.7. Pretrial data collection.</u>
(a) <u>The Administrative Director of the Administrative Officer of the Illinois Courts shall convene an oversight board to be known as the Pretrial Practices Data Oversight Board to oversee the collection and analysis of data regarding pretrial practices in circuit court systems. The Board shall include, but is not limited to, designees from the Administrative Office of the Illinois Courts, the Illinois Criminal Justice Information Authority, and other entities that possess knowledge of pretrial practices and data collection issues. Members of the Board shall serve without compensation.</u>
(b) <u>The Oversight Board shall:</u>
(1) <u>identify existing pretrial data collection processes in local jurisdictions;</u>
(2) <u>define, gather and maintain records of pretrial data relating to the topics listed in subsection (c) from circuit clerks' offices, sheriff's departments, law enforcement agencies, jails, pretrial departments, probation department, State's Attorneys' offices, public defenders' offices and other applicable criminal justice system agencies;</u>
(3) <u>identify resources necessary to systematically collect and report data related to the topics listed in subsections (c); and</u>
(4) <u>develop a plan to implement data collection processes sufficient to collect data on the topics listed in subsection (c) no later than one year after the effective date of this amendatory Act of the 101st General Assembly. The plan and, once implemented, the reports and analysis shall be published and made publicly available on the Administrative Office of the Illinois Courts (AOIC) website.</u>
(c) <u>The Pretrial Practices Data Oversight Board shall develop a strategy to collect quarterly, county-level data on</u>

the following topics; which collection of data shall begin starting one year after the effective date of this amendatory Act of the 101st General Assembly:
(1) information on all persons arrested and charged with misdemeanor or felony charges, or both, including information on persons released directly from law enforcement custody;
(2) information on the outcomes of pretrial conditions and pretrial detention hearings in the county courts, including but not limited to the number of hearings held, the number of defendants detained, the number of defendants released, and the number of defendants released with electronic monitoring;
(3) information regarding persons detained in the county jail pretrial, including, but not limited to, the number of persons detained in the jail pretrial and the number detained in the jail for other reasons, the demographics of the pretrial jail population, race, sex, sexual orientation, gender identity, age, and ethnicity, the charges including on which pretrial defendants are detained, the average length of stay of pretrial defendants;
(4) information regarding persons placed on electronic monitoring programs pretrial, including, but not limited to, the number of participants, the demographics of the participant population, including race, sex, sexual orientation, gender identity, age, and ethnicity, the charges on which participants are ordered to the program, and the average length of participation in the program;
(5) discharge data regarding persons detained pretrial in the county jail, including, but not limited to, the number who are sentenced to the Illinois Department of Corrections, the number released after being sentenced to time served, the number who are released on probation, conditional discharge, or other community supervision, the number found not guilty, the number whose cases are dismissed, the number whose cases are dismissed as part of diversion or deferred prosecution program, and the number who are released pretrial after a hearing re-examining their pretrial detention;
(6) information on the pretrial rearrest of individuals released pretrial, including the number arrested and charged with a new misdemeanor offense while released, the number arrested and charged with a new felony offense while released, and the number arrested and charged with a new forcible felony offense while released, and how long after release these arrests occurred;
(7) information on the pretrial failure to appear rates of individuals released pretrial, including the number who missed one or more court dates, how many warrants for

failures to appear were issued, and how many individuals were detained pretrial or placed on electronic monitoring pretrial after a failure to appear in court;
(8) what, if any, validated pretrial risk assessment tools are in use in each jurisdiction, and comparisons of the pretrial release and pretrial detention decisions of judges as compared to and the risk assessment scores of individuals; and
(9) any other information the Pretrial Practices Data Oversight Board considers important and probative of the effectiveness of pretrial practices in the state of Illinois. d) Circuit clerks' offices, sheriff's departments, law enforcement agencies, jails, pretrial departments, probation department, State's Attorneys' offices, public defenders' offices and other applicable criminal justice system agencies are mandated to provide data to the Administrative Office of the Illinois Courts as described in subsection (c).
(20 ILCS 3930/7.8 new)
Sec. 7.8. Domestic Violence Pretrial Practices Working Group.
(a) The Executive Director of the Illinois Criminal Justice Information Authority shall convene a working group to research and issue a report on current practices in pretrial domestic violence courts throughout the state of Illinois.
(b) The working group shall include, but is not limited to, designees from the Administrative Office of the Illinois Courts, the Illinois Criminal Justice Information Authority, Domestic Violence victims' advocates, formerly incarcerated victims of violence, legal practitioners, and other entities that possess knowledge of evidence-based practices surrounding domestic violence and current pretrial practices in Illinois.
(c) The group shall meet quarterly and no later than 15 months after the effective date of this amendatory Act of the 101st General Assembly issue a preliminary report on the state of current practice across the state in regards to pretrial practices and domestic violence and no later than 15 months after the release of the preliminary report, issue a final report issuing recommendations for evidence-based improvements to court procedures.
(d) Members of the working group shall serve without compensation.
Section 10-135. The Public Officer Prohibited Activities Act is amended by adding Section 4.1 as follows:
(50 ILCS 105/4.1 new)
Sec. 4.1. Retaliation against a whistleblower.
(a) It is prohibited for a unit of local government, any

agent or representative of a unit of local government, or another employee to retaliate against an employee or contractor who:

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

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

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

(b) To invoke the protections of this Section, an employee shall make a written report of improper governmental action to the appropriate auditing official. An employee who believes he or she has been retaliated against in violation of this Section must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual doing the improper governmental action, then a report under this subsection may be submitted to any State's Attorney.

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

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

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

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

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

<p>(2) In instances where an auditing official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.</p>
<p>(g) A person who engages in prohibited retaliatory action under subsection (a) is subject to the following penalties: a fine of no less than \$500 and no more than \$5,000, suspension without pay, demotion, discharge, civil or criminal prosecution, or any combination of these penalties, as appropriate.</p>
<p>(h) Every employee shall receive a written summary or a complete copy of this Section upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable auditing official.</p>
<p>(i) As used in this Section:</p>
<p>"Auditing official" means any elected, appointed, or hired individual, by whatever name, in a unit of local government whose duties are similar to, but not limited to, receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the unit of local government; investigating the performance of officers, employees, functions, and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the municipality. If a unit of local government does not have an "auditing official", the "auditing official" shall be a State's Attorney of the county in which the unit of local government is located within.</p>
<p>"Employee" means anyone employed by a unit of local government, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. "Employee" also includes members of appointed boards or commissions, whether or not paid. "Employee" also includes persons who have been terminated because of any report or complaint submitted under this Section.</p>
<p>"Improper governmental action" means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action". "Improper governmental action"</p>

does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

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

- (i) If a unit of local government does not have an auditing official the auditing official shall be a State's Attorney of the county in which the unit of local government is located within.

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

(50 ILCS 205/3b)

Sec. 3b. Arrest records and reports.

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

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

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

(3) The time and location of the arrest.

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

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

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

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs

(3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:
(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person;
or
(3) compromise the security of any correctional facility.
(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.
(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.
(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.
(f) All information, including photographs, made available under this Section is subject to the provisions of Section 2000 of the Consumer Fraud and Deceptive Business Practices Act. (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)
Section 10-141. The Local Records Act is amended by adding Section 25 as follows:
(50 ILCS 205/25 new)
Sec. 25. Police misconduct records. Notwithstanding any other provision of law to the contrary, all public records and nonpublic records related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed.
Section 10-143. The Illinois Police Training Act is amended by changing Sections 6, 6.2, 7, and 10.17 and by adding Section 10.6 as follows:
(50 ILCS 705/6) (from Ch. 85, par. 506)
Sec. 6. Powers and duties of the Board; selection and certification of schools. The Board shall select and certify schools within the State of Illinois for the purpose of providing basic training for probationary police officers,

probationary county corrections officers, and court security officers and of providing advanced or in-service training for permanent police officers or permanent county corrections officers, which schools may be either publicly or privately owned and operated. In addition, the Board has the following power and duties:
a. To require local governmental units to furnish such reports and information as the Board deems necessary to fully implement this Act.
b. To establish appropriate mandatory minimum standards relating to the training of probationary local law enforcement officers or probationary county corrections officers, and in-service training of permanent police officers.
c. To provide appropriate certification to those probationary officers who successfully complete the prescribed minimum standard basic training course.
d. To review and approve annual training curriculum for county sheriffs.
e. To review and approve applicants to ensure that no applicant is admitted to a certified academy unless the applicant is a person of good character and has not been convicted of, or entered a plea of guilty to, a felony offense, any of the misdemeanors in Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of the Cannabis Control Act, or a crime involving moral turpitude under the laws of this State or any other state which if committed in this State would be punishable as a felony or a crime of moral turpitude. The Board may appoint investigators who shall enforce the duties conferred upon the Board by this Act.
 f. To establish statewide standards for minimum standards regarding regular mental health screenings for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential.
<u>f. To establish statewide minimum standards regarding psychological screening for the initial hiring of police officers. To establish statewide minimum standards for regular mental health wellness sessions, for in-service police officers, ensuring that wellness sessions remain confidential. In-service sessions are not in place of or utilized as fitness for duty examinations.</u>

(Source: P.A. 101-187, eff. 1-1-20.)
(50 ILCS 705/6.2)
Sec. 6.2. Officer professional conduct database.
(a) All law enforcement agencies shall notify the Board of any final determination of willful violation of department or agency policy, official misconduct, or violation of law when:
(1) the officer is discharged or dismissed as a result of the violation; or
(2) the officer resigns during the course of an investigation and after the officer has been served notice that he or she is under investigation that is based on the commission of <u>any a Class 2 or greater felony or sex offense.</u>
The agency shall report to the Board within 30 days of a final decision of discharge or dismissal and final exhaustion of any appeal, or resignation, and shall provide information regarding the nature of the violation.
(b) Upon receiving notification from a law enforcement agency, the Board must notify the law enforcement officer of the report and his or her right to provide a statement regarding the reported violation.
(c) The Board shall maintain a database readily available to any chief administrative officer, or his or her designee, of a law enforcement agency <u>or any State's Attorney</u> that shall show each reported instance, including the name of the officer, the nature of the violation, reason for the final decision of discharge or dismissal, and any statement provided by the officer.
(Source: P.A. 99-352, eff. 1-1-16.)
(50 ILCS 705/7) (from Ch. 85, par. 507)
Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following:
a. The curriculum for probationary police officers which shall be offered by all certified schools shall include, but not be limited to, courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, <u>crisis intervention training</u> , vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices,

including the psychological and physiological effects of
the use of those devices on humans, first-aid (including
cardiopulmonary resuscitation), training in the
administration of opioid antagonists as defined in
paragraph (1) of subsection (e) of Section 5-23 of the
Substance Use Disorder Act, handling of juvenile
offenders, recognition of mental conditions and crises,
including, but not limited to, the disease of addiction,
which require immediate assistance and response and
methods to safeguard and provide assistance to a person in
need of mental treatment, recognition of abuse, neglect,
financial exploitation, and self-neglect of adults with
disabilities and older adults, as defined in Section 2 of
the Adult Protective Services Act, crimes against the
elderly, law of evidence, the hazards of high-speed police
vehicle chases with an emphasis on alternatives to the
high-speed chase, and physical training. The curriculum
shall include specific training in techniques for
immediate response to and investigation of cases of
domestic violence and of sexual assault of adults and
children, including cultural perceptions and common myths
of sexual assault and sexual abuse as well as interview
techniques that are age sensitive and are trauma informed,
victim centered, and victim sensitive. The curriculum
shall include training in techniques designed to promote
effective communication at the initial contact with crime
victims and ways to comprehensively explain to victims and
witnesses their rights under the Rights of Crime Victims
and Witnesses Act and the Crime Victims Compensation Act.
The curriculum shall also include training in effective
recognition of and responses to stress, trauma, and
post-traumatic stress experienced by police officers that
is consistent with Section 25 of the Illinois Mental Health
First Aid Training Act in a peer setting, including
recognizing signs and symptoms of work-related cumulative
stress, issues that may lead to suicide, and solutions for
intervention with peer support resources. The curriculum
shall include a block of instruction addressing the
mandatory reporting requirements under the Abused and
Neglected Child Reporting Act. The curriculum shall also
include a block of instruction aimed at identifying and
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,
but not be limited to: (1) refresher and in-service
training in any of the courses listed above in this
subparagraph, (2) advanced courses in any of the subjects
listed above in this subparagraph, (3) training for
supervisory personnel, and (4) specialized training in
subjects and fields to be selected by the board. The
training in the use of electronic control devices shall be
conducted for probationary police officers, including
University police officers.
b. Minimum courses of study, attendance requirements
and equipment requirements.
c. Minimum requirements for instructors.
d. Minimum basic training requirements, which a
probationary police officer must satisfactorily complete
before being eligible for permanent employment as a local
law enforcement officer for a participating local
governmental agency. Those requirements shall include
training in first aid (including cardiopulmonary
resuscitation).
e. Minimum basic training requirements, which a
probationary county corrections officer must
satisfactorily complete before being eligible for
permanent employment as a county corrections officer for a
participating local governmental agency.
f. Minimum basic training requirements which a
probationary court security officer must satisfactorily
complete before being eligible for permanent employment as
a court security officer for a participating local
governmental agency. The Board shall establish those
training requirements which it considers appropriate for
court security officers and shall certify schools to
conduct that training.

<p>A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to his or her successful completion of the training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.</p> <p>Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685). Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.</p> <p>All individuals hired as court security officers on or after June 1, 1997 (the effective date of Public Act 89-685) shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.</p> <p>The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act.</p> <p>Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.</p> <p>g. Minimum in-service training requirements, which a police officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, mental health awareness and response, officer wellness, reporting child abuse and neglect, and cultural competency, including implicit bias and racial and ethnic sensitivity.</p> <p>h. Minimum in-service training requirements, which a police officer must satisfactorily complete at least annually. Those requirements shall include law updates, emergency medical response training and certification, crisis intervention training, and officer wellness and mental health and use of force training which shall include scenario based training, or similar training approved by the Board.</p> <p>i. Minimum in-service training requirements as set forth in Section 10.6.</p>

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

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

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

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

(50 ILCS 705/10.17)

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

(a) The Illinois La

(b) w Enforcement Training Standards Board

shall develop and approve a standard curriculum for certified training programs in crisis intervention ~~of at least 40 hours~~ addressing specialized policing responses to people with mental illnesses. The Board shall conduct Crisis Intervention Team (CIT) training programs that train officers to identify signs and symptoms of mental illness, to de-escalate situations involving individuals who appear to have a mental illness, and connect that person in crisis to treatment. Crisis Intervention Team (CIT) training programs shall be a collaboration between law enforcement professionals, mental health providers, families, and consumer advocates and must minimally include the following components: (1) basic information about mental

illnesses and how to recognize them; (2) information about mental health laws and resources; (3) learning from family members of individuals with mental illness and their experiences; and (4) verbal de-escalation training and role-plays. Officers who have successfully completed this program shall be issued a certificate attesting to their attendance of a Crisis Intervention Team (CIT) training program.
(b) The Board shall create an introductory course incorporating adult learning models that provides law enforcement officers with an awareness of mental health issues including a history of the mental health system, types of mental health illness including signs and symptoms of mental illness and common treatments and medications, and the potential interactions law enforcement officers may have on a regular basis with these individuals, their families, and service providers including de-escalating a potential crisis situation. This course, in addition to other traditional learning settings, may be made available in an electronic format.
(Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16; 100-247, eff. 1-1-18.)
Section 10-145. The Law Enforcement Officer-Worn Body Camera Act is amended by changing Sections 10-15, 10-20, and 10-25 as follows:
(50 ILCS 706/10-15)
Sec. 10-15. Applicability.
(a) All Any law enforcement agencies must employ the use of agency which employs the use of officer worn body cameras in accordance with is subject to the provisions of this Act, whether or not the agency receives or has received monies from the Law Enforcement Camera Grant Fund.
(b) All law enforcement agencies must implement the use of body cameras for all law enforcement officers, according to the following schedule:
<u>(a) All law enforcement agencies must employ the use the use of officer-worn body cameras in accordance with the provisions of this Act, whether or not the agency receives or has received monies from the Law Enforcement Camera Grant Fund.</u>
<u>(b) All law enforcement agencies must implement the use of body cameras for all uniformed law enforcement officers while on duty and actively engaged in law enforcement activities, in accordance with this act, according to the following schedule:</u>
(1) for municipalities and counties with populations of 500,000 or more, body cameras shall be implemented by January 1, 2023;
(2) for municipalities and counties with populations

of 100,000 or more but under 500,000, body cameras shall be implemented by January 1, 202 34 ;
(3) for municipalities and counties with populations of 50,000 or more but under 100,000, body cameras shall be implemented by January 1, 202 4 5;
(4) for municipalities and counties under 50,000, body cameras shall be implemented by January 1, 202 5 6; and
(5) for the Department of State Police, body cameras shall be implemented by January 1, 202 5 6.
(c) A law enforcement agency's compliance with the requirements under this Section shall receive preference by the Illinois Law Enforcement Training Standards Board in awarding grant funding under the Law Enforcement Camera Grant Act.
(c) <u>For purposes of this section, a court security officer shall not be required to have or use body cameras</u>
(Source: P.A. 99-352, eff. 1-1-16.)
(50 ILCS 706/10-20)
Sec. 10-20. Requirements.
(a) The Board shall develop basic guidelines for the use of officer-worn body cameras by law enforcement agencies. The guidelines developed by the Board shall be the basis for the written policy which must be adopted by each law enforcement agency which employs the use of officer-worn body cameras. The written policy adopted by the law enforcement agency must include, at a minimum, all of the following:
(1) Cameras must be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015 <u>July 1, 2021</u> .
(2) Cameras must be capable of recording for a period of 10 hours or more, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.
(3) Cameras must be turned on at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity, that occurs while the officer is on duty.
(A) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.
(B) Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.
(C) Officer-worn body cameras may be turned off when the officer is inside a correctional facility

which is equipped with a functioning camera system.
(4) Cameras must be turned off when:
(A) the victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording;
(B) a witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible that request is made on the recording; or
(C) the officer is interacting with a confidential informant used by the law enforcement agency.
However, an officer may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.
(4.5) Cameras may be turned off when the officer is engaged in community caretaking functions. However, the camera must be turned on when the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.
(5) The officer, if not in uniform, must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.
(6) (A) For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The recording officer and his or her supervisor of the recording officer may access and review recordings prior to completing incident reports or other documentation, provided that the officer or his or her supervisor discloses that fact in the report or documentation.
(6) (A) For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The Law Enforcement Agency shall determine access to review recordings by the recording officer and supervisor of the recording officer may access and review recordings prior to completing incident reports or other

documentation, provided that the officer or his or her supervisor discloses that fact in the report or documentation

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

(C) Irrespective of disclosures otherwise provided for under the Illinois Freedom of Information Act, A law enforcement agency receiving a complaint made against a law enforcement officer will provide an opportunity for the complainant to view the available recordings from a body worn camera system pertaining to the incident as soon as practical and prior to the complainant finalizing their complaint, if so requested by the complainant. Such viewing shall be consistent with other provisions of this Act and IL FOIA Act.

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

(A) Under no circumstances shall any recording, except for a recording of a non-law enforcement event, made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period.

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

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

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

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

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

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

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

(vii) the recording officer requests that the video be flagged for official purposes related to his or her official duties.
(C) Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.
(8) Following the 90-day storage period, recordings may be retained if a supervisor at the law enforcement agency designates the recording for training purposes. If the recording is designated for training purposes, the recordings may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with agency policies.
(9) Recordings shall not be used to discipline law enforcement officers unless:
(A) a formal or informal complaint of misconduct has been made;
(B) a use of force incident has occurred;
(C) the encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or
(D) as corroboration of other evidence of misconduct.
Nothing in this paragraph (9) shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline.
(10) The law enforcement agency shall ensure proper care and maintenance of officer-worn body cameras. Upon becoming aware, officers must as soon as practical document and notify the appropriate supervisor of any technical difficulties, failures, or problems with the officer-worn body camera or associated equipment. Upon receiving notice, the appropriate supervisor shall make every reasonable effort to correct and repair any of the officer-worn body camera equipment.
(11) No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy. The law enforcement agency's written policy shall indicate the potential criminal penalties, as well as any departmental discipline, which may result from unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer. However, an

officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.
(b) Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act, except that:
(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:
(A) the subject of the encounter captured on the recording is a victim or witness; and
(B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;
(2) except as provided in paragraph (1) of this subsection (b), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act; and
(3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative.
For the purposes of paragraph (1) of this subsection (b), the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. For purposes of subparagraph (A) of paragraph (1) of this subsection (b), "witness" does not include a person who is a victim or who was arrested as a result of the encounter.
Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under the Freedom of Information Act shall be redacted to remove identification of any person that appears on the recording and is not the officer, a subject of the encounter, or directly involved in the encounter. Nothing in this subsection (b) shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under the Freedom of Information Act.
(c) Nothing in this Section shall limit access to a camera recording for the purposes of complying with Supreme Court rules or the rules of evidence.

(Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)
(50 ILCS 706/10-25)
Sec. 10-25. Reporting.
(a) Each law enforcement agency which employs the use of officer-worn body cameras must provide an annual report <u>on the use of officer-worn body cameras</u> to the Board, on or before May 1 of the year. The report shall include:
(1) a brief overview of the makeup of the agency, including the number of officers utilizing officer-worn body cameras;
(2) the number of officer-worn body cameras utilized by the law enforcement agency;
(3) any technical issues with the equipment and how those issues were remedied;
(4) a brief description of the review process used by supervisors within the law enforcement agency;
(5) for each recording used in prosecutions of conservation, criminal, or traffic offenses or municipal ordinance violations:
(A) the time, date, location, and precinct of the incident;
(B) the offense charged and the date charges were filed; and
(6) any other information relevant to the administration of the program.
(b) On or before July 30 of each year, the Board must analyze the law enforcement agency reports and provide an annual report to the General Assembly and the Governor.
(Source: P.A. 99-352, eff. 1-1-16.)
Section 10-147. The Uniform Crime Reporting Act is amended by changing Sections 5-10, 5-12, and 5-20 and by adding Section 5-11 as follows:
(50 ILCS 709/5-10)
Sec. 5-10. Central repository of crime statistics. The Department of State Police shall be a central repository and custodian of crime statistics for the State and shall have all the power necessary to carry out the purposes of this Act, including the power to demand and receive cooperation in the submission of crime statistics from all law enforcement agencies. All data and information provided to the Department under this Act must be provided in a manner and form prescribed by the Department. On an annual basis, the Department shall make available compilations of crime statistics and <u>monthly reporting</u> required to be reported by each law enforcement agency.
(Source: P.A. 99-352, eff. 1-1-16.)

(50 ILCS 709/5-11 new)
Sec. 5-11. FBI National Use of Force Database. The Department shall participate in and regularly submit use of force information to the Federal Bureau of Investigation (FBI) National Use of Force Database. Within 90 days of the effective date of this amendatory act, the Department shall promulgate rules outlining the use of force information required for submission to the Database, which shall be submitted monthly by law enforcement agencies under Section 5-12.
(50 ILCS 709/5-12)
Sec. 5-12. Monthly reporting. All law enforcement agencies shall submit to the Department of State Police on a monthly basis the following:
(1) beginning January 1, 2016, a report on any arrest-related death that shall include information regarding the deceased, the officer, any weapon used by the officer or the deceased, and the circumstances of the incident. The Department shall submit on a quarterly basis all information collected under this paragraph (1) to the Illinois Criminal Justice Information Authority, contingent upon updated federal guidelines regarding the Uniform Crime Reporting Program;
(2) beginning January 1, 2017, a report on any instance when a law enforcement officer discharges his or her firearm causing a non-fatal injury to a person, during the performance of his or her official duties or in the line of duty;
(3) a report of incident-based information on hate crimes including information describing the offense, location of the offense, type of victim, offender, and bias motivation. If no hate crime incidents occurred during a reporting month, the law enforcement agency must submit a no incident record, as required by the Department;
(4) a report on any incident of an alleged commission of a domestic crime, that shall include information regarding the victim, offender, date and time of the incident, any injury inflicted, any weapons involved in the commission of the offense, and the relationship between the victim and the offender;
(5) data on an index of offenses selected by the Department based on the seriousness of the offense, frequency of occurrence of the offense, and likelihood of being reported to law enforcement. The data shall include the number of index crime offenses committed and number of associated arrests; and
(6) data on offenses and incidents reported by schools to local law enforcement. The data shall include offenses defined as an attack against school personnel, intimidation offenses, drug incidents, and incidents

involving weapons; -
(7) beginning on July 1, 2021, a report on any incidents where a law enforcement officer was dispatched to deal with a person experiencing a mental health crisis or incident. For the purposes of this section a mental health crisis is when person's behavior puts them at risk of hurting themselves or others or prevents them from being able to care for themselves.
The report shall include the number of incidents, the level of law enforcement response and the outcome of each incident;
(8) beginning on July 1, 2021, a report on use of force, including any action that resulted in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person. The report shall include information required by the Department, pursuant to Section 5-11 of this Act.
(Source: P.A. 99-352, eff. 1-1-16.)
(50 ILCS 709/5-20)
Sec. 5-20. Reporting compliance. The Department of State Police shall annually report to the Illinois Law Enforcement Training Standards Board and the Department of Revenue any law enforcement agency not in compliance with the reporting requirements under this Act. A law enforcement agency's compliance with the reporting requirements under this Act shall be a factor considered by the Illinois Law Enforcement Training Standards Board in awarding grant funding under the Law Enforcement Camera Grant Act, with preference to law enforcement agencies which are in compliance with reporting requirements under this Act.
(Source: P.A. 99-352, eff. 1-1-16.)
Section 10-150. The Uniform Peace Officers' Disciplinary Act is amended by changing Sections 3.2, 3.4, and 3.8 as follows:
(50 ILCS 725/3.2) (from Ch. 85, par. 2555)
Sec. 3.2. No officer shall be subjected to interrogation without first being informed in writing of the nature of the investigation. If an administrative proceeding is instituted, the officer shall be informed beforehand of the names of all complainants. Upon request and for good cause, the name of a complainant may be kept confidential until the conclusion of an investigation. A finding of good cause must be verified, in writing and remain part of the investigative file. If an administrative proceeding is instituted, the officer shall be informed beforehand of the names of all complainants. The information shall be sufficient as to reasonably apprise the officer of the nature of the investigation.

(Source: P.A. 83-981.)
(50 ILCS 725/3.4) (from Ch. 85, par. 2557)
Sec. 3.4. The officer under investigation shall be informed in writing of the name, rank and unit or command of the officer in charge of the investigation, the interrogators, and all persons who will be present on the behalf of the employer during any interrogation except at a public administrative proceeding. The officer under investigation shall inform the employer of any person who will be present on his or her behalf during any interrogation except at a public administrative hearing.
(Source: P.A. 94-344, eff. 1-1-06.)
(50 ILCS 725/3.8) (from Ch. 85, par. 2561)
Sec. 3.8. Admissions; counsel; verified complaint.
(a) No officer shall be interrogated without first being advised in writing that admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation.
(b) It shall not be a requirement for a person Anyone filing a complaint against a sworn peace officer to must have the complaint supported by a sworn affidavit <u>or any other legal documentation.</u> This ban on an affidavit requirement shall apply to any collective bargaining agreements entered after the effective date of this provision. <u>For good cause, the name of a complainant may be kept confidential until the conclusion of an investigation. A finding of good cause must be verified, in writing and part of the investigative file. However, anonymous complaints will not be accepted unless supported by objective and verifiable evidence. Any statement made in the course of the complaint or the investigation of an officer that is false shall be subject to prosecution, and the States Attorney in the county in which the statement was made shall file charges and proceed with the prosecution. The Complainant shall be notified of prosecution of false claims. Any complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain knowingly false material information, shall be presented to the appropriate State's Attorney for a determination of prosecution.</u>
(Source: P.A. 97-472, eff. 8-22-11.)
(50 ILCS 725/6 rep.)
Section 10-151. The Uniform Peace Officers' Disciplinary Act is amended by repealing Section 6.
Section 10-155. The Police and Community Relations

Improvement Act is amended by adding Section 1-35 as follows:

~~(50 ILCS 727/1-35 new)~~

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

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

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

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

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

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

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

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

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

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

For serving or attempting to serve each garnishee in each county, \$10.
For serving or attempting to serve an order for replevin in each county, \$10.
For serving or attempting to serve an order for attachment on each defendant in each county, \$10.
For serving or attempting to serve a warrant of arrest, \$8, to be paid upon conviction.
For returning a defendant from outside the State of Illinois, upon conviction, the court shall assess, as court costs, the cost of returning a defendant to the jurisdiction.
For taking special bail, \$1 in each county.
For serving or attempting to serve a subpoena on each witness, in each county, \$10.
For advertising property for sale, \$5.
For returning each process, in each county, \$5.
Mileage for each mile of necessary travel to serve any such process as Stated above, calculating from the place of holding court to the place of residence of the defendant, or witness, 50¢ each way.
For summoning each juror, \$3 with 30¢ mileage each way in all counties.
For serving or attempting to serve notice of judgments or levying to enforce a judgment, \$3 with 50¢ mileage each way in all counties.
For taking possession of and removing property levied on, the officer shall be allowed to tax the actual cost of such possession or removal.
For feeding each prisoner, such compensation to cover the actual cost as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.
For attending before a court with prisoner, on an order for habeas corpus, in each county, \$10 per day.
For attending before a court with a prisoner in any criminal proceeding, in each county, \$10 per day.
For each mile of necessary travel in taking such prisoner before the court as stated above, 15¢ a mile each way.
For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action without aid, \$10 and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof, and for each mile of necessary travel, 50¢ each way.
For executing and acknowledging a deed of sale of real estate, in counties of first class, \$4; second class, \$4.
For preparing, executing and acknowledging a deed on redemption from a court sale of real estate in counties of first class, \$5; second class, \$5.
For making certificates of sale, and making and filing

duplicate, in counties of first class, \$3; in counties of the second class, \$3.
For making certificate of redemption, \$3.
For certificate of levy and filing, \$3, and the fee for recording shall be advanced by the judgment creditor and charged as costs.
For taking all <u>civil</u> bonds on legal process, civil and criminal , in counties of first class, \$1; in second class, \$1.
For executing copies in criminal cases, \$4 and mileage for each mile of necessary travel, 20¢ each way.
For executing requisitions from other states, \$5.
For conveying each prisoner from the prisoner's own county to the jail of another county, or from another county to the jail of the prisoner's county, per mile, for going, only, 30¢.
For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, the following fees, payable out of the State treasury. For each person who is conveyed, 35¢ per mile in going only to the penitentiary, reformatory, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, from the place of conviction.
The fees provided for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers shall be paid for each trip so made. Mileage as used in this Section means the shortest practical route, between the place from which the person is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers and all fees per mile shall be computed on such basis.
For conveying any person to or from any of the charitable institutions of the State, when properly committed by competent authority, when one person is conveyed, 35¢ per mile; when two persons are conveyed at the same time, 35¢ per mile for the first person and 20¢ per mile for the second person; and 10¢ per mile for each additional person.
For conveying a person from the penitentiary to the county jail when required by law, 35¢ per mile.
For attending Supreme Court, \$10 per day.
In addition to the above fees there shall be allowed to the sheriff a fee of \$600 for the sale of real estate which is made by virtue of any judgment of a court, except that in the case of a sale of unimproved real estate which sells for \$10,000 or less, the fee shall be \$150. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court:

For judgments up to \$1,000, \$75;
For judgments from \$1,001 to \$15,000, \$150;
For judgments over \$15,000, \$300.
The foregoing fees allowed by this Section are the maximum
fees that may be collected from any officer, agency, department
or other instrumentality of the State. The county board may,
however, by ordinance, increase the fees allowed by this
Section and collect those increased fees from all persons and
entities other than officers, agencies, departments and other
instrumentalities of the State if the increase is justified by
an acceptable cost study showing that the fees allowed by this
Section are not sufficient to cover the costs of providing the
service. A statement of the costs of providing each service,
program and activity shall be prepared by the county board. All
supporting documents shall be public records and subject to
public examination and audit. All direct and indirect costs, as
defined in the United States Office of Management and Budget
Circular A-87, may be included in the determination of the
costs of each service, program and activity.
In all cases where the judgment is settled by the parties,
replevied, stopped by injunction or paid, or where the property
levied upon is not actually sold, the sheriff shall be allowed
his fee for levying and mileage, together with half the fee for
all money collected by him which he would be entitled to if the
same was made by sale to enforce the judgment. In no case shall
the fee exceed the amount of money arising from the sale.
The fee requirements of this Section do not apply to police
departments or other law enforcement agencies. For the purposes
of this Section, "law enforcement agency" means an agency of
the State or unit of local government which is vested by law or
ordinance with the duty to maintain public order and to enforce
criminal laws.
(Source: P.A. 100-173, eff. 1-1-18; 100-863, eff. 8-14-18.)
(55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)
Sec. 4-12001. Fees of sheriff in third class counties. The
officers herein named, in counties of the third class, shall be
entitled to receive the fees herein specified, for the services
mentioned and such other fees as may be provided by law for
such other services not herein designated.
Fees for Sheriff
For serving or attempting to serve any summons on each
defendant, \$35.
For serving or attempting to serve each alias summons or
other process mileage will be charged as hereinafter provided
when the address for service differs from the address for
service on the original summons or other process.
For serving or attempting to serve all other process, on
each defendant, \$35.
For serving or attempting to serve a subpoena on each

witness, \$35.
For serving or attempting to serve each warrant, \$35.
For serving or attempting to serve each garnishee, \$35.
For summoning each juror, \$10.
For serving or attempting to serve each order or judgment for replevin, \$35.
For serving or attempting to serve an order for attachment, on each defendant, \$35.
For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action, without aid, \$35, and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof.
For serving or attempting to serve notice of judgment, \$35.
For levying to satisfy an order in an action for attachment, \$25.
For executing order of court to seize personal property, \$25.
For making certificate of levy on real estate and filing or recording same, \$8, and the fee for filing or recording shall be advanced by the plaintiff in attachment or by the judgment creditor and taxed as costs. For taking possession of or removing property levied on, the sheriff shall be allowed to tax the necessary actual costs of such possession or removal.
For advertising property for sale, \$20.
For making certificate of sale and making and filing duplicate for record, \$15, and the fee for recording same shall be advanced by the judgment creditor and taxed as costs.
For preparing, executing and acknowledging deed on redemption from a court sale of real estate, \$15; for preparing, executing and acknowledging all other deeds on sale of real estate, \$10.
For making and filing certificate of redemption, \$15, and the fee for recording same shall be advanced by party making the redemption and taxed as costs.
For making and filing certificate of redemption from a court sale, \$11, and the fee for recording same shall be advanced by the party making the redemption and taxed as costs.
For taking all bonds on legal process, \$10.
For taking special bail, \$5.
For returning each process, \$15.
Mileage for service or attempted service of all process is a \$10 flat fee.
For attending before a court with a prisoner on an order for habeas corpus, \$9 per day.
For executing requisitions from other States, \$13.
For conveying each prisoner from the prisoner's county to the jail of another county, per mile for going only, 25¢.
For committing to or discharging each prisoner from jail, \$3.

For feeding each prisoner, such compensation to cover actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.
For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, \$3.
For feeding such prisoners per day, \$3, to be paid by the marshal or other person requiring the prisoner's confinement.
For discharging such prisoners, \$3.
For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, the following fees, payable out of the State Treasury. When one person is conveyed, 20¢ per mile in going to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital from the place of conviction; when 2 persons are conveyed at the same time, 20¢ per mile for the first and 15¢ per mile for the second person; when more than 2 persons are conveyed at the same time as stated above, the sheriff shall be allowed 20¢ per mile for the first, 15¢ per mile for the second and 10¢ per mile for each additional person.
The fees provided for herein for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, shall be paid for each trip so made. Mileage as used in this Section means the shortest route on a hard surfaced road, (either State Bond Issue Route or Federal highways) or railroad, whichever is shorter, between the place from which the person is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, and all fees per mile shall be computed on such basis.
In addition to the above fees, there shall be allowed to the sheriff a fee of \$900 for the sale of real estate which shall be made by virtue of any judgment of a court. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court:
For judgments up to \$1,000, \$100;
For judgments over \$1,000 to \$15,000, \$300;
For judgments over \$15,000, \$500.
In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed the fee for levying and mileage, together with half the fee for

all money collected by him or her which he or she would be entitled to if the same were made by sale in the enforcement of a judgment. In no case shall the fee exceed the amount of money arising from the sale.
The fee requirements of this Section do not apply to police departments or other law enforcement agencies. For the purposes of this Section, "law enforcement agency" means an agency of the State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.
The fee requirements of this Section do not apply to units of local government or school districts. (Source: P.A. 100-173, eff. 1-1-18.)
(55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)
Sec. 4-12001.1. Fees of sheriff in third class counties; local governments and school districts. The officers herein named, in counties of the third class, shall be entitled to receive the fees herein specified from all units of local government and school districts, for the services mentioned and such other fees as may be provided by law for such other services not herein designated.
Fees for Sheriff
For serving or attempting to serve any summons on each defendant, \$25.
For serving or attempting to serve each alias summons or other process mileage will be charged as hereinafter provided when the address for service differs from the address for service on the original summons or other process.
For serving or attempting to serve all other process, on each defendant, \$25.
For serving or attempting to serve a subpoena on each witness, \$25.
For serving or attempting to serve each warrant, \$25.
For serving or attempting to serve each garnishee, \$25.
For summoning each juror, \$4.
For serving or attempting to serve each order or judgment for replevin, \$25.
For serving or attempting to serve an order for attachment, on each defendant, \$25.
For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action, without aid, \$9, and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof.
For serving or attempting to serve notice of judgment, \$25.
For levying to satisfy an order in an action for attachment, \$25.
For executing order of court to seize personal property, \$25.

For making certificate of levy on real estate and filing or recording same, \$3, and the fee for filing or recording shall be advanced by the plaintiff in attachment or by the judgment creditor and taxed as costs. For taking possession of or removing property levied on, the sheriff shall be allowed to tax the necessary actual costs of such possession or removal.
For advertising property for sale, \$3.
For making certificate of sale and making and filing duplicate for record, \$3, and the fee for recording same shall be advanced by the judgment creditor and taxed as costs.
For preparing, executing and acknowledging deed on redemption from a court sale of real estate, \$6; for preparing, executing and acknowledging all other deeds on sale of real estate, \$4.
For making and filing certificate of redemption, \$3.50, and the fee for recording same shall be advanced by party making the redemption and taxed as costs.
For making and filing certificate of redemption from a court sale, \$4.50, and the fee for recording same shall be advanced by the party making the redemption and taxed as costs.
For taking all bonds on legal process, \$2.
For taking special bail, \$2.
For returning each process, \$5.
Mileage for service or attempted service of all process is a \$10 flat fee.
For attending before a court with a prisoner on an order for habeas corpus, \$3.50 per day.
For executing requisitions from other States, \$5.
For conveying each prisoner from the prisoner's county to the jail of another county, per mile for going only, 25¢.
For committing to or discharging each prisoner from jail, \$1.
For feeding each prisoner, such compensation to cover actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.
For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, \$1.
For feeding such prisoners per day, \$1, to be paid by the marshal or other person requiring the prisoner's confinement.
For discharging such prisoners, \$1.
For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, the following fees, payable out of the State Treasury. When one person is conveyed, 15¢ per mile in going to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital from the place

of conviction; when 2 persons are conveyed at the same time, 15¢ per mile for the first and 10¢ per mile for the second person; when more than 2 persons are conveyed at the same time as stated above, the sheriff shall be allowed 15¢ per mile for the first, 10¢ per mile for the second and 5¢ per mile for each additional person.

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

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

- For judgments up to \$1,000, \$90;
- For judgments over \$1,000 to \$15,000, \$275;
- For judgments over \$15,000, \$400.

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

All fees collected under Sections 4-12001 and 4-12001.1 must be used for public safety purposes only.
(Source: P.A. 100-173, eff. 1-1-18.)

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

(55 ILCS 5/3-6041 new)

Sec. 3-6041. Military equipment surplus program.

(a) For purposes of this Section:

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

"Grenade launcher" means a firearm or firearm accessory

designed to launch small explosive projectiles.
"Military equipment surplus program" means any federal or State program allowing a law enforcement agency to obtain surplus military equipment including, but not limited to, any program organized under Section 1122 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or Section 1033 of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) or any program established under 10 U.S.C. 2576a.
"Tracked armored vehicle" means a vehicle that provides ballistic protection to its occupants and utilizes a tracked system installed of wheels for forward motion.
"Weaponized aircraft, vessel, or vehicle" means any aircraft, vessel, or vehicle with weapons installed.
(b) A sheriff's department shall not request or receive from any military equipment surplus program nor purchase or otherwise utilize the following equipment:
(1) tracked armored vehicles <u>except for vehicles intended to be used primarily for rescue operations;</u>
(2) weaponized aircraft, <u>except aircraft used for traffic patrol, vessels,</u> or vehicles;
(3) firearms of .50-caliber or higher;
(4) ammunition of .50-caliber or higher;
(5) grenade launchers; or
(6) bayonets.
(c) A home rule county may not regulate the acquisition of equipment in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule counties of powers and functions exercised by the State.
(d) If the sheriff requests property from a military equipment surplus program, the sheriff shall publish notice of the request on a publicly accessible website maintained by the sheriff or the county within 14 days after the request.
Section 10-165. The Illinois Municipal Code is amended by adding Section 11-5.1-2 as follows:
(65 ILCS 5/11-5.1-2 new)
Sec. 11-5.1-2. Military equipment surplus program.
(a) For purposes of this Section:
"Bayonet" means large knives designed to be attached to the muzzle of a rifle, shotgun, or long gun for the purposes of hand-to-hand combat.
"Grenade launcher" means a firearm or firearm accessory designed to launch small explosive projectiles.
"Military equipment surplus program" means any federal or state program allowing a law enforcement agency to obtain surplus military equipment including, but not limit to, any

program organized under Section 1122 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or Section 1033 of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) or any program established by the United States Department of Defense under 10 U.S.C. 2576a.

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

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

(b) A police department shall not request or receive from any military equipment surplus program nor purchase or otherwise utilize the following equipment:

- (1) tracked armored vehicles;
- (2) weaponized aircraft, vessels, or vehicles;
- (3) firearms of .50-caliber or higher;
- (4) ammunition of .50-caliber or higher;
- (5) grenade launchers, grenades, or similar explosives; or
- (6) bayonets.

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

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

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

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

Section 10-175. The Campus Security Enhancement Act of 2008 is amended by changing Section 15 as follows:

(110 ILCS 12/15)

Sec. 15. Arrest reports.

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

- (1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.
- (2) Information detailing any charges relating to the

arrest.
(3) The time and location of the arrest.
(4) The name of the investigating or arresting law enforcement agency.
(5) If the individual is incarcerated, the <u>conditions of pretrial release</u> amount of any bail or bond .
(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.
(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:
(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person;
or
(3) compromise the security of any correctional facility.
(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.
(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.
(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.
(Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01; 92-335, eff. 8-10-01.)
Section 10-180. The Illinois Insurance Code is amended by changing Sections 143.19, 143.19.1, and 205 as follows:
(215 ILCS 5/143.19) (from Ch. 73, par. 755.19)
Sec. 143.19. Cancellation of automobile insurance policy; grounds. After a policy of automobile insurance as defined in Section 143.13(a) has been effective for 60 days, or if such policy is a renewal policy, the insurer shall not exercise its

option to cancel such policy except for one or more of the following reasons:
a. Nonpayment of premium;
b. The policy was obtained through a material misrepresentation;
c. Any insured violated any of the terms and conditions of the policy;
d. The named insured failed to disclose fully his motor vehicle accidents and moving traffic violations for the preceding 36 months if called for in the application;
e. Any insured made a false or fraudulent claim or knowingly aided or abetted another in the presentation of such a claim;
f. The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy:
1. has, within the 12 months prior to the notice of cancellation, had his driver's license under suspension or revocation;
2. is or becomes subject to epilepsy or heart attacks, and such individual does not produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle safely;
3. has an accident record, conviction record (criminal or traffic), physical, or mental condition which is such that his operation of an automobile might endanger the public safety;
4. has, within the 36 months prior to the notice of cancellation, been addicted to the use of narcotics or other drugs; or
5. has been convicted, or violated conditions of <u>pretrial release</u> forfeited bail , during the 36 months immediately preceding the notice of cancellation, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in, or about, an automobile or while having custody of an automobile, leaving the scene of an accident without stopping to report, theft or unlawful taking of a motor vehicle, making false statements in an application for an operator's or chauffeur's license or has been convicted or <u>pretrial release has been revoked</u> forfeited bail for 3 or more violations within the 12 months immediately preceding the notice of cancellation, of any law, ordinance, or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether

or not the violations were repetitions of the same
offense or different offenses;
g. The insured automobile is:
1. so mechanically defective that its operation
might endanger public safety;
2. used in carrying passengers for hire or
compensation (the use of an automobile for a car pool
shall not be considered use of an automobile for hire
or compensation);
3. used in the business of transportation of
flammables or explosives;
4. an authorized emergency vehicle;
5. changed in shape or condition during the policy
period so as to increase the risk substantially; or
6. subject to an inspection law and has not been
inspected or, if inspected, has failed to qualify.
Nothing in this Section shall apply to nonrenewal.
(Source: P.A. 100-201, eff. 8-18-17.)
(215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)
Sec. 143.19.1. Limits on exercise of right of nonrenewal.
After a policy of automobile insurance, as defined in Section
143.13, has been effective or renewed for 5 or more years, the
company shall not exercise its right of non-renewal unless:
a. The policy was obtained through a material
misrepresentation; or
b. Any insured violated any of the terms and conditions of
the policy; or
c. The named insured failed to disclose fully his motor
vehicle accidents and moving traffic violations for the
preceding 36 months, if such information is called for in the
application; or
d. Any insured made a false or fraudulent claim or
knowingly aided or abetted another in the presentation of such
a claim; or
e. The named insured or any other operator who either
resides in the same household or customarily operates an
automobile insured under such a policy:
1. Has, within the 12 months prior to the notice of
non-renewal had his drivers license under suspension or
revocation; or
2. Is or becomes subject to epilepsy or heart attacks,
and such individual does not produce a certificate from a
physician testifying to his unqualified ability to operate
a motor vehicle safely; or
3. Has an accident record, conviction record (criminal
or traffic), or a physical or mental condition which is
such that his operation of an automobile might endanger the
public safety; or
4. Has, within the 36 months prior to the notice of

non-renewal, been addicted to the use of narcotics or other drugs; or
5. Has been convicted or <u>pretrial release has been revoked</u> forfeited bail , during the 36 months immediately preceding the notice of non-renewal, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in or about an automobile or while having custody of an automobile, leaving the scene of an accident without stopping to report, theft or unlawful taking of a motor vehicle, making false statements in an application for an operators or chauffeurs license, or has been convicted or <u>pretrial release has been revoked</u> forfeited bail for 3 or more violations within the 12 months immediately preceding the notice of non-renewal, of any law, ordinance or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or different offenses; or
f. The insured automobile is:
1. So mechanically defective that its operation might endanger public safety; or
2. Used in carrying passengers for hire or compensation (the use of an automobile for a car pool shall not be considered use of an automobile for hire or compensation);
or
3. Used in the business of transportation of flammables or explosives; or
4. An authorized emergency vehicle; or
5. Changed in shape or condition during the policy period so as to increase the risk substantially; or
6. Subject to an inspection law and it has not been inspected or, if inspected, has failed to qualify; or
g. The notice of the intention not to renew is mailed to the insured at least 60 days before the date of nonrenewal as provided in Section 143.17.
(Source: P.A. 89-669, eff. 1-1-97.)
(215 ILCS 5/205) (from Ch. 73, par. 817)
Sec. 205. Priority of distribution of general assets.
(1) The priorities of distribution of general assets from the company's estate is to be as follows:
(a) The costs and expenses of administration, including, but not limited to, the following:
(i) The reasonable expenses of the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, and the Illinois

Health Maintenance Organization Guaranty Association
and of any similar organization in any other state,
including overhead, salaries, and other general
administrative expenses allocable to the receivership
(administrative and claims handling expenses and
expenses in connection with arrangements for ongoing
coverage), but excluding expenses incurred in the
performance of duties under Section 547 or similar
duties under the statute governing a similar
organization in another state. For property and
casualty insurance guaranty associations that guaranty
certain obligations of any member company as defined by
Section 534.5, expenses shall include, but not be
limited to, loss adjustment expenses, which shall
include adjusting and other expenses and defense and
cost containment expenses. The expenses of such
property and casualty guaranty associations, including
the Illinois Insurance Guaranty Fund, shall be
reimbursed as prescribed by Section 545, but shall be
subordinate to all other costs and expenses of
administration, including the expenses reimbursed
pursuant to subparagraph (ii) of this paragraph (a).
(ii) The expenses expressly approved or ratified
by the Director as liquidator or rehabilitator,
including, but not limited to, the following:
(1) the actual and necessary costs of
preserving or recovering the property of the
insurer;
(2) reasonable compensation for all services
rendered on behalf of the administrative
supervisor or receiver;
(3) any necessary filing fees;
(4) the fees and mileage payable to witnesses;
(5) unsecured loans obtained by the receiver;
and
(6) expenses approved by the conservator or
rehabilitator of the insurer, if any, incurred in the
course of the conservation or rehabilitation that are
unpaid at the time of the entry of the order of
liquidation.
Any unsecured loan falling under item (5) of
subparagraph (ii) of this paragraph (a) shall have priority
over all other costs and expenses of administration, unless
the lender agrees otherwise. Absent agreement to the
contrary, all other costs and expenses of administration
shall be shared on a pro-rata basis, except for the
expenses of property and casualty guaranty associations,
which shall have a lower priority pursuant to subparagraph
(i) of this paragraph (a).
(b) Secured claims, including claims for taxes and

debts due the federal or any state or local government,
that are secured by liens perfected prior to the filing of
the complaint.
(c) Claims for wages actually owing to employees for
services rendered within 3 months prior to the date of the
filing of the complaint, not exceeding \$1,000 to each
employee unless there are claims due the federal government
under paragraph (f), then the claims for wages shall have a
priority of distribution immediately following that of
federal claims under paragraph (f) and immediately
preceding claims of general creditors under paragraph (g).
(d) Claims by policyholders, beneficiaries, and
insureds, under insurance policies, annuity contracts, and
funding agreements, liability claims against insureds
covered under insurance policies and insurance contracts
issued by the company, claims of obligees (and, subject to
the discretion of the receiver, completion contractors)
under surety bonds and surety undertakings (not to include
bail bonds , mortgage or financial guaranty, or other forms
of insurance offering protection against investment risk),
claims by principals under surety bonds and surety
undertakings for wrongful dissipation of collateral by the
insurer or its agents, and claims incurred during any
extension of coverage provided under subsection (5) of
Section 193, and claims of the Illinois Insurance Guaranty
Fund, the Illinois Life and Health Insurance Guaranty
Association, the Illinois Health Maintenance Organization
Guaranty Association, and any similar organization in
another state as prescribed in Section 545. For purposes of
this Section, "funding agreement" means an agreement
whereby an insurer authorized to write business under Class
1 of Section 4 of this Code may accept and accumulate funds
and make one or more payments at future dates in amounts
that are not based upon mortality or morbidity
contingencies.
(e) Claims by policyholders, beneficiaries, and
insureds, the allowed values of which were determined by
estimation under paragraph (b) of subsection (4) of Section
209.
(f) Any other claims due the federal government.
(g) All other claims of general creditors not falling
within any other priority under this Section including
claims for taxes and debts due any state or local
government which are not secured claims and claims for
attorneys' fees incurred by the company in contesting its
conservation, rehabilitation, or liquidation.
(h) Claims of guaranty fund certificate holders,
guaranty capital shareholders, capital note holders, and
surplus note holders.
(i) Proprietary claims of shareholders, members, or

other owners.
Every claim under a written agreement, statute, or rule providing that the assets in a separate account are not chargeable with the liabilities arising out of any other business of the insurer shall be satisfied out of the funded assets in the separate account equal to, but not to exceed, the reserves maintained in the separate account under the separate account agreement, and to the extent, if any, the claim is not fully discharged thereby, the remainder of the claim shall be treated as a priority level (d) claim under paragraph (d) of this subsection to the extent that reserves have been established in the insurer's general account pursuant to statute, rule, or the separate account agreement.
For purposes of this provision, "separate account policies, contracts, or agreements" means any policies, contracts, or agreements that provide for separate accounts as contemplated by Section 245.21.
To the extent that any assets of an insurer, other than those assets properly allocated to and maintained in a separate account, have been used to fund or pay any expenses, taxes, or policyholder benefits that are attributable to a separate account policy, contract, or agreement that should have been paid by a separate account prior to the commencement of receivership proceedings, then upon the commencement of receivership proceedings, the separate accounts that benefited from this payment or funding shall first be used to repay or reimburse the company's general assets or account for any unreimbursed net sums due at the commencement of receivership proceedings prior to the application of the separate account assets to the satisfaction of liabilities or the corresponding separate account policies, contracts, and agreements.
To the extent, if any, reserves or assets maintained in the separate account are in excess of the amounts needed to satisfy claims under the separate account contracts, the excess shall be treated as part of the general assets of the insurer's estate.
(2) Within 120 days after the issuance of an Order of Liquidation with a finding of insolvency against a domestic company, the Director shall make application to the court requesting authority to disburse funds to the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and similar organizations in other states from time to time out of the company's marshaled assets as funds become available in amounts equal to disbursements made by the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and similar organizations in other states for covered claims obligations on the presentation of evidence that such

disbursements have been made by the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and similar organizations in other states.

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

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

(4) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.
(Source: P.A. 100-410, eff. 8-25-17.)

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

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

Sec. 5.1. Disclosure of records.

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

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

(2) An identification of any applicant or licensee

including, if an applicant or licensee is not an
individual, the names and addresses of all stockholders and
directors, if the entity is a corporation; the names and
addresses of all members, if the entity is a limited
liability company; the names and addresses of all partners,
both general and limited, if the entity is a partnership;
and the names and addresses of all beneficiaries, if the
entity is a trust. If an applicant or licensee has a
pending registration statement filed with the Securities
and Exchange Commission, only the names of those persons or
entities holding interest of 5% or more must be provided.
(3) An identification of any business, including, if
applicable, the state of incorporation or registration, in
which an applicant or licensee or an applicant's or
licensee's spouse or children has an equity interest of
more than 1%. If an applicant or licensee is a corporation,
partnership or other business entity, the applicant or
licensee shall identify any other corporation, partnership
or business entity in which it has an equity interest of 1%
or more, including, if applicable, the state of
incorporation or registration. This information need not
be provided by a corporation, partnership or other business
entity that has a pending registration statement filed with
the Securities and Exchange Commission.
(4) Whether an applicant or licensee has been indicted,
convicted, pleaded guilty or nolo contendere, or pretrial
release has been revoked forfeited bail concerning any
criminal offense under the laws of any jurisdiction, either
felony or misdemeanor (except for traffic violations),
including the date, the name and location of the court,
arresting agency and prosecuting agency, the case number,
the offense, the disposition and the location and length of
incarceration.
(5) Whether an applicant or licensee has had any
license or certificate issued by a licensing authority in
Illinois or any other jurisdiction denied, restricted,
suspended, revoked or not renewed and a statement
describing the facts and circumstances concerning the
denial, restriction, suspension, revocation or
non-renewal, including the licensing authority, the date
each such action was taken, and the reason for each such
action.
(6) Whether an applicant or licensee has ever filed or
had filed against it a proceeding in bankruptcy or has ever
been involved in any formal process to adjust, defer,
suspend or otherwise work out the payment of any debt
including the date of filing, the name and location of the
court, the case and number of the disposition.
(7) Whether an applicant or licensee has filed, or been
served with a complaint or other notice filed with any

public body, regarding the delinquency in the payment of,
or a dispute over the filings concerning the payment of,
any tax required under federal, State or local law,
including the amount, type of tax, the taxing agency and
time periods involved.
(8) A statement listing the names and titles of all
public officials or officers of any unit of government, and
relatives of said public officials or officers who,
directly or indirectly, own any financial interest in, have
any beneficial interest in, are the creditors of or hold
any debt instrument issued by, or hold or have any interest
in any contractual or service relationship with, an
applicant or licensee.
(9) Whether an applicant or licensee has made, directly
or indirectly, any political contribution, or any loans,
donations or other payments, to any candidate or office
holder, within 5 years from the date of filing the
application, including the amount and the method of
payment.
(10) The name and business telephone number of the
counsel representing an applicant or licensee in matters
before the Board.
(11) A description of any proposed or approved gambling
operation, including the type of boat, home dock, or casino
or gaming location, expected economic benefit to the
community, anticipated or actual number of employees, any
statement from an applicant or licensee regarding
compliance with federal and State affirmative action
guidelines, projected or actual admissions and projected
or actual adjusted gross gaming receipts.
(12) A description of the product or service to be
supplied by an applicant for a supplier's license.
(b) Notwithstanding any applicable statutory provision to
the contrary, the Board shall, on written request from any
person, also provide the following information:
(1) The amount of the wagering tax and admission tax
paid daily to the State of Illinois by the holder of an
owner's license.
(2) Whenever the Board finds an applicant for an
owner's license unsuitable for licensing, a copy of the
written letter outlining the reasons for the denial.
(3) Whenever the Board has refused to grant leave for
an applicant to withdraw his application, a copy of the
letter outlining the reasons for the refusal.
(c) Subject to the above provisions, the Board shall not
disclose any information which would be barred by:
(1) Section 7 of the Freedom of Information Act; or
(2) The statutes, rules, regulations or
intergovernmental agreements of any jurisdiction.
(d) The Board may assess fees for the copying of

information in accordance with Section 6 of the Freedom of Information Act.
(Source: P.A. 101-31, eff. 6-28-19.)
Section 10-187. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Section 7.5 as follows:
(410 ILCS 70/7.5)
Sec. 7.5. Prohibition on billing sexual assault survivors directly for certain services; written notice; billing protocols.
(a) A hospital, approved pediatric health care facility, health care professional, ambulance provider, laboratory, or pharmacy furnishing medical forensic services, transportation, follow-up healthcare, or medication to a sexual assault survivor shall not:
(1) charge or submit a bill for any portion of the costs of the services, transportation, or medications to the sexual assault survivor, including any insurance deductible, co-pay, co-insurance, denial of claim by an insurer, spenddown, or any other out-of-pocket expense;
(2) communicate with, harass, or intimidate the sexual assault survivor for payment of services, including, but not limited to, repeatedly calling or writing to the sexual assault survivor and threatening to refer the matter to a debt collection agency or to an attorney for collection, enforcement, or filing of other process;
(3) refer a bill to a collection agency or attorney for collection action against the sexual assault survivor;
(4) contact or distribute information to affect the sexual assault survivor's credit rating; or
(5) take any other action adverse to the sexual assault survivor or his or her family on account of providing services to the sexual assault survivor.
(b) Nothing in this Section precludes a hospital, health care provider, ambulance provider, laboratory, or pharmacy from billing the sexual assault survivor or any applicable health insurance or coverage for inpatient services.
(c) Every hospital and approved pediatric health care facility providing treatment services to sexual assault survivors in accordance with a plan approved under Section 2 of this Act shall provide a written notice to a sexual assault survivor. The written notice must include, but is not limited to, the following:
(1) a statement that the sexual assault survivor should not be directly billed by any ambulance provider providing transportation services, or by any hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy for the services the sexual assault survivor received as an outpatient at the hospital or

approved pediatric health care facility;
(2) a statement that a sexual assault survivor who is admitted to a hospital may be billed for inpatient services provided by a hospital, health care professional, laboratory, or pharmacy;
(3) a statement that prior to leaving the hospital or approved pediatric health care facility, the hospital or approved pediatric health care facility will give the sexual assault survivor a sexual assault services voucher for follow-up healthcare if the sexual assault survivor is eligible to receive a sexual assault services voucher;
(4) the definition of "follow-up healthcare" as set forth in Section 1a of this Act;
(5) a phone number the sexual assault survivor may call should the sexual assault survivor receive a bill from the hospital or approved pediatric health care facility for medical forensic services;
(6) the toll-free phone number of the Office of the Illinois Attorney General, Crime Victim Services Division , which the sexual assault survivor may call should the sexual assault survivor receive a bill from an ambulance provider, approved pediatric health care facility, a health care professional, a laboratory, or a pharmacy.
This subsection (c) shall not apply to hospitals that provide transfer services as defined under Section 1a of this Act.
(d) Within 60 days after the effective date of this amendatory Act of the 99th General Assembly, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault will be sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval. Within 60 days after the commencement of the provision of medical forensic services, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval. Health care professionals who bill as a legal entity may submit a single billing protocol for the billing entity.
Within 60 days after the Department's approval of a

treatment plan, an approved pediatric health care facility and
any health care professional employed by an approved pediatric
health care facility must develop a billing protocol that
ensures that no survivor of sexual assault is sent a bill for
any medical forensic services and submit the billing protocol
to the Crime Victim Services Division of the Office of the
Attorney General for approval.
The billing protocol must include at a minimum:
(1) a description of training for persons who prepare
bills for medical and forensic services;
(2) a written acknowledgement signed by a person who
has completed the training that the person will not bill
survivors of sexual assault;
(3) prohibitions on submitting any bill for any portion
of medical forensic services provided to a survivor of
sexual assault to a collection agency;
(4) prohibitions on taking any action that would
adversely affect the credit of the survivor of sexual
assault;
(5) the termination of all collection activities if the
protocol is violated; and
(6) the actions to be taken if a bill is sent to a
collection agency or the failure to pay is reported to any
credit reporting agency.
The Crime Victim Services Division of the Office of the
Attorney General may provide a sample acceptable billing
protocol upon request.
The Office of the Attorney General shall approve a proposed
protocol if it finds that the implementation of the protocol
would result in no survivor of sexual assault being billed or
sent a bill for medical forensic services.
If the Office of the Attorney General determines that
implementation of the protocol could result in the billing of a
survivor of sexual assault for medical forensic services, the
Office of the Attorney General shall provide the health care
professional or approved pediatric health care facility with a
written statement of the deficiencies in the protocol. The
health care professional or approved pediatric health care
facility shall have 30 days to submit a revised billing
protocol addressing the deficiencies to the Office of the
Attorney General. The health care professional or approved
pediatric health care facility shall implement the protocol
upon approval by the Crime Victim Services Division of the
Office of the Attorney General.
The health care professional or approved pediatric health
care facility shall submit any proposed revision to or
modification of an approved billing protocol to the Crime
Victim Services Division of the Office of the Attorney General
for approval. The health care professional or approved
pediatric health care facility shall implement the revised or

modified billing protocol upon approval by the Crime-Victim Services Division of the Office of the Illinois Attorney General.
(e) This Section is effective on and after July 1, 2021. (Source: P.A. 100-775, eff. 1-1-19; 101-634, eff. 6-5-20.)
Section 10-190. The Illinois Vehicle Code is amended by changing Sections 6-204, 6-206, 6-308, 6-500, 6-601, and 16-103 as follows:
(625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)
Sec. 6-204. When court to forward license and reports.
(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:
(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person so convicted, and the clerk of the court shall, within 5 days thereafter, forward the same, together with a report of such conviction, to the Secretary.
(2) Whenever any person is convicted of any offense under this Code or similar offenses under a municipal ordinance, other than regulations governing standing, parking or weights of vehicles, and excepting the following enumerated Sections of this Code: Sections 11-1406 (obstruction to driver's view or control), 11-1407 (improper opening of door into traffic), 11-1410 (coasting on downgrade), 11-1411 (following fire apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving vehicle which is in unsafe condition or improperly equipped), 12-201(a) (daytime lights on motorcycles), 12-202 (clearance, identification and side marker lamps), 12-204 (lamp or flag on projecting load), 12-205 (failure to display the safety lights required), 12-401 (restrictions as to tire equipment), 12-502 (mirrors), 12-503 (windshields must be unobstructed and equipped with wipers), 12-601 (horns and warning devices), 12-602 (mufflers, prevention of noise or smoke), 12-603 (seat safety belts), 12-702 (certain vehicles to carry flares or other warning devices), 12-703 (vehicles for oiling roads

operated on highways), 12-710 (splash guards and
replacements), 13-101 (safety tests), 15-101 (size, weight
and load), 15-102 (width), 15-103 (height), 15-104 (name
and address on second division vehicles), 15-107 (length of
vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
15-112 (weights), 15-301 (weights), 15-316 (weights),
15-318 (weights), and also excepting the following
enumerated Sections of the Chicago Municipal Code:
Sections 27-245 (following fire apparatus), 27-254
(obstruction of traffic), 27-258 (driving vehicle which is
in unsafe condition), 27-259 (coasting on downgrade),
27-264 (use of horns and signal devices), 27-265
(obstruction to driver's view or driver mechanism), 27-267
(dimming of headlights), 27-268 (unattended motor
vehicle), 27-272 (illegal funeral procession), 27-273
(funeral procession on boulevard), 27-275 (driving freight
hauling vehicles on boulevard), 27-276 (stopping and
standing of buses or taxicabs), 27-277 (cruising of public
passenger vehicles), 27-305 (parallel parking), 27-306
(diagonal parking), 27-307 (parking not to obstruct
traffic), 27-308 (stopping, standing or parking
regulated), 27-311 (parking regulations), 27-312 (parking
regulations), 27-313 (parking regulations), 27-314
(parking regulations), 27-315 (parking regulations),
27-316 (parking regulations), 27-317 (parking
regulations), 27-318 (parking regulations), 27-319
(parking regulations), 27-320 (parking regulations),
27-321 (parking regulations), 27-322 (parking
regulations), 27-324 (loading and unloading at an angle),
27-333 (wheel and axle loads), 27-334 (load restrictions in
the downtown district), 27-335 (load restrictions in
residential areas), 27-338 (width of vehicles), 27-339
(height of vehicles), 27-340 (length of vehicles), 27-352
(reflectors on trailers), 27-353 (mufflers), 27-354
(display of plates), 27-355 (display of city vehicle tax
sticker), 27-357 (identification of vehicles), 27-358
(projecting of loads), and also excepting the following
enumerated paragraphs of Section 2-201 of the Rules and
Regulations of the Illinois State Toll Highway Authority:
(l) (driving unsafe vehicle on tollway), (m) (vehicles
transporting dangerous cargo not properly indicated), it
shall be the duty of the clerk of the court in which such
conviction is had within 5 days thereafter to forward to
the Secretary of State a report of the conviction and the
court may recommend the suspension of the driver's license
or permit of the person so convicted.
The reporting requirements of this subsection shall
apply to all violations stated in paragraphs (1) and (2) of
this subsection when the individual has been adjudicated
under the Juvenile Court Act or the Juvenile Court Act of

1987. Such reporting requirements shall also apply to
individuals adjudicated under the Juvenile Court Act or the
Juvenile Court Act of 1987 who have committed a violation
of Section 11-501 of this Code, or similar provision of a
local ordinance, or Section 9-3 of the Criminal Code of
1961 or the Criminal Code of 2012, relating to the offense
of reckless homicide, or Section 5-7 of the Snowmobile
Registration and Safety Act or Section 5-16 of the Boat
Registration and Safety Act, relating to the offense of
operating a snowmobile or a watercraft while under the
influence of alcohol, other drug or drugs, intoxicating
compound or compounds, or combination thereof. These
reporting requirements also apply to individuals
adjudicated under the Juvenile Court Act of 1987 based on
any offense determined to have been committed in
furtherance of the criminal activities of an organized
gang, as provided in Section 5-710 of that Act, if those
activities involved the operation or use of a motor
vehicle. It shall be the duty of the clerk of the court in
which adjudication is had within 5 days thereafter to
forward to the Secretary of State a report of the
adjudication and the court order requiring the Secretary of
State to suspend the minor's driver's license and driving
privilege for such time as determined by the court, but
only until he or she attains the age of 18 years. All
juvenile court dispositions reported to the Secretary of
State under this provision shall be processed by the
Secretary of State as if the cases had been adjudicated in
traffic or criminal court. However, information reported
relative to the offense of reckless homicide, or Section
11-501 of this Code, or a similar provision of a local
ordinance, shall be privileged and available only to the
Secretary of State, courts, and police officers.
The reporting requirements of this subsection (a)
apply to all violations listed in paragraphs (1) and (2) of
this subsection (a), excluding parking violations, when
the driver holds a CLP or CDL, regardless of the type of
vehicle in which the violation occurred, or when any driver
committed the violation in a commercial motor vehicle as
defined in Section 6-500 of this Code.
(3) Whenever an order is entered vacating the
conditions of pretrial release forfeiture of any bail,
security or bond given to secure appearance for any offense
under this Code or similar offenses under municipal
ordinance, it shall be the duty of the clerk of the court
in which such vacation was had or the judge of such court
if such court has no clerk, within 5 days thereafter to
forward to the Secretary of State a report of the vacation.
(4) A report of any disposition of court supervision
for a violation of Sections 6-303, 11-401, 11-501 or a

similar provision of a local ordinance, 11-503, 11-504, and 11-506 of this Code, Section 5-7 of the Snowmobile
Registration and Safety Act, and Section 5-16 of the Boat Registration and Safety Act shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.
(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.
(b) Whenever a restricted driving permit is forwarded to a court, as a result of confiscation by a police officer pursuant to the authority in Section 6-113(f), it shall be the duty of the clerk, or judge, if the court has no clerk, to forward such restricted driving permit and a facsimile of the officer's citation to the Secretary of State as expeditiously as practicable.
(c) For the purposes of this Code, a violation of the <u>conditions of pretrial release</u> forfeiture of bail or collateral deposited to secure a defendant's appearance in court when <u>the conditions of pretrial release have</u> forfeiture has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.
(d) For the purpose of providing the Secretary of State with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic law offenders, the clerk of the court shall forward to the Secretary of State, on a form prescribed by the

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

(Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

(625 ILCS 5/6-206)

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

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12-month ~~12 month~~ period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the

movement of traffic, to a degree that indicates lack of
ability to exercise ordinary and reasonable care in the
safe operation of a motor vehicle or disrespect for the
traffic laws and the safety of other persons upon the
highway;
4. Has by the unlawful operation of a motor vehicle
caused or contributed to an accident resulting in injury
requiring immediate professional treatment in a medical
facility or doctor's office to any person, except that any
suspension or revocation imposed by the Secretary of State
under the provisions of this subsection shall start no
later than 6 months after being convicted of violating a
law or ordinance regulating the movement of traffic, which
violation is related to the accident, or shall start not
more than one year after the date of the accident,
whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a
driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or
offenses in another state, including the authorization
contained in Section 6-203.1, which if committed within
this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination
provided for by Section 6-207 or has failed to pass the
examination;
8. Is ineligible for a driver's license or permit under
the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a
material fact or has used false information or
identification in any application for a license,
identification card, or permit;
10. Has possessed, displayed, or attempted to
fraudulently use any license, identification card, or
permit not issued to the person;
11. Has operated a motor vehicle upon a highway of this
State when the person's driving privilege or privilege to
obtain a driver's license or permit was revoked or
suspended unless the operation was authorized by a
monitoring device driving permit, judicial driving permit
issued prior to January 1, 2009, probationary license to
drive, or a restricted driving permit issued under this
Code;
12. Has submitted to any portion of the application
process for another person or has obtained the services of
another person to submit to any portion of the application
process for the purpose of obtaining a license,
identification card, or permit for some other person;
13. Has operated a motor vehicle upon a highway of this
State when the person's driver's license or permit was
invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or 14B of the Illinois Identification Card Act;
15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles if the person exercised actual physical control over the vehicle during the commission of the offense, in which case the suspension shall be for one year;
16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;
17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;
18. (Blank);
19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;
20. Has been convicted of violating Section 6-104 relating to classification of driver's license;
21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;
22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year;
23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;
24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a <u>traffic-related</u> traffie related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;
25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;
26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;
27. (Blank);
28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control,

as a driver, of a motor vehicle, of any controlled
substance prohibited under the Illinois Controlled
Substances Act, any cannabis prohibited under the Cannabis
Control Act, or any methamphetamine prohibited under the
Methamphetamine Control and Community Protection Act, in
which case the person's driving privileges shall be
suspended for one year. Any defendant found guilty of this
offense while operating a motor vehicle, shall have an
entry made in the court record by the presiding judge that
this offense did occur while the defendant was operating a
motor vehicle and order the clerk of the court to report
the violation to the Secretary of State;
29. Has been convicted of the following offenses that
were committed while the person was operating or in actual
physical control, as a driver, of a motor vehicle: criminal
sexual assault, predatory criminal sexual assault of a
child, aggravated criminal sexual assault, criminal sexual
abuse, aggravated criminal sexual abuse, juvenile pimping,
soliciting for a juvenile prostitute, promoting juvenile
prostitution as described in subdivision (a) (1), (a) (2),
or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
or the Criminal Code of 2012, and the manufacture, sale or
delivery of controlled substances or instruments used for
illegal drug use or abuse in which case the driver's
driving privileges shall be suspended for one year;
30. Has been convicted a second or subsequent time for
any combination of the offenses named in paragraph 29 of
this subsection, in which case the person's driving
privileges shall be suspended for 5 years;
31. Has refused to submit to a test as required by
Section 11-501.6 of this Code or Section 5-16c of the Boat
Registration and Safety Act or has submitted to a test
resulting in an alcohol concentration of 0.08 or more or
any amount of a drug, substance, or compound resulting from
the unlawful use or consumption of cannabis as listed in
the Cannabis Control Act, a controlled substance as listed
in the Illinois Controlled Substances Act, an intoxicating
compound as listed in the Use of Intoxicating Compounds
Act, or methamphetamine as listed in the Methamphetamine
Control and Community Protection Act, in which case the
penalty shall be as prescribed in Section 6-208.1;
32. Has been convicted of Section 24-1.2 of the
Criminal Code of 1961 or the Criminal Code of 2012 relating
to the aggravated discharge of a firearm if the offender
was located in a motor vehicle at the time the firearm was
discharged, in which case the suspension shall be for 3
years;
33. Has as a driver, who was less than 21 years of age
on the date of the offense, been convicted a first time of
a violation of paragraph (a) of Section 11-502 of this Code

or a similar provision of a local ordinance;
34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance;
35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance;
36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24-month 24-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;
38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation;
39. Has committed a second or subsequent violation of Section 11-1201 of this Code;
40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;
41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;
42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;
43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation, in which case the suspension shall be for a period of 3 months;
44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section;
45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person;
46. Has committed a violation of subsection (j) of

Section 3-413 of this Code;
47. Has committed a violation of subsection (a) of Section 11-502.1 of this Code;
48. Has submitted a falsified or altered medical examiner's certificate to the Secretary of State or provided false information to obtain a medical examiner's certificate; or
49. Has committed a violation of subsection (b-5) of Section 12-610.2 that resulted in great bodily harm, permanent disability, or disfigurement, in which case the driving privileges shall be suspended for 12 months; or
<u>50.</u> 49. Has been convicted of a violation of Section 11-1002 or 11-1002.5 that resulted in a Type A injury to another, in which case the person's driving privileges shall be suspended for 12 months.
For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license, or a temporary driver's license.
(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6-month 6 month limitation prescribed shall not apply.
(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.
2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The

affidavit shall also state the number of offenses committed
while operating a vehicle in connection with the driver's
regular occupation. The affidavit shall be accompanied by the
driver's license. Upon receipt of a properly completed
affidavit, the Secretary of State shall issue the driver a
permit to operate a vehicle in connection with the driver's
regular occupation only. Unless the permit is issued by the
Secretary of State prior to the date of suspension, the
privilege to drive any motor vehicle shall be suspended as set
forth in the notice that was mailed under this Section. If an
affidavit is received subsequent to the effective date of this
suspension, a permit may be issued for the remainder of the
suspension period.
The provisions of this subparagraph shall not apply to any
driver required to possess a CDL for the purpose of operating a
commercial motor vehicle.
Any person who falsely states any fact in the affidavit
required herein shall be guilty of perjury under Section 6-302
and upon conviction thereof shall have all driving privileges
revoked without further rights.
3. At the conclusion of a hearing under Section 2-118 of
this Code, the Secretary of State shall either rescind or
continue an order of revocation or shall substitute an order of
suspension; or, good cause appearing therefor, rescind,
continue, change, or extend the order of suspension. If the
Secretary of State does not rescind the order, the Secretary
may upon application, to relieve undue hardship (as defined by
the rules of the Secretary of State), issue a restricted
driving permit granting the privilege of driving a motor
vehicle between the petitioner's residence and petitioner's
place of employment or within the scope of the petitioner's
employment-related employment-related duties, or to allow the
petitioner to transport himself or herself, or a family member
of the petitioner's household to a medical facility, to receive
necessary medical care, to allow the petitioner to transport
himself or herself to and from alcohol or drug remedial or
rehabilitative activity recommended by a licensed service
provider, or to allow the petitioner to transport himself or
herself or a family member of the petitioner's household to
classes, as a student, at an accredited educational
institution, or to allow the petitioner to transport children,
elderly persons, or persons with disabilities who do not hold
driving privileges and are living in the petitioner's household
to and from daycare. The petitioner must demonstrate that no
alternative means of transportation is reasonably available
and that the petitioner will not endanger the public safety or
welfare.
(A) If a person's license or permit is revoked or
suspended due to 2 or more convictions of violating Section
11-501 of this Code or a similar provision of a local

ordinance or a similar out-of-state offense, or Section 9-3
of the Criminal Code of 1961 or the Criminal Code of 2012,
where the use of alcohol or other drugs is recited as an
element of the offense, or a similar out-of-state offense,
or a combination of these offenses, arising out of separate
occurrences, that person, if issued a restricted driving
permit, may not operate a vehicle unless it has been
equipped with an ignition interlock device as defined in
Section 1-129.1.
(B) If a person's license or permit is revoked or
suspended 2 or more times due to any combination of:
(i) a single conviction of violating Section
11-501 of this Code or a similar provision of a local
ordinance or a similar out-of-state offense or Section
9-3 of the Criminal Code of 1961 or the Criminal Code
of 2012, where the use of alcohol or other drugs is
recited as an element of the offense, or a similar
out-of-state offense; or
(ii) a statutory summary suspension or revocation
under Section 11-501.1; or
(iii) a suspension under Section 6-203.1;
arising out of separate occurrences; that person, if issued
a restricted driving permit, may not operate a vehicle
unless it has been equipped with an ignition interlock
device as defined in Section 1-129.1.
(B-5) If a person's license or permit is revoked or
suspended due to a conviction for a violation of
subparagraph (C) or (F) of paragraph (1) of subsection (d)
of Section 11-501 of this Code, or a similar provision of a
local ordinance or similar out-of-state offense, that
person, if issued a restricted driving permit, may not
operate a vehicle unless it has been equipped with an
ignition interlock device as defined in Section 1-129.1.
(C) The person issued a permit conditioned upon the use
of an ignition interlock device must pay to the Secretary
of State DUI Administration Fund an amount not to exceed
\$30 per month. The Secretary shall establish by rule the
amount and the procedures, terms, and conditions relating
to these fees.
(D) If the restricted driving permit is issued for
employment purposes, then the prohibition against
operating a motor vehicle that is not equipped with an
ignition interlock device does not apply to the operation
of an occupational vehicle owned or leased by that person's
employer when used solely for employment purposes. For any
person who, within a 5-year period, is convicted of a
second or subsequent offense under Section 11-501 of this
Code, or a similar provision of a local ordinance or
similar out-of-state offense, this employment exemption
does not apply until either a one-year period has elapsed

during which that person had his or her driving privileges
revoked or a one-year period has elapsed during which that
person had a restricted driving permit which required the
use of an ignition interlock device on every motor vehicle
owned or operated by that person.
(E) In each case the Secretary may issue a restricted
driving permit for a period deemed appropriate, except that
all permits shall expire no later than 2 years from the
date of issuance. A restricted driving permit issued under
this Section shall be subject to cancellation, revocation,
and suspension by the Secretary of State in like manner and
for like cause as a driver's license issued under this Code
may be cancelled, revoked, or suspended; except that a
conviction upon one or more offenses against laws or
ordinances regulating the movement of traffic shall be
deemed sufficient cause for the revocation, suspension, or
cancellation of a restricted driving permit. The Secretary
of State may, as a condition to the issuance of a
restricted driving permit, require the applicant to
participate in a designated driver remedial or
rehabilitative program. The Secretary of State is
authorized to cancel a restricted driving permit if the
permit holder does not successfully complete the program.
(F) A person subject to the provisions of paragraph 4
of subsection (b) of Section 6-208 of this Code may make
application for a restricted driving permit at a hearing
conducted under Section 2-118 of this Code after the
expiration of 5 years from the effective date of the most
recent revocation or after 5 years from the date of release
from a period of imprisonment resulting from a conviction
of the most recent offense, whichever is later, provided
the person, in addition to all other requirements of the
Secretary, shows by clear and convincing evidence:
(i) a minimum of 3 years of uninterrupted
abstinence from alcohol and the unlawful use or
consumption of cannabis under the Cannabis Control
Act, a controlled substance under the Illinois
Controlled Substances Act, an intoxicating compound
under the Use of Intoxicating Compounds Act, or
methamphetamine under the Methamphetamine Control and
Community Protection Act; and
(ii) the successful completion of any
rehabilitative treatment and involvement in any
ongoing rehabilitative activity that may be
recommended by a properly licensed service provider
according to an assessment of the person's alcohol or
drug use under Section 11-501.01 of this Code.
In determining whether an applicant is eligible for a
restricted driving permit under this subparagraph (F), the
Secretary may consider any relevant evidence, including,

but not limited to, testimony, affidavits, records, and the
results of regular alcohol or drug tests. Persons subject
to the provisions of paragraph 4 of subsection (b) of
Section 6-208 of this Code and who have been convicted of
more than one violation of paragraph (3), paragraph (4), or
paragraph (5) of subsection (a) of Section 11-501 of this
Code shall not be eligible to apply for a restricted
driving permit under this subparagraph (F).
A restricted driving permit issued under this
subparagraph (F) shall provide that the holder may only
operate motor vehicles equipped with an ignition interlock
device as required under paragraph (2) of subsection (c) of
Section 6-205 of this Code and subparagraph (A) of
paragraph 3 of subsection (c) of this Section. The
Secretary may revoke a restricted driving permit or amend
the conditions of a restricted driving permit issued under
this subparagraph (F) if the holder operates a vehicle that
is not equipped with an ignition interlock device, or for
any other reason authorized under this Code.
A restricted driving permit issued under this
subparagraph (F) shall be revoked, and the holder barred
from applying for or being issued a restricted driving
permit in the future, if the holder is convicted of a
violation of Section 11-501 of this Code, a similar
provision of a local ordinance, or a similar offense in
another state.
(c-3) In the case of a suspension under paragraph 43 of
subsection (a), reports received by the Secretary of State
under this Section shall, except during the actual time the
suspension is in effect, be privileged information and for use
only by the courts, police officers, prosecuting authorities,
the driver licensing administrator of any other state, the
Secretary of State, or the parent or legal guardian of a driver
under the age of 18. However, beginning January 1, 2008, if the
person is a CDL holder, the suspension shall also be made
available to the driver licensing administrator of any other
state, the U.S. Department of Transportation, and the affected
driver or motor carrier or prospective motor carrier upon
request.
(c-4) In the case of a suspension under paragraph 43 of
subsection (a), the Secretary of State shall notify the person
by mail that his or her driving privileges and driver's license
will be suspended one month after the date of the mailing of
the notice.
(c-5) The Secretary of State may, as a condition of the
reissuance of a driver's license or permit to an applicant
whose driver's license or permit has been suspended before he
or she reached the age of 21 years pursuant to any of the
provisions of this Section, require the applicant to
participate in a driver remedial education course and be

retested under Section 6-109 of this Code.
(d) This Section is subject to the provisions of the <u>Driver Drivers</u> License Compact.
(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.
(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified under any provisions of this Code. (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20; 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-4-21.)
(625 ILCS 5/6-308)
Sec. 6-308. Procedures for traffic violations.
(a) Any person cited for violating this Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection (d) of Section 3-401 of this Code, shall not be required to sign the citation or post bond to secure bail for his or her release. All other provisions of this Code or similar provisions of local ordinances shall be governed by the <u>pretrial release bail</u> provisions of the Illinois Supreme Court Rules when it is not practical or feasible to take the person before a judge to have <u>conditions of pretrial release bail</u> set or to avoid undue delay because of the hour or circumstances.
(b) Whenever a person fails to appear in court, the court may continue the case for a minimum of 30 days and the clerk of the court shall send notice of the continued court date to the person's last known address. If the person does not appear in court on or before the continued court date or satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person, the court shall enter an order of failure to appear. The clerk of the court shall notify the Secretary of State, on a report prescribed by the Secretary, of the court's order. The Secretary, when notified by the clerk of the court that an order of failure to appear has been entered, shall immediately suspend the person's driver's license, which shall be designated by the Secretary as a Failure to Appear suspension. The Secretary shall not remove the suspension, nor issue any permit or privileges to the person whose license has been suspended, until notified by the ordering court that the person has appeared and resolved the violation. Upon compliance, the clerk of the court shall present the person with a notice of compliance containing the

seal of the court, and shall notify the Secretary that the person has appeared and resolved the violation.
(c) Illinois Supreme Court Rules shall govern <u>pretrial release</u> bail and appearance procedures when a person who is a resident of another state that is not a member of the Nonresident Violator Compact of 1977 is cited for violating this Code or a similar provision of a local ordinance. (Source: P.A. 100-674, eff. 1-1-19.)
(625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)
Sec. 6-500. Definitions of words and phrases.
Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below have the meanings ascribed to them as follows:
(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.
(2) Alcohol concentration. "Alcohol concentration" means:
(A) the number of grams of alcohol per 210 liters of breath; or
(B) the number of grams of alcohol per 100 milliliters of blood; or
(C) the number of grams of alcohol per 67 milliliters of urine.
Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.
(3) (Blank).
(4) (Blank).
(5) (Blank).
(5.3) CDLIS driver record. "CDLIS driver record" means the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 U.S.C. 31309.
(5.5) CDLIS motor vehicle record. "CDLIS motor vehicle record" or "CDLIS MVR" means a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. 2721-2725.
(5.7) Commercial driver's license downgrade. "Commercial driver's license downgrade" or "CDL downgrade" means either:
(A) a state allows the driver to change his or her self-certification to interstate, but operating exclusively in transportation or operation excepted from 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;

(B) a state allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;
(C) a state allows the driver to change his or her certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or
(D) a state removes the CDL privilege from the driver license.
(6) Commercial Motor Vehicle.
(A) "Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used in commerce, except those referred to in subdivision (B), designed to transport passengers or property if the motor vehicle:
(i) has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
(i-5) has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
(ii) is designed to transport 16 or more persons, including the driver; or
(iii) is of any size and is used in transporting hazardous materials as defined in 49 C.F.R. 383.5.
(B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:
(i) recreational vehicles, when operated primarily for personal use;
(ii) vehicles owned by or operated under the direction of the United States Department of Defense or the United States Coast Guard only when operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or
(iii) firefighting, police, and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or

property or the execution of emergency governmental
functions which are normally not subject to general
traffic rules and regulations.
(7) Controlled Substance. "Controlled substance" shall
have the same meaning as defined in Section 102 of the Illinois
Controlled Substances Act, and shall also include cannabis as
defined in Section 3 of the Cannabis Control Act and
methamphetamine as defined in Section 10 of the Methamphetamine
Control and Community Protection Act.
(8) Conviction. "Conviction" means an unvacated
adjudication of guilt or a determination that a person has
violated or failed to comply with the law in a court of
original jurisdiction or by an authorized administrative
tribunal; an unvacated <u>revocation of pretrial release or</u>
<u>forfeiture of bail or collateral deposited to secure the</u>
<u>person's appearance in court; a plea of guilty or nolo</u>
<u>contendere accepted by the court; the payment of a fine or</u>
<u>court cost regardless of whether the imposition of sentence is</u>
<u>deferred and ultimately a judgment dismissing the underlying</u>
<u>charge is entered; or a violation of a condition of <u>pretrial</u></u>
<u>release without bail, regardless of whether or not the penalty</u>
<u>is rebated, suspended or probated.</u>
(8.5) Day. "Day" means calendar day.
(9) (Blank).
(10) (Blank).
(11) (Blank).
(12) (Blank).
(13) Driver. "Driver" means any person who drives,
operates, or is in physical control of a commercial motor
vehicle, any person who is required to hold a CDL, or any
person who is a holder of a CDL while operating a
non-commercial motor vehicle.
(13.5) Driver applicant. "Driver applicant" means an
individual who applies to a state or other jurisdiction to
obtain, transfer, upgrade, or renew a CDL or to obtain or renew
a CLP.
(13.8) Electronic device. "Electronic device" includes,
but is not limited to, a cellular telephone, personal digital
assistant, pager, computer, or any other device used to input,
write, send, receive, or read text.
(14) Employee. "Employee" means a person who is employed as
a commercial motor vehicle driver. A person who is
self-employed as a commercial motor vehicle driver must comply
with the requirements of this UCDLA pertaining to employees. An
owner-operator on a long-term lease shall be considered an
employee.
(15) Employer. "Employer" means a person (including the
United States, a State or a local authority) who owns or leases
a commercial motor vehicle or assigns employees to operate such
a vehicle. A person who is self-employed as a commercial motor

vehicle driver must comply with the requirements of this UCDLA.
(15.1) Endorsement. "Endorsement" means an authorization to an individual's CLP or CDL required to permit the individual to operate certain types of commercial motor vehicles.
(15.2) Entry-level driver training. "Entry-level driver training" means the training an entry-level driver receives from an entity listed on the Federal Motor Carrier Safety Administration's Training Provider Registry prior to: (i) taking the CDL skills test required to receive the Class A or Class B CDL for the first time; (ii) taking the CDL skills test required to upgrade to a Class A or Class B CDL; or (iii) taking the CDL skills test required to obtain a passenger or school bus endorsement for the first time or the CDL knowledge test required to obtain a hazardous materials endorsement for the first time.
(15.3) Excepted interstate. "Excepted interstate" means a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or part of the qualification requirements of 49 C.F.R. Part 391 and is not required to obtain a medical examiner's certificate by 49 C.F.R. 391.45.
(15.5) Excepted intrastate. "Excepted intrastate" means a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements.
(16) (Blank).
(16.5) Fatality. "Fatality" means the death of a person as a result of a motor vehicle accident.
(16.7) Foreign commercial driver. "Foreign commercial driver" means a person licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.
(17) Foreign jurisdiction. "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".
(18) (Blank).
(19) (Blank).
(20) Hazardous materials. "Hazardous material" means any material that has been designated under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73.
(20.5) Imminent Hazard. "Imminent hazard" means the existence of any condition of a vehicle, employee, or commercial motor vehicle operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or a condition relating to hazardous material that presents a substantial likelihood that death,

serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.
(20.6) Issuance. "Issuance" means initial issuance, transfer, renewal, or upgrade of a CLP or CDL and non-domiciled CLP or CDL.
(20.7) Issue. "Issue" means initial issuance, transfer, renewal, or upgrade of a CLP or CDL and non-domiciled CLP or non-domiciled CDL.
(21) Long-term lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessor to a lessee, for a period of more than 29 days.
(21.01) Manual transmission. "Manual transmission" means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot including those known as a stick shift, stick, straight drive, or standard transmission. All other transmissions, whether semi-automatic or automatic, shall be considered automatic for the purposes of the standardized restriction code.
(21.1) Medical examiner. "Medical examiner" means an individual certified by the Federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners in accordance with Federal Motor Carrier Safety Regulations, 49 CFR 390.101 et seq.
(21.2) Medical examiner's certificate. "Medical examiner's certificate" means either (1) prior to June 22, 2021, a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive; or (2) beginning June 22, 2021, an electronic submission of results of an examination conducted by a medical examiner listed on the National Registry of Certified Medical Examiners to the Federal Motor Carrier Safety Administration of a driver to medically qualify him or her to drive.
(21.5) Medical variance. "Medical variance" means a driver has received one of the following from the Federal Motor Carrier Safety Administration which allows the driver to be issued a medical certificate: (1) an exemption letter permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a skill performance evaluation (SPE) certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.
(21.7) Mobile telephone. "Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 CFR 20.3. It does not include

two-way or citizens band radio services.
(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from over head trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.
(22.2) Motor vehicle record. "Motor vehicle record" means a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. 2721-2725.
(22.5) Non-CMV. "Non-CMV" means a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" or "CMV" in this Section.
(22.7) Non-excepted interstate. "Non-excepted interstate" means a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 C.F.R. Part 391, and is required to obtain a medical examiner's certificate by 49 C.F.R. 391.45.
(22.8) Non-excepted intrastate. "Non-excepted intrastate" means a person who operates only in intrastate commerce and is subject to State driver qualification requirements.
(23) Non-domiciled CLP or Non-domiciled CDL. "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL, respectively, issued by a state or other jurisdiction under either of the following two conditions:
(i) to an individual domiciled in a foreign country meeting the requirements of Part 383.23(b) (1) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.
(ii) to an individual domiciled in another state meeting the requirements of Part 383.23(b) (2) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.
(24) (Blank).
(25) (Blank).
(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:
(A) Section 11-1201, 11-1202, or 11-1425 of this Code.
(B) Any other similar law or local ordinance of any state relating to railroad-highway grade crossing.
(25.7) School Bus. "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. "School bus" does not include a bus used as a common carrier.
(26) Serious Traffic Violation. "Serious traffic violation" means:
(A) a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CLP or

CDL, of:
(i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or
(ii) a violation relating to reckless driving; or
(iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or
(iv) a violation of Section 6-501, relating to having multiple driver's licenses; or
(v) a violation of paragraph (a) of Section 6-507, relating to the requirement to have a valid CLP or CDL; or
(vi) a violation relating to improper or erratic traffic lane changes; or
(vii) a violation relating to following another vehicle too closely; or
(viii) a violation relating to texting while driving; or
(ix) a violation relating to the use of a hand-held mobile telephone while driving; or
(B) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.
(27) State. "State" means a state of the United States, the District of Columbia and any province or territory of Canada.
(28) (Blank).
(29) (Blank).
(30) (Blank).
(31) (Blank).
(32) Texting. "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device.
(1) Texting includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a World Wide Web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication.
(2) Texting does not include:
(i) inputting, selecting, or reading information on a global positioning system or navigation system; or
(ii) pressing a single button to initiate or terminate a voice communication using a mobile telephone; or
(iii) using a device capable of performing

multiple functions (for example, a fleet management system, dispatching device, smart phone, citizens band radio, or music player) for a purpose that is not otherwise prohibited by Part 392 of the Federal Motor Carrier Safety Regulations.
(32.3) Third party skills test examiner. "Third party skills test examiner" means a person employed by a third party tester who is authorized by the State to administer the CDL skills tests specified in 49 C.F.R. Part 383, subparts G and H.
(32.5) Third party tester. "Third party tester" means a person (including, but not limited to, another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government) authorized by the State to employ skills test examiners to administer the CDL skills tests specified in 49 C.F.R. Part 383, subparts G and H.
(32.7) United States. "United States" means the 50 states and the District of Columbia.
(33) Use a hand-held mobile telephone. "Use a hand-held mobile telephone" means:
(1) using at least one hand to hold a mobile telephone to conduct a voice communication;
(2) dialing or answering a mobile telephone by pressing more than a single button; or
(3) reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.
(Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)
(625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601) Sec. 6-601. Penalties.
(a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.
(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than \$500.
(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:
1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.
2. A Class B misdemeanor if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than one year; or if the

<p>person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age.</p>
<p>3. A petty offense if the person has been issued a temporary visitor's driver's license or permit and is unable to provide proof of liability insurance as provided in subsection (d-5) of Section 6-105.1.</p>
<p>If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3 or 6-308, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3 or 6-308), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.</p>
<p>(d) For violations of this Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection (d) of Section 3-401 of this Code, if the violation may be satisfied without a court appearance, the violator may, pursuant to Supreme Court Rule, satisfy the case with a written plea of guilty and payment of fines, penalties, and costs <u>as equal to the bail amount</u> established by the Supreme Court for the offense.</p> <p>(Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15.)</p>
<p>(625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)</p>
<p>Sec. 16-103. Arrest outside county where violation committed.</p>
<p>Whenever a defendant is arrested upon a warrant charging a violation of this Act in a county other than that in which such warrant was issued, the arresting officer, immediately upon the request of the defendant, shall take such defendant before a circuit judge or associate circuit judge in the county in which the arrest was made who shall admit the defendant to <u>pretrial release</u> bail for his appearance before the court named in the warrant. On setting the conditions of <u>pretrial release</u> taking such bail the circuit judge or associate circuit judge shall certify such fact on the warrant and deliver the warrant and conditions of <u>pretrial release</u> undertaking of bail or other security, or the drivers license of such defendant if deposited, under the law relating to such licenses, in lieu of such security, to the officer having charge of the defendant. Such officer shall then immediately discharge the defendant from arrest and without delay deliver such warrant and such acknowledgment by the defendant of his or her receiving the conditions of <u>pretrial release</u> undertaking of bail, or other</p>

<p>security or drivers license to the court before which the defendant is required to appear. (Source: P.A. 77-1280.)</p>
<p>Section 10-191. The Illinois Vehicle Code is amended by changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8, 11-208.9, and 11-1201.1 as follows:</p>
<p>(625 ILCS 5/6-209.1)</p>
<p>Sec. 6-209.1. Restoration of driving privileges; revocation; suspension; cancellation.</p>
<p>(a) The Secretary shall rescind the suspension or cancellation of a person's driver's license that has been suspended or canceled before <u>July 1, 2020</u> (the effective date of <u>Public Act 101-623</u>) this amendatory Act of the 101st General Assembly due to:</p>
<p>(1) the person being convicted of theft of motor fuel under Section Sections 16-25 or 16K-15 of the Criminal Code of 1961 or the Criminal Code of 2012;</p>
<p>(2) the person, since the issuance of the driver's license, being adjudged to be afflicted with or suffering from any mental disability or disease;</p>
<p>(3) a violation of Section 6-16 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;</p>
<p>(4) the person being convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, if the person presents a certified copy of a court order that includes a finding that the person was not an occupant of a motor vehicle at the time of the violation;</p>
<p>(5) the person receiving a disposition of court supervision for a violation of subsection subsections (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, if the person presents a certified copy of a court order that includes a finding that the person was not an occupant of a motor vehicle at the time of the violation;</p>
<p>(6) the person failing to pay any fine or penalty due or owing as a result of 10 or more violations of a municipality's or county's vehicular standing, parking, or compliance regulations established by ordinance under Section 11-208.3 of this Code;</p>
<p>(7) the person failing to satisfy any fine or penalty resulting from a final order issued by the <u>Illinois State Toll Highway Authority</u> relating directly or indirectly to 5 or more toll violations, toll evasions, or both;</p>
<p>(8) the person being convicted of a violation of Section 4-102 of this Code, if the person presents a certified copy of a court order that includes a finding that the person did not exercise actual physical control of</p>

the vehicle at the time of the violation; or
(9) the person being convicted of criminal trespass to vehicles under Section 21-2 of the Criminal Code of 2012, if the person presents a certified copy of a court order that includes a finding that the person did not exercise actual physical control of the vehicle at the time of the violation.
(b) As soon as practicable and no later than July 1, 2021, the Secretary shall rescind the suspension, cancellation, or prohibition of renewal of a person's driver's license that has been suspended, canceled, or whose renewal has been prohibited before the effective date of this amendatory Act of the 101st General Assembly due to the person having failed to pay any fine or penalty for traffic violations , automated traffic law enforcement system violations as defined in Sections 11-208.6, and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle fees.
(Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)
(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)
Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles, automated traffic law violations, and automated speed enforcement system violations.
(a) Any municipality or county may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as described in this subsection, automated traffic law violations as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and automated speed enforcement system violations as defined in Section 11-208.8. The administrative system shall have as its purpose the fair and efficient enforcement of municipal or county regulations through the administrative adjudication of automated speed enforcement system or automated traffic law violations and violations of municipal or county ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal or county wheel tax licenses within the municipality's or county's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of \$500 or requiring the completion of a traffic education program, or both, that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal or county regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal or county wheel tax license.
(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:
(1) A traffic compliance administrator authorized to

adopt, distribute, and process parking, compliance, and
automated speed enforcement system or automated traffic
law violation notices and other notices required by this
Section, collect money paid as fines and penalties for
violation of parking and compliance ordinances and
automated speed enforcement system or automated traffic
law violations, and operate an administrative adjudication
system. The traffic compliance administrator also may make
a certified report to the Secretary of State under Section
6-306.5.
(2) A parking, standing, compliance, automated speed
enforcement system, or automated traffic law violation
notice that shall specify or include the date, time, and
place of violation of a parking, standing, compliance,
automated speed enforcement system, or automated traffic
law regulation; the particular regulation violated; any
requirement to complete a traffic education program; the
fine and any penalty that may be assessed for late payment
or failure to complete a required traffic education
program, or both, when so provided by ordinance; the
vehicle make or a photograph of the vehicle; the state
registration number of the vehicle; and the identification
number of the person issuing the notice. With regard to
automated speed enforcement system or automated traffic
law violations, vehicle make shall be specified on the
automated speed enforcement system or automated traffic
law violation notice if the notice does not include a
photograph of the vehicle and the make is available and
readily discernible. With regard to municipalities or
counties with a population of 1 million or more, it shall
be grounds for dismissal of a parking violation if the
state registration number or vehicle make specified is
incorrect. The violation notice shall state that the
completion of any required traffic education program, the
payment of any indicated fine, and the payment of any
applicable penalty for late payment or failure to complete
a required traffic education program, or both, shall
operate as a final disposition of the violation. The notice
also shall contain information as to the availability of a
hearing in which the violation may be contested on its
merits. The violation notice shall specify the time and
manner in which a hearing may be had.
(3) Service of a parking, standing, or compliance
violation notice by: (i) affixing the original or a
facsimile of the notice to an unlawfully parked or standing
vehicle; (ii) handing the notice to the operator of a
vehicle if he or she is present; or (iii) mailing the
notice to the address of the registered owner or lessee of
the cited vehicle as recorded with the Secretary of State
or the lessor of the motor vehicle within 30 days after the

Secretary of State or the lessor of the motor vehicle notifies the municipality or county of the identity of the owner or lessee of the vehicle, but not later than 90 days after the date of the violation, except that in the case of a lessee of a motor vehicle, service of a parking, standing, or compliance violation notice may occur no later than 210 days after the violation; and service of an automated speed enforcement system or automated traffic law violation notice by mail to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the municipality or county of the identity of the owner or lessee of the vehicle, but not later than 90 days after the violation, except that in the case of a lessee of a motor vehicle, service of an automated traffic law violation notice may occur no later than 210 days after the violation. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or, in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a determination by a technician employed or contracted by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. In municipalities with a population of less than 1,000,000 inhabitants and counties with a population of less than 3,000,000 inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality or county issuing the violation. In municipalities with a population of 1,000,000 or more inhabitants and counties with a population of 3,000,000 or more inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section

11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must
be reviewed and approved by a law enforcement officer or
retired law enforcement officer of the municipality or
county issuing the violation or by an additional <u>fully</u>
<u>trained</u> fully-trained reviewing technician who is not
employed by the contractor who employs the technician who
made the initial determination. In the case of an automated
speed enforcement system violation, the ordinance shall
require a determination by a technician employed by the
municipality, based upon an inspection of recorded images,
video or other documentation, including documentation of
the speed limit and automated speed enforcement signage,
and documentation of the inspection, calibration, and
certification of the speed equipment, that the vehicle was
being operated in violation of Article VI of Chapter 11 of
this Code or a similar local ordinance. If the technician
determines that the vehicle speed was not determined by a
calibrated, certified speed equipment device based upon
the speed equipment documentation, or if the vehicle was an
emergency vehicle, a citation may not be issued. The
automated speed enforcement ordinance shall require that
all determinations by a technician that a violation
occurred be reviewed and approved by a law enforcement
officer or retired law enforcement officer of the
municipality issuing the violation or by an additional
fully trained reviewing technician who is not employed by
the contractor who employs the technician who made the
initial determination. Routine and independent calibration
of the speeds produced by automated speed enforcement
systems and equipment shall be conducted annually by a
qualified technician. Speeds produced by an automated
speed enforcement system shall be compared with speeds
produced by lidar or other independent equipment. Radar or
lidar equipment shall undergo an internal validation test
no less frequently than once each week. Qualified
technicians shall test <u>loop-based</u> loop-based equipment no
less frequently than once a year. Radar equipment shall be
checked for accuracy by a qualified technician when the
unit is serviced, when unusual or suspect readings persist,
or when deemed necessary by a reviewing technician. Radar
equipment shall be checked with the internal frequency
generator and the internal circuit test whenever the radar
is turned on. Technicians must be alert for any unusual or
suspect readings, and if unusual or suspect readings of a
radar unit persist, that unit shall immediately be removed
from service and not returned to service until it has been
checked by a qualified technician and determined to be
functioning properly. Documentation of the annual
calibration results, including the equipment tested, test
date, technician performing the test, and test results,

shall be maintained and available for use in the
determination of an automated speed enforcement system
violation and issuance of a citation. The technician
performing the calibration and testing of the automated
speed enforcement equipment shall be trained and certified
in the use of equipment for speed enforcement purposes.
Training on the speed enforcement equipment may be
conducted by law enforcement, civilian, or manufacturer's
personnel and if applicable may be equivalent to the
equipment use and operations training included in the Speed
Measuring Device Operator Program developed by the
National Highway Traffic Safety Administration (NHTSA).
The vendor or technician who performs the work shall keep
accurate records on each piece of equipment the technician
calibrates and tests. As used in this paragraph, " <u>fully</u>
<u>trained</u> fully-trained reviewing technician" means a person
who has received at least 40 hours of supervised training
in subjects which shall include image inspection and
interpretation, the elements necessary to prove a
violation, license plate identification, and traffic
safety and management. In all municipalities and counties,
the automated speed enforcement system or automated
traffic law ordinance shall require that no additional fee
shall be charged to the alleged violator for exercising his
or her right to an administrative hearing, and persons
shall be given at least 25 days following an administrative
hearing to pay any civil penalty imposed by a finding that
Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
similar local ordinance has been violated. The original or
a facsimile of the violation notice or, in the case of a
notice produced by a computerized device, a printed record
generated by the device showing the facts entered on the
notice, shall be retained by the traffic compliance
administrator, and shall be a record kept in the ordinary
course of business. A parking, standing, compliance,
automated speed enforcement system, or automated traffic
law violation notice issued, signed, and served in
accordance with this Section, a copy of the notice, or the
<u>computer-generated</u> computer-generated record shall be
prima facie correct and shall be prima facie evidence of
the correctness of the facts shown on the notice. The
notice, copy, or <u>computer-generated</u> computer-generated
record shall be admissible in any subsequent
administrative or legal proceedings.
(4) An opportunity for a hearing for the registered
owner of the vehicle cited in the parking, standing,
compliance, automated speed enforcement system, or
automated traffic law violation notice in which the owner
may contest the merits of the alleged violation, and during
which formal or technical rules of evidence shall not

apply; provided, however, that under Section 11-1306 of
this Code the lessee of a vehicle cited in the violation
notice likewise shall be provided an opportunity for a
hearing of the same kind afforded the registered owner. The
hearings shall be recorded, and the person conducting the
hearing on behalf of the traffic compliance administrator
shall be empowered to administer oaths and to secure by
subpoena both the attendance and testimony of witnesses and
the production of relevant books and papers. Persons
appearing at a hearing under this Section may be
represented by counsel at their expense. The ordinance may
also provide for internal administrative review following
the decision of the hearing officer.
(5) Service of additional notices, sent by first class
United States mail, postage prepaid, to the address of the
registered owner of the cited vehicle as recorded with the
Secretary of State or, if any notice to that address is
returned as undeliverable, to the last known address
recorded in a United States Post Office approved database,
or, under Section 11-1306 or subsection (p) of Section
11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
of this Code, to the lessee of the cited vehicle at the
last address known to the lessor of the cited vehicle at
the time of lease or, if any notice to that address is
returned as undeliverable, to the last known address
recorded in a United States Post Office approved database.
The service shall be deemed complete as of the date of
deposit in the United States mail. The notices shall be in
the following sequence and shall include, but not be
limited to, the information specified herein:
(i) A second notice of parking, standing, or
compliance violation if the first notice of the
violation was issued by affixing the original or a
facsimile of the notice to the unlawfully parked
vehicle or by handing the notice to the operator. This
notice shall specify or include the date and location
of the violation cited in the parking, standing, or
compliance violation notice, the particular regulation
violated, the vehicle make or a photograph of the
vehicle, the state registration number of the vehicle,
any requirement to complete a traffic education
program, the fine and any penalty that may be assessed
for late payment or failure to complete a traffic
education program, or both, when so provided by
ordinance, the availability of a hearing in which the
violation may be contested on its merits, and the time
and manner in which the hearing may be had. The notice
of violation shall also state that failure to complete
a required traffic education program, to pay the
indicated fine and any applicable penalty, or to appear

at a hearing on the merits in the time and manner
specified, will result in a final determination of
violation liability for the cited violation in the
amount of the fine or penalty indicated, and that, upon
the occurrence of a final determination of violation
liability for the failure, and the exhaustion of, or
failure to exhaust, available administrative or
judicial procedures for review, any incomplete traffic
education program or any unpaid fine or penalty, or
both, will constitute a debt due and owing the
municipality or county.
(ii) A notice of final determination of parking,
standing, compliance, automated speed enforcement
system, or automated traffic law violation liability.
This notice shall be sent following a final
determination of parking, standing, compliance,
automated speed enforcement system, or automated
traffic law violation liability and the conclusion of
judicial review procedures taken under this Section.
The notice shall state that the incomplete traffic
education program or the unpaid fine or penalty, or
both, is a debt due and owing the municipality or
county. The notice shall contain warnings that failure
to complete any required traffic education program or
to pay any fine or penalty due and owing the
municipality or county, or both, within the time
specified may result in the municipality's or county's
filing of a petition in the Circuit Court to have the
incomplete traffic education program or unpaid fine or
penalty, or both, rendered a judgment as provided by
this Section, or, where applicable, may result in
suspension of the person's <u>driver's</u> drivers license
for failure to complete a traffic education program or
to pay fines or penalties, or both, for 5 or more
automated traffic law violations under Section
11-208.6 or 11-208.9 or automated speed enforcement
system violations under Section 11-208.8.
(6) A notice of impending <u>driver's</u> drivers license
suspension. This notice shall be sent to the person liable
for failure to complete a required traffic education
program or to pay any fine or penalty that remains due and
owing, or both, on 5 or more unpaid automated speed
enforcement system or automated traffic law violations.
The notice shall state that failure to complete a required
traffic education program or to pay the fine or penalty
owing, or both, within 45 days of the notice's date will
result in the municipality or county notifying the
Secretary of State that the person is eligible for
initiation of suspension proceedings under Section 6-306.5
of this Code. The notice shall also state that the person

may obtain a photostatic copy of an original ticket
imposing a fine or penalty by sending a self-addressed self
addressed , stamped envelope to the municipality or county
along with a request for the photostatic copy. The notice
of impending driver's drivers license suspension shall be
sent by first class United States mail, postage prepaid, to
the address recorded with the Secretary of State or, if any
notice to that address is returned as undeliverable, to the
last known address recorded in a United States Post Office
approved database.
(7) Final determinations of violation liability. A
final determination of violation liability shall occur
following failure to complete the required traffic
education program or to pay the fine or penalty, or both,
after a hearing officer's determination of violation
liability and the exhaustion of or failure to exhaust any
administrative review procedures provided by ordinance.
Where a person fails to appear at a hearing to contest the
alleged violation in the time and manner specified in a
prior mailed notice, the hearing officer's determination
of violation liability shall become final: (A) upon denial
of a timely petition to set aside that determination, or
(B) upon expiration of the period for filing the petition
without a filing having been made.
(8) A petition to set aside a determination of parking,
standing, compliance, automated speed enforcement system,
or automated traffic law violation liability that may be
filed by a person owing an unpaid fine or penalty. A
petition to set aside a determination of liability may also
be filed by a person required to complete a traffic
education program. The petition shall be filed with and
ruled upon by the traffic compliance administrator in the
manner and within the time specified by ordinance. The
grounds for the petition may be limited to: (A) the person
not having been the owner or lessee of the cited vehicle on
the date the violation notice was issued, (B) the person
having already completed the required traffic education
program or paid the fine or penalty, or both, for the
violation in question, and (C) excusable failure to appear
at or request a new date for a hearing. With regard to
municipalities or counties with a population of 1 million
or more, it shall be grounds for dismissal of a parking
violation if the state registration number or vehicle make,
only if specified in the violation notice, is incorrect.
After the determination of parking, standing, compliance,
automated speed enforcement system, or automated traffic
law violation liability has been set aside upon a showing
of just cause, the registered owner shall be provided with
a hearing on the merits for that violation.
(9) Procedures for non-residents. Procedures by which

persons who are not residents of the municipality or county
may contest the merits of the alleged violation without
attending a hearing.
(10) A schedule of civil fines for violations of
vehicular standing, parking, compliance, automated speed
enforcement system, or automated traffic law regulations
enacted by ordinance pursuant to this Section, and a
schedule of penalties for late payment of the fines or
failure to complete required traffic education programs,
provided, however, that the total amount of the fine and
penalty for any one violation shall not exceed \$250, except
as provided in subsection (c) of Section 11-1301.3 of this
Code.
(11) Other provisions as are necessary and proper to
carry into effect the powers granted and purposes stated in
this Section.
(c) Any municipality or county establishing vehicular
standing, parking, compliance, automated speed enforcement
system, or automated traffic law regulations under this Section
may also provide by ordinance for a program of vehicle
immobilization for the purpose of facilitating enforcement of
those regulations. The program of vehicle immobilization shall
provide for immobilizing any eligible vehicle upon the public
way by presence of a restraint in a manner to prevent operation
of the vehicle. Any ordinance establishing a program of vehicle
immobilization under this Section shall provide:
(1) Criteria for the designation of vehicles eligible
for immobilization. A vehicle shall be eligible for
immobilization when the registered owner of the vehicle has
accumulated the number of incomplete traffic education
programs or unpaid final determinations of parking,
standing, compliance, automated speed enforcement system,
or automated traffic law violation liability, or both, as
determined by ordinance.
(2) A notice of impending vehicle immobilization and a
right to a hearing to challenge the validity of the notice
by disproving liability for the incomplete traffic
education programs or unpaid final determinations of
parking, standing, compliance, automated speed enforcement
system, or automated traffic law violation liability, or
both, listed on the notice.
(3) The right to a prompt hearing after a vehicle has
been immobilized or subsequently towed without the
completion of the required traffic education program or
payment of the outstanding fines and penalties on parking,
standing, compliance, automated speed enforcement system,
or automated traffic law violations, or both, for which
final determinations have been issued. An order issued
after the hearing is a final administrative decision within
the meaning of Section 3-101 of the Code of Civil

Procedure.
(4) A post immobilization and post-towing notice
advising the registered owner of the vehicle of the right
to a hearing to challenge the validity of the impoundment.
(d) Judicial review of final determinations of parking,
standing, compliance, automated speed enforcement system, or
automated traffic law violations and final administrative
decisions issued after hearings regarding vehicle
immobilization and impoundment made under this Section shall be
subject to the provisions of the Administrative Review Law.
(e) Any fine, penalty, incomplete traffic education
program, or part of any fine or any penalty remaining unpaid
after the exhaustion of, or the failure to exhaust,
administrative remedies created under this Section and the
conclusion of any judicial review procedures shall be a debt
due and owing the municipality or county and, as such, may be
collected in accordance with applicable law. Completion of any
required traffic education program and payment in full of any
fine or penalty resulting from a standing, parking, compliance,
automated speed enforcement system, or automated traffic law
violation shall constitute a final disposition of that
violation.
(f) After the expiration of the period within which
judicial review may be sought for a final determination of
parking, standing, compliance, automated speed enforcement
system, or automated traffic law violation, the municipality or
county may commence a proceeding in the Circuit Court for
purposes of obtaining a judgment on the final determination of
violation. Nothing in this Section shall prevent a municipality
or county from consolidating multiple final determinations of
parking, standing, compliance, automated speed enforcement
system, or automated traffic law violations against a person in
a proceeding. Upon commencement of the action, the municipality
or county shall file a certified copy or record of the final
determination of parking, standing, compliance, automated
speed enforcement system, or automated traffic law violation,
which shall be accompanied by a certification that recites
facts sufficient to show that the final determination of
violation was issued in accordance with this Section and the
applicable municipal or county ordinance. Service of the
summons and a copy of the petition may be by any method
provided by Section 2-203 of the Code of Civil Procedure or by
certified mail, return receipt requested, provided that the
total amount of fines and penalties for final determinations of
parking, standing, compliance, automated speed enforcement
system, or automated traffic law violations does not exceed
\$2500. If the court is satisfied that the final determination
of parking, standing, compliance, automated speed enforcement
system, or automated traffic law violation was entered in
accordance with the requirements of this Section and the

applicable municipal or county ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality or county and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(g) The fee for participating in a traffic education program under this Section shall not exceed \$25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20; revised 12-21-20.)

(625 ILCS 5/11-208.6)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this

Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Except as provided under Section 11-208.8 of this Code, a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle

involved in the violation;
(3) the violation charged;
(4) the location where the violation occurred;
(5) the date and time of the violation;
(6) a copy of the recorded images;
(7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;
(8) a statement that recorded images are evidence of a violation of a red light signal;
(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle;
(10) a statement that the person may elect to proceed by:
(A) paying the fine, completing a required traffic education program, or both; or
(B) challenging the charge in court, by mail, or by administrative hearing; and
(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.
(e) (Blank). If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does not pay the fine or complete a required traffic education program, or both, or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to complete a required traffic education program or to pay any fine or penalty due and owing, or both, as a result of a combination of 5 violations of the automated traffic law enforcement system or the automated speed enforcement system under Section 11-208.8 of this Code.
(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.
(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:
(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;
(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and
(3) any other evidence or issues provided by municipal or county ordinance.
(i) To demonstrate that the motor vehicle or the registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.
(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding \$100 or the completion of a traffic education program, or both, plus an additional penalty of not more than \$100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.
(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.
(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.
(k) An intersection equipped with an automated traffic law

enforcement system must be posted with a sign visible to
approaching traffic indicating that the intersection is being
monitored by an automated traffic law enforcement system.
(k-3) A municipality or county that has one or more
intersections equipped with an automated traffic law
enforcement system must provide notice to drivers by posting
the locations of automated traffic law systems on the
municipality or county website.
(k-5) An intersection equipped with an automated traffic
law enforcement system must have a yellow change interval that
conforms with the Illinois Manual on Uniform Traffic Control
Devices (IMUTCD) published by the Illinois Department of
Transportation.
(k-7) A municipality or county operating an automated
traffic law enforcement system shall conduct a statistical
analysis to assess the safety impact of each automated traffic
law enforcement system at an intersection following
installation of the system. The statistical analysis shall be
based upon the best available crash, traffic, and other data,
and shall cover a period of time before and after installation
of the system sufficient to provide a statistically valid
comparison of safety impact. The statistical analysis shall be
consistent with professional judgment and acceptable industry
practice. The statistical analysis also shall be consistent
with the data required for valid comparisons of before and
after conditions and shall be conducted within a reasonable
period following the installation of the automated traffic law
enforcement system. The statistical analysis required by this
subsection (k-7) shall be made available to the public and
shall be published on the website of the municipality or
county. If the statistical analysis for the 36 month period
following installation of the system indicates that there has
been an increase in the rate of accidents at the approach to
the intersection monitored by the system, the municipality or
county shall undertake additional studies to determine the
cause and severity of the accidents, and may take any action
that it determines is necessary or appropriate to reduce the
number or severity of the accidents at that intersection.
(l) The compensation paid for an automated traffic law
enforcement system must be based on the value of the equipment
or the services provided and may not be based on the number of
traffic citations issued or the revenue generated by the
system.
(m) This Section applies only to the counties of Cook,
DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
to municipalities located within those counties.
(n) The fee for participating in a traffic education
program under this Section shall not exceed \$25.
A low-income individual required to complete a traffic
education program under this Section who provides proof of

eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

~~(o) (Blank). A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated traffic law or speed enforcement system violations.~~

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(Source: P.A. 101-395, eff. 8-16-19.)

(625 ILCS 5/11-208.8)

Sec. 11-208.8. Automated speed enforcement systems in safety zones.

(a) As used in this Section:

"Automated speed enforcement system" means a photographic device, radar device, laser device, or other electrical or mechanical device or devices installed or utilized in a safety zone and designed to record the speed of a vehicle and obtain a clear photograph or other recorded image of the vehicle and the vehicle's registration plate or digital registration plate while the driver is violating Article VI of Chapter 11 of this Code or a similar provision of a local ordinance.

An automated speed enforcement system is a system, located in a safety zone which is under the jurisdiction of a municipality, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

"Owner" means the person or entity to whom the vehicle is

registered.
"Recorded image" means images recorded by an automated speed enforcement system on:
(1) 2 or more photographs;
(2) 2 or more microphotographs;
(3) 2 or more electronic images; or
(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.
"Safety zone" means an area that is within one-eighth of a mile from the nearest property line of any public or private elementary or secondary school, or from the nearest property line of any facility, area, or land owned by a school district that is used for educational purposes approved by the Illinois State Board of Education, not including school district headquarters or administrative buildings. A safety zone also includes an area that is within one-eighth of a mile from the nearest property line of any facility, area, or land owned by a park district used for recreational purposes. However, if any portion of a roadway is within either one-eighth mile radius, the safety zone also shall include the roadway extended to the furthest portion of the next furthest intersection. The term "safety zone" does not include any portion of the roadway known as Lake Shore Drive or any controlled access highway with 8 or more lanes of traffic.
(a-5) The automated speed enforcement system shall be operational and violations shall be recorded only at the following times:
(i) if the safety zone is based upon the property line of any facility, area, or land owned by a school district, only on school days and no earlier than 6 a.m. and no later than 8:30 p.m. if the school day is during the period of Monday through Thursday, or 9 p.m. if the school day is a Friday; and
(ii) if the safety zone is based upon the property line of any facility, area, or land owned by a park district, no earlier than one hour prior to the time that the facility, area, or land is open to the public or other patrons, and no later than one hour after the facility, area, or land is closed to the public or other patrons.
(b) A municipality that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.
(c) Notwithstanding any penalties for any other violations of this Code, the owner of a motor vehicle used in a traffic violation recorded by an automated speed enforcement system

shall be subject to the following penalties:
(1) if the recorded speed is no less than 6 miles per
hour and no more than 10 miles per hour over the legal
speed limit, a civil penalty not exceeding \$50, plus an
additional penalty of not more than \$50 for failure to pay
the original penalty in a timely manner; or
(2) if the recorded speed is more than 10 miles per
hour over the legal speed limit, a civil penalty not
exceeding \$100, plus an additional penalty of not more than
\$100 for failure to pay the original penalty in a timely
manner.
A penalty may not be imposed under this Section if the
driver of the motor vehicle received a Uniform Traffic Citation
from a police officer for a speeding violation occurring within
one-eighth of a mile and 15 minutes of the violation that was
recorded by the system. A violation for which a civil penalty
is imposed under this Section is not a violation of a traffic
regulation governing the movement of vehicles and may not be
recorded on the driving record of the owner of the vehicle. A
law enforcement officer is not required to be present or to
witness the violation. No penalty may be imposed under this
Section if the recorded speed of a vehicle is 5 miles per hour
or less over the legal speed limit. The municipality may send,
in the same manner that notices are sent under this Section, a
speed violation warning notice where the violation involves a
speed of 5 miles per hour or less above the legal speed limit.
(d) The net proceeds that a municipality receives from
civil penalties imposed under an automated speed enforcement
system, after deducting all non-personnel and personnel costs
associated with the operation and maintenance of such system,
shall be expended or obligated by the municipality for the
following purposes:
(i) public safety initiatives to ensure safe passage
around schools, and to provide police protection and
surveillance around schools and parks, including but not
limited to: (1) personnel costs; and (2) non-personnel
costs such as construction and maintenance of public safety
infrastructure and equipment;
(ii) initiatives to improve pedestrian and traffic
safety;
(iii) construction and maintenance of infrastructure
within the municipality, including but not limited to roads
and bridges; and
(iv) after school programs.
(e) For each violation of a provision of this Code or a
local ordinance recorded by an automated speed enforcement
system, the municipality having jurisdiction shall issue a
written notice of the violation to the registered owner of the
vehicle as the alleged violator. The notice shall be delivered
to the registered owner of the vehicle, by mail, within 30 days

after the Secretary of State notifies the municipality of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.
(f) The notice required under subsection (e) of this
Section shall include:
(1) the name and address of the registered owner of the vehicle;
(2) the registration number of the motor vehicle involved in the violation;
(3) the violation charged;
(4) the date, time, and location where the violation occurred;
(5) a copy of the recorded image or images;
(6) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;
(7) a statement that recorded images are evidence of a violation of a speed restriction;
(8) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle;
(9) a statement that the person may elect to proceed by:
(A) paying the fine; or
(B) challenging the charge in court, by mail, or by administrative hearing; and
(10) a website address, accessible through the Internet, where the person may view the recorded images of the violation.
(g) (Blank). If a person charged with a traffic violation, as a result of an automated speed enforcement system, does not pay the fine or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing, or both, as a result of a combination of 5 violations of the automated speed enforcement system or the automated traffic law under Section 11-208.6 of this Code.
(h) Based on inspection of recorded images produced by an automated speed enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.
(i) Recorded images made by an automated speed enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however,

may be admissible in any proceeding resulting from the issuance of the citation.

(j) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were

stolen before the violation occurred and not under the control or in the possession of the owner at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system; and

(3) any other evidence or issues provided by municipal ordinance.

(k) To demonstrate that the motor vehicle or the registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(l) A roadway equipped with an automated speed enforcement system shall be posted with a sign conforming to the national Manual on Uniform Traffic Control Devices that is visible to approaching traffic stating that vehicle speeds are being photo-enforced and indicating the speed limit. The municipality shall install such additional signage as it determines is necessary to give reasonable notice to drivers as to where automated speed enforcement systems are installed.

(m) A roadway where a new automated speed enforcement system is installed shall be posted with signs providing 30 days notice of the use of a new automated speed enforcement system prior to the issuance of any citations through the automated speed enforcement system.

(n) The compensation paid for an automated speed enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

~~(o) (Blank). A municipality shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated speed or traffic law enforcement system violations.~~

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving

such motor vehicle during the period of the lease; provided
that upon the request of the appropriate authority received
within 120 days after the violation occurred, the lessor
provides within 60 days after such receipt the name and address
of the lessee. The drivers license number of a lessee may be
subsequently individually requested by the appropriate
authority if needed for enforcement of this Section.
Upon the provision of information by the lessor pursuant to
this subsection, the municipality may issue the violation to
the lessee of the vehicle in the same manner as it would issue
a violation to a registered owner of a vehicle pursuant to this
Section, and the lessee may be held liable for the violation.
(q) A municipality using an automated speed enforcement
system must provide notice to drivers by publishing the
locations of all safety zones where system equipment is
installed on the website of the municipality.
(r) A municipality operating an automated speed
enforcement system shall conduct a statistical analysis to
assess the safety impact of the system. The statistical
analysis shall be based upon the best available crash, traffic,
and other data, and shall cover a period of time before and
after installation of the system sufficient to provide a
statistically valid comparison of safety impact. The
statistical analysis shall be consistent with professional
judgment and acceptable industry practice. The statistical
analysis also shall be consistent with the data required for
valid comparisons of before and after conditions and shall be
conducted within a reasonable period following the
installation of the automated traffic law enforcement system.
The statistical analysis required by this subsection shall be
made available to the public and shall be published on the
website of the municipality.
(s) This Section applies only to municipalities with a
population of 1,000,000 or more inhabitants.
(Source: P.A. 101-395, eff. 8-16-19.)
(625 ILCS 5/11-208.9)
Sec. 11-208.9. Automated traffic law enforcement system;
approaching, overtaking, and passing a school bus.
(a) As used in this Section, "automated traffic law
enforcement system" means a device with one or more motor
vehicle sensors working in conjunction with the visual signals
on a school bus, as specified in Sections 12-803 and 12-805 of
this Code, to produce recorded images of motor vehicles that
fail to stop before meeting or overtaking, from either
direction, any school bus stopped at any location for the
purpose of receiving or discharging pupils in violation of
Section 11-1414 of this Code or a similar provision of a local
ordinance.
An automated traffic law enforcement system is a system, in

a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.
(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:
(1) 2 or more photographs;
(2) 2 or more microphotographs;
(3) 2 or more electronic images; or
(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.
(c) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.
(d) For each violation of a provision of this Code or a local ordinance recorded by an automated traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.
(e) The notice required under subsection (d) shall include:
(1) the name and address of the registered owner of the vehicle;
(2) the registration number of the motor vehicle involved in the violation;
(3) the violation charged;
(4) the location where the violation occurred;
(5) the date and time of the violation;
(6) a copy of the recorded images;
(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;
(8) a statement that recorded images are evidence of a violation of overtaking or passing a school bus stopped for the purpose of receiving or discharging pupils;
(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle;
(10) a statement that the person may elect to proceed

by:
(A) paying the fine; or
(B) challenging the charge in court, by mail, or by administrative hearing; and
(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.
(f) (Blank). If a person charged with a traffic violation, as a result of an automated traffic law enforcement system under this Section, does not pay the fine or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of a combination of 5 violations of the automated traffic law enforcement system or the automated speed enforcement system under Section 11-208.8 of this Code.
(g) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.
(h) Recorded images made by an automated traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.
(i) The court or hearing officer may consider in defense of a violation:
(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;
(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a violation of Section 11-1414 of this Code within one-eighth of a mile and 15 minutes of the violation that was recorded by the system;
(3) that the visual signals required by Sections 12-803 and 12-805 of this Code were damaged, not activated, not present in violation of Sections 12-803 and 12-805, or inoperable; and
(4) any other evidence or issues provided by municipal or county ordinance.
(j) To demonstrate that the motor vehicle or the registration plates or digital registration plates were stolen

before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(k) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding \$150 for a first time violation or \$500 for a second or subsequent violation, plus an additional penalty of not more than \$100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle, but may be recorded by the municipality or county for the purpose of determining if a person is subject to the higher fine for a second or subsequent offense.

(l) A school bus equipped with an automated traffic law enforcement system must be posted with a sign indicating that the school bus is being monitored by an automated traffic law enforcement system.

(m) A municipality or county that has one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting a list of school districts using school buses equipped with an automated traffic law enforcement system on the municipality or county website. School districts that have one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting that information on their websites.

(n) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact in each school district using school buses equipped with an automated traffic law enforcement system following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a

statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality or county. If the statistical

analysis for the 36-month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to school buses monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents involving school buses equipped with an automated traffic law enforcement system.

(o) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. ~~The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.~~

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

~~(q) (Blank). A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated traffic law or speed enforcement system violations.~~

(r) After a municipality or county enacts an ordinance providing for automated traffic law enforcement systems under this Section, each school district within that municipality or county's jurisdiction may implement an automated traffic law enforcement system under this Section. The elected school board for that district must approve the implementation of an automated traffic law enforcement system. The school district shall be responsible for entering into a contract, approved by the elected school board of that district, with vendors for the installation, maintenance, and operation of the automated traffic law enforcement system. The school district must enter into an intergovernmental agreement, approved by the elected school board of that district, with the municipality or county with jurisdiction over that school district for the

administration of the automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system. (Source: P.A. 101-395, eff. 8-16-19.)
(625 ILCS 5/11-1201.1)
Sec. 11-1201.1. Automated Railroad Crossing Enforcement System.
(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system in a municipality or county operated by a governmental agency that produces a recorded image of a motor vehicle's violation of a provision of this Code or local ordinance and is designed to obtain a clear recorded image of the vehicle and vehicle's license plate. The recorded image must also display the time, date, and location of the violation.
As used in this Section, "recorded images" means images recorded by an automated railroad grade crossing enforcement system on:
(1) 2 or more photographs;
(2) 2 or more microphotographs;
(3) 2 or more electronic images; or
(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.
(b) The Illinois Commerce Commission may, in cooperation with a local law enforcement agency, establish in any county or municipality an automated railroad grade crossing enforcement system at any railroad grade crossing equipped with a crossing gate designated by local authorities. Local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance requesting the creation of such a system. After the ordinance has been enacted, and before any additional steps toward the establishment of the system are undertaken, the local authorities and the Commission must agree to a plan for obtaining, from any combination of federal, State, and local funding sources, the moneys required for the purchase and installation of any necessary equipment.
(b-1) (Blank.)
(c) For each violation of Section 11-1201 of this Code or a local ordinance recorded by an automated railroad grade crossing enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, no later than 90 days after the violation.

The notice shall include:
(1) the name and address of the registered owner of the vehicle;
(2) the registration number of the motor vehicle involved in the violation;
(3) the violation charged;
(4) the location where the violation occurred;
(5) the date and time of the violation;
(6) a copy of the recorded images;
(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;
(8) a statement that recorded images are evidence of a violation of a railroad grade crossing;
(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle; and
(10) a statement that the person may elect to proceed by:
(A) paying the fine; or
(B) challenging the charge in court, by mail, or by administrative hearing.
(d) (Blank). If a person charged with a traffic violation, as a result of an automated railroad grade crossing enforcement system, does not pay or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of 5 violations of the automated railroad grade crossing enforcement system.
(d-1) (Blank.)
(d-2) (Blank.)
(e) Based on inspection of recorded images produced by an automated railroad grade crossing enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.
(e-1) Recorded images made by an automated railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.
(e-2) The court or hearing officer may consider the following in the defense of a violation:
(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the

control of or in the possession of the owner at the time of the violation;
(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation for the same offense;
(3) any other evidence or issues provided by municipal or county ordinance.
(e-3) To demonstrate that the motor vehicle or the registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.
(f) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.
(g) The compensation paid for an automated railroad grade crossing enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of citations issued or the revenue generated by the system.
(h) (Blank.)
(i) If any part or parts of this Section are held by a court of competent jurisdiction to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this Section. The General Assembly hereby declares that it would have passed the remaining parts of this Section if it had known that the other part or parts of this Section would be declared unconstitutional.
(j) Penalty. A civil fine of \$250 shall be imposed for a first violation of this Section, and a civil fine of \$500 shall be imposed for a second or subsequent violation of this Section.
(Source: P.A. 101-395, eff. 8-16-19.)
(625 ILCS 5/4-214.1 rep.)
(625 ILCS 5/6-306.5 rep.)
(625 ILCS 5/6-306.6 rep.)
Section 10-193. The Illinois Vehicle Code is amended by repealing Sections 4-214.1, 6-306.5, and 6-306.6.
Section 10-195. The Snowmobile Registration and Safety Act is amended by changing Section 5-7 as follows:
(625 ILCS 40/5-7)
Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or

compounds, or a combination of them; criminal penalties; suspension of operating privileges.
(a) A person may not operate or be in actual physical control of a snowmobile within this State while:
1. The alcohol concentration in that person's blood, other bodily substance, or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;
2. The person is under the influence of alcohol;
3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;
3.1. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile;
4. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile;
4.3. The person who is not a CDL holder has a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance at which driving a motor vehicle is prohibited under subdivision (7) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;
4.5. The person who is a CDL holder has any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act; or
5. There is any amount of a drug, substance, or compound in that person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.
(b) The fact that a person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them does not constitute a defense against a charge of violating this Section.
(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section.
(c-1) As used in this Section, "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section or a similar

provision of a local ordinance, or any person who has not had a suspension imposed under subsection (e) of Section 5-7.1.

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

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

(2) the failure of a defendant to appear for trial.

(d) Every person convicted of violating this Section is guilty of a Class 4 felony if:

1. The person has a previous conviction under this Section;

2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years; or

3. The offense occurred during a period in which the person's privileges to operate a snowmobile are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under Section 5-7.1.

(e) Every person convicted of violating this Section is guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-1) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 on board the snowmobile at the time of offense shall be subject to a mandatory minimum fine of \$500 and shall be subject to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the assignment.

(e-2) Every person found guilty of violating this Section, whose operation of a snowmobile while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (i) of Section 11-501.01 of the Illinois Vehicle Code.

(e-3) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined \$100,

payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the \$100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (e-3) shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(f) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the snowmobile operation privileges of a person convicted or found guilty of a misdemeanor under this Section for a period of one year, except that first-time offenders are exempt from this mandatory one year suspension.

(g) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend for a period of 5 years the snowmobile operation privileges of any person convicted or found guilty of a felony under this Section. (Source: P.A. 99-697, eff. 7-29-16; 100-201, eff. 8-18-17.)

Section 10-200. The Clerks of Courts Act is amended by changing Section 27.3b as follows:

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

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

The Clerk of the circuit court is authorized to enter into contracts with credit card or debit card companies approved by the clerk and to negotiate the payment of convenience and administrative fees normally charged by those companies for allowing the clerk of the circuit court to accept their credit cards or debit cards in payment as authorized herein. The clerk of the circuit court is authorized to enter into contracts with third party fund guarantors, facilitators, and service providers under which those entities may contract directly with

customers of the clerk of the circuit court and guarantee and
remit the payments to the clerk of the circuit court. Where the
offender pays fines, penalties, or costs by credit card or
debit card or through a third party fund guarantor,
facilitator, or service provider, or anyone paying statutory
fees of the circuit court clerk or the posting of cash bail,
the clerk shall collect a service fee of up to \$5 or the amount
charged to the clerk for use of its services by the credit card
or debit card issuer, third party fund guarantor, facilitator,
or service provider. This service fee shall be in addition to
any other fines, penalties, or costs. The clerk of the circuit
court is authorized to negotiate the assessment of convenience
and administrative fees by the third party fund guarantors,
facilitators, and service providers with the revenue earned by
the clerk of the circuit court to be remitted to the county
general revenue fund.
(Source: P.A. 95-331, eff. 8-21-07.)
Section 10-205. The Attorney Act is amended by changing
Section 9 as follows:
(705 ILCS 205/9) (from Ch. 13, par. 9)
Sec. 9. All attorneys and counselors at law, judges, clerks
and sheriffs, and all other officers of the several courts
within this state, shall be liable to be arrested and held to
terms of <u>pretrial release</u> bail , and shall be subject to the
same legal process, and may in all respects be prosecuted and
proceeded against in the same courts and in the same manner as
other persons are, any law, usage or custom to the contrary
notwithstanding: Provided, nevertheless, said judges,
counselors or attorneys, clerks, sheriffs and other officers of
said courts, shall be privileged from arrest while attending
courts, and whilst going to and returning from court.
(Source: R.S. 1874, p. 169.)
Section 10-210. The Juvenile Court Act of 1987 is amended
by changing Sections 1-7, 1-8, and 5-150 as follows:
(705 ILCS 405/1-7) (from Ch. 37, par. 801-7)
Sec. 1-7. Confidentiality of juvenile law enforcement and
municipal ordinance violation records.
(A) All juvenile law enforcement records which have not
been expunged are confidential and may never be disclosed to
the general public or otherwise made widely available. Juvenile
law enforcement records may be obtained only under this Section
and Section 1-8 and Part 9 of Article V of this Act, when their
use is needed for good cause and with an order from the
juvenile court, as required by those not authorized to retain
them. Inspection, copying, and disclosure of juvenile law
enforcement records maintained by law enforcement agencies or

records of municipal ordinance violations maintained by any
State, local, or municipal agency that relate to a minor who
has been investigated, arrested, or taken into custody before
his or her 18th birthday shall be restricted to the following:
(0.05) The minor who is the subject of the juvenile law
enforcement record, his or her parents, guardian, and
counsel.
(0.10) Judges of the circuit court and members of the
staff of the court designated by the judge.
(0.15) An administrative adjudication hearing officer
or members of the staff designated to assist in the
administrative adjudication process.
(1) Any local, State, or federal law enforcement
officers or designated law enforcement staff of any
jurisdiction or agency when necessary for the discharge of
their official duties during the investigation or
prosecution of a crime or relating to a minor who has been
adjudicated delinquent and there has been a previous
finding that the act which constitutes the previous offense
was committed in furtherance of criminal activities by a
criminal street gang, or, when necessary for the discharge
of its official duties in connection with a particular
investigation of the conduct of a law enforcement officer,
an independent agency or its staff created by ordinance and
charged by a unit of local government with the duty of
investigating the conduct of law enforcement officers. For
purposes of this Section, "criminal street gang" has the
meaning ascribed to it in Section 10 of the Illinois
Streetgang Terrorism Omnibus Prevention Act.
(2) Prosecutors, public defenders, probation officers,
social workers, or other individuals assigned by the court
to conduct a pre-adjudication or pre-disposition
investigation, and individuals responsible for supervising
or providing temporary or permanent care and custody for
minors under the order of the juvenile court, when
essential to performing their responsibilities.
(3) Federal, State, or local prosecutors, public
defenders, probation officers, and designated staff:
(a) in the course of a trial when institution of
criminal proceedings has been permitted or required
under Section 5-805;
(b) when institution of criminal proceedings has
been permitted or required under Section 5-805 and the
minor is the subject of a proceeding to determine the
conditions of pretrial release amount of bail;
(c) when criminal proceedings have been permitted
or required under Section 5-805 and the minor is the
subject of a pre-trial investigation, pre-sentence
investigation, fitness hearing, or proceedings on an
application for probation; or

(d) in the course of prosecution or administrative adjudication of a violation of a traffic, boating, or fish and game law, or a county or municipal ordinance.
(4) Adult and Juvenile Prisoner Review Board.
(5) Authorized military personnel.
(5.5) Employees of the federal government authorized by law.
(6) Persons engaged in bona fide research, with the permission of the Presiding Judge and the chief executive of the respective law enforcement agency; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the minor's record.
(7) Department of Children and Family Services child protection investigators acting in their official capacity.
(8) The appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds.
(A) Inspection and copying shall be limited to juvenile law enforcement records transmitted to the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:
(i) any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012;
(ii) a violation of the Illinois Controlled Substances Act;
(iii) a violation of the Cannabis Control Act;
(iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;
(v) a violation of the Methamphetamine Control and Community Protection Act;
(vi) a violation of Section 1-2 of the Harassing and Obscene Communications Act;
(vii) a violation of the Hazing Act; or
(viii) a violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of 1961 or the Criminal Code of 2012.
The information derived from the juvenile law enforcement records shall be kept separate from and

shall not become a part of the official school record
of that child and shall not be a public record. The
information shall be used solely by the appropriate
school official or officials whom the school has
determined to have a legitimate educational or safety
interest to aid in the proper rehabilitation of the
child and to protect the safety of students and
employees in the school. If the designated law
enforcement and school officials deem it to be in the
best interest of the minor, the student may be referred
to in-school or community-based social services if
those services are available. "Rehabilitation
services" may include interventions by school support
personnel, evaluation for eligibility for special
education, referrals to community-based agencies such
as youth services, behavioral healthcare service
providers, drug and alcohol prevention or treatment
programs, and other interventions as deemed
appropriate for the student.
(B) Any information provided to appropriate school
officials whom the school has determined to have a
legitimate educational or safety interest by local law
enforcement officials about a minor who is the subject
of a current police investigation that is directly
related to school safety shall consist of oral
information only, and not written juvenile law
enforcement records, and shall be used solely by the
appropriate school official or officials to protect
the safety of students and employees in the school and
aid in the proper rehabilitation of the child. The
information derived orally from the local law
enforcement officials shall be kept separate from and
shall not become a part of the official school record
of the child and shall not be a public record. This
limitation on the use of information about a minor who
is the subject of a current police investigation shall
in no way limit the use of this information by
prosecutors in pursuing criminal charges arising out
of the information disclosed during a police
investigation of the minor. For purposes of this
paragraph, "investigation" means an official
systematic inquiry by a law enforcement agency into
actual or suspected criminal activity.
(9) Mental health professionals on behalf of the
Department of Corrections or the Department of Human
Services or prosecutors who are evaluating, prosecuting,
or investigating a potential or actual petition brought
under the Sexually Violent Persons Commitment Act relating
to a person who is the subject of juvenile law enforcement
records or the respondent to a petition brought under the

Sexually Violent Persons Commitment Act who is the subject
of the juvenile law enforcement records sought. Any
juvenile law enforcement records and any information
obtained from those juvenile law enforcement records under
this paragraph (9) may be used only in sexually violent
persons commitment proceedings.
(10) The president of a park district. Inspection and
copying shall be limited to juvenile law enforcement
records transmitted to the president of the park district
by the Department of State Police under Section 8-23 of the
Park District Code or Section 16a-5 of the Chicago Park
District Act concerning a person who is seeking employment
with that park district and who has been adjudicated a
juvenile delinquent for any of the offenses listed in
subsection (c) of Section 8-23 of the Park District Code or
subsection (c) of Section 16a-5 of the Chicago Park
District Act.
(11) Persons managing and designated to participate in
a court diversion program as designated in subsection (6)
of Section 5-105.
(12) The Public Access Counselor of the Office of the
Attorney General, when reviewing juvenile law enforcement
records under its powers and duties under the Freedom of
Information Act.
(13) Collection agencies, contracted or otherwise
engaged by a governmental entity, to collect any debts due
and owing to the governmental entity.
(B) (1) Except as provided in paragraph (2), no law
enforcement officer or other person or agency may knowingly
transmit to the Department of Corrections, Department of State
Police, or to the Federal Bureau of Investigation any
fingerprint or photograph relating to a minor who has been
arrested or taken into custody before his or her 18th birthday,
unless the court in proceedings under this Act authorizes the
transmission or enters an order under Section 5-805 permitting
or requiring the institution of criminal proceedings.
(2) Law enforcement officers or other persons or agencies
shall transmit to the Department of State Police copies of
fingerprints and descriptions of all minors who have been
arrested or taken into custody before their 18th birthday for
the offense of unlawful use of weapons under Article 24 of the
Criminal Code of 1961 or the Criminal Code of 2012, a Class X
or Class 1 felony, a forcible felony as defined in Section 2-8
of the Criminal Code of 1961 or the Criminal Code of 2012, or a
Class 2 or greater felony under the Cannabis Control Act, the
Illinois Controlled Substances Act, the Methamphetamine
Control and Community Protection Act, or Chapter 4 of the
Illinois Vehicle Code, pursuant to Section 5 of the Criminal
Identification Act. Information reported to the Department
pursuant to this Section may be maintained with records that

the Department files pursuant to Section 2.1 of the Criminal Identification Act. Nothing in this Act prohibits a law enforcement agency from fingerprinting a minor taken into custody or arrested before his or her 18th birthday for an offense other than those listed in this paragraph (2).
(C) The records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 18 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public. For purposes of obtaining documents under this Section, a civil subpoena is not an order of the court.
(1) In cases where the law enforcement, or independent agency, records concern a pending juvenile court case, the party seeking to inspect the records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought.
(2) In cases where the records concern a juvenile court case that is no longer pending, the party seeking to inspect the records shall provide actual notice to the minor or the minor's parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to this Act.
(3) In determining whether the records should be available for inspection, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. Any records obtained in violation of this subsection (C) shall not be admissible in any criminal or civil proceeding, or operate to disqualify a minor from subsequently holding public office or securing employment, or operate as a forfeiture of any public benefit, right, privilege, or right to receive any license granted by public authority.
(D) Nothing contained in subsection (C) of this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection and disclosure is conducted in the presence of a law enforcement officer for the purpose of the identification or apprehension of any person subject to the provisions of this Act or for the investigation or prosecution of any crime.
(E) Law enforcement officers, and personnel of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving

a minor.
(F) Nothing contained in this Section shall prohibit law enforcement agencies from communicating with each other by letter, memorandum, teletype, or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 18 years of age if there are reasonable grounds to believe that the person poses a real and present danger to the safety of the public or law enforcement officers. The information provided under this subsection (F) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.
(G) Nothing in this Section shall prohibit the right of a Civil Service Commission or appointing authority of any federal government, state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department from obtaining and examining the records of any law enforcement agency relating to any record of the applicant having been arrested or taken into custody before the applicant's 18th birthday.
(G-5) Information identifying victims and alleged victims of sex offenses shall not be disclosed or open to the public under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her own identity.
(H) The changes made to this Section by Public Act 98-61 apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).
(H-5) Nothing in this Section shall require any court or adjudicative proceeding for traffic, boating, fish and game law, or municipal and county ordinance violations to be closed to the public.
(I) Willful violation of this Section is a Class C misdemeanor and each violation is subject to a fine of \$1,000. This subsection (I) shall not apply to the person who is the subject of the record.
(J) A person convicted of violating this Section is liable for damages in the amount of \$1,000 or actual damages, whichever is greater.
(Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18; 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff. 12-20-18.)
(705 ILCS 405/1-8) (from Ch. 37, par. 801-8)
Sec. 1-8. Confidentiality and accessibility of juvenile court records.
(A) A juvenile adjudication shall never be considered a conviction nor shall an adjudicated individual be considered a criminal. Unless expressly allowed by law, a juvenile

adjudication shall not operate to impose upon the individual
any of the civil disabilities ordinarily imposed by or
resulting from conviction. Unless expressly allowed by law,
adjudications shall not prejudice or disqualify the individual
in any civil service application or appointment, from holding
public office, or from receiving any license granted by public
authority. All juvenile court records which have not been
expunged are sealed and may never be disclosed to the general
public or otherwise made widely available. Sealed juvenile
court records may be obtained only under this Section and
Section 1-7 and Part 9 of Article V of this Act, when their use
is needed for good cause and with an order from the juvenile
court. Inspection and copying of juvenile court records
relating to a minor who is the subject of a proceeding under
this Act shall be restricted to the following:
(1) The minor who is the subject of record, his or her
parents, guardian, and counsel.
(2) Law enforcement officers and law enforcement
agencies when such information is essential to executing an
arrest or search warrant or other compulsory process, or to
conducting an ongoing investigation or relating to a minor
who has been adjudicated delinquent and there has been a
previous finding that the act which constitutes the
previous offense was committed in furtherance of criminal
activities by a criminal street gang.
Before July 1, 1994, for the purposes of this Section,
"criminal street gang" means any ongoing organization,
association, or group of 3 or more persons, whether formal
or informal, having as one of its primary activities the
commission of one or more criminal acts and that has a
common name or common identifying sign, symbol or specific
color apparel displayed, and whose members individually or
collectively engage in or have engaged in a pattern of
criminal activity.
Beginning July 1, 1994, for purposes of this Section,
"criminal street gang" has the meaning ascribed to it in
Section 10 of the Illinois Streetgang Terrorism Omnibus
Prevention Act.
(3) Judges, hearing officers, prosecutors, public
defenders, probation officers, social workers, or other
individuals assigned by the court to conduct a
pre-adjudication or pre-disposition investigation, and
individuals responsible for supervising or providing
temporary or permanent care and custody for minors under
the order of the juvenile court when essential to
performing their responsibilities.
(4) Judges, federal, State, and local prosecutors,
public defenders, probation officers, and designated
staff:
(a) in the course of a trial when institution of

criminal proceedings has been permitted or required under Section 5-805;
(b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the <u>conditions of pretrial release</u> amount of bail ;
(c) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a pre-trial investigation, pre-sentence investigation or fitness hearing, or proceedings on an application for probation; or
(d) when a minor becomes 18 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the <u>conditions of pretrial release</u> amount of bail , a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.
(5) Adult and Juvenile Prisoner Review Boards.
(6) Authorized military personnel.
(6.5) Employees of the federal government authorized
by law.
(7) Victims, their subrogees and legal representatives; however, such persons shall have access only to the name and address of the minor and information pertaining to the disposition or alternative adjustment plan of the juvenile court.
(8) Persons engaged in bona fide research, with the permission of the presiding judge of the juvenile court and the chief executive of the agency that prepared the particular records; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record.
(9) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 of the Illinois Vehicle Code. However, information reported relative to these offenses shall be privileged and available only to the Secretary of State, courts, and police officers.
(10) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court.
(11) Mental health professionals on behalf of the Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating
to a person who is the subject of juvenile court records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act, who is the subject of juvenile court records sought. Any records and any

information obtained from those records under this
paragraph (11) may be used only in sexually violent persons
commitment proceedings.
(12) Collection agencies, contracted or otherwise
engaged by a governmental entity, to collect any debts due
and owing to the governmental entity.
(A-1) Findings and exclusions of paternity entered in
proceedings occurring under Article II of this Act shall be
disclosed, in a manner and form approved by the Presiding Judge
of the Juvenile Court, to the Department of Healthcare and
Family Services when necessary to discharge the duties of the
Department of Healthcare and Family Services under Article X of
the Illinois Public Aid Code.
(B) A minor who is the victim in a juvenile proceeding
shall be provided the same confidentiality regarding
disclosure of identity as the minor who is the subject of
record.
(C) (0.1) In cases where the records concern a pending
juvenile court case, the requesting party seeking to inspect
the juvenile court records shall provide actual notice to the
attorney or guardian ad litem of the minor whose records are
sought.
(0.2) In cases where the juvenile court records concern a
juvenile court case that is no longer pending, the requesting
party seeking to inspect the juvenile court records shall
provide actual notice to the minor or the minor's parent or
legal guardian, and the matter shall be referred to the chief
judge presiding over matters pursuant to this Act.
(0.3) In determining whether juvenile court records should
be made available for inspection and whether inspection should
be limited to certain parts of the file, the court shall
consider the minor's interest in confidentiality and
rehabilitation over the requesting party's interest in
obtaining the information. The State's Attorney, the minor, and
the minor's parents, guardian, and counsel shall at all times
have the right to examine court files and records.
(0.4) Any records obtained in violation of this Section
shall not be admissible in any criminal or civil proceeding, or
operate to disqualify a minor from subsequently holding public
office, or operate as a forfeiture of any public benefit,
right, privilege, or right to receive any license granted by
public authority.
(D) Pending or following any adjudication of delinquency
for any offense defined in Sections 11-1.20 through 11-1.60 or
12-13 through 12-16 of the Criminal Code of 1961 or the
Criminal Code of 2012, the victim of any such offense shall
receive the rights set out in Sections 4 and 6 of the Bill of
Rights for Victims and Witnesses of Violent Crime Act; and the
juvenile who is the subject of the adjudication,
notwithstanding any other provision of this Act, shall be

treated as an adult for the purpose of affording such rights to the victim.

(E) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority of the federal government, or any state, county, or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records of disposition or evidence which were made in proceedings under this Act.

(F) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the Criminal Code of 2012, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the dispositional order to the principal or chief administrative officer of the school. Access to the dispositional order shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him or her.

(G) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

(H) When a court hearing a proceeding under Article II of this Act becomes aware that an earlier proceeding under Article II had been heard in a different county, that court shall request, and the court in which the earlier proceedings were initiated shall transmit, an authenticated copy of the juvenile court record, including all documents, petitions, and orders filed and the minute orders, transcript of proceedings, and docket entries of the court.

(I) The Clerk of the Circuit Court shall report to the Department of State Police, in the form and manner required by the Department of State Police, the final disposition of each minor who has been arrested or taken into custody before his or her 18th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information reported to the Department under this Section may be maintained with records that the Department files under Section 2.1 of the Criminal Identification Act.

(J) The changes made to this Section by Public Act 98-61 apply to juvenile law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(K) Willful violation of this Section is a Class C

misdemeanor and each violation is subject to a fine of \$1,000.
This subsection (K) shall not apply to the person who is the subject of the record.
(L) A person convicted of violating this Section is liable for damages in the amount of \$1,000 or actual damages, whichever is greater.
(Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18; 100-1162, eff. 12-20-18.)
(705 ILCS 405/5-150)
Sec. 5-150. Admissibility of evidence and adjudications in other proceedings.
(1) Evidence and adjudications in proceedings under this Act shall be admissible:
(a) in subsequent proceedings under this Act concerning the same minor; or
(b) in criminal proceedings when the court is to determine the conditions of pretrial release amount of bail , fitness of the defendant or in sentencing under the Unified Code of Corrections; or
(c) in proceedings under this Act or in criminal proceedings in which anyone who has been adjudicated delinquent under Section 5-105 is to be a witness including the minor or defendant if he or she testifies, and then only for purposes of impeachment and pursuant to the rules of evidence for criminal trials; or
(d) in civil proceedings concerning causes of action arising out of the incident or incidents which initially gave rise to the proceedings under this Act.
(2) No adjudication or disposition under this Act shall operate to disqualify a minor from subsequently holding public office nor shall operate as a forfeiture of any right, privilege or right to receive any license granted by public authority.
(3) The court which adjudicated that a minor has committed any offense relating to motor vehicles prescribed in Sections 4-102 and 4-103 of the Illinois Vehicle Code shall notify the Secretary of State of that adjudication and the notice shall constitute sufficient grounds for revoking that minor's driver's license or permit as provided in Section 6-205 of the Illinois Vehicle Code; no minor shall be considered a criminal by reason thereof, nor shall any such adjudication be considered a conviction.
(Source: P.A. 90-590, eff. 1-1-99.)
Section 10-215. The Criminal Code of 2012 is amended by changing Sections 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15 as follows:
(720 ILCS 5/26.5-5)

Sec. 26.5-5. Sentence.
(a) Except as provided in subsection (b), a person who violates any of the provisions of Section 26.5-1, 26.5-2, or 26.5-3 of this Article is guilty of a Class B misdemeanor. Except as provided in subsection (b), a second or subsequent violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article is a Class A misdemeanor, for which the court shall impose a minimum of 14 days in jail or, if public or community service is established in the county in which the offender was convicted, 240 hours of public or community service.
(b) In any of the following circumstances, a person who violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article shall be guilty of a Class 4 felony:
(1) The person has 3 or more prior violations in the last 10 years of harassment by telephone, harassment through electronic communications, or any similar offense of any other state;
(2) The person has previously violated the harassment by telephone provisions, or the harassment through electronic communications provisions, or committed any similar offense in any other state with the same victim or a member of the victim's family or household;
(3) At the time of the offense, the offender was under conditions of <u>pretrial release</u> bail , probation, conditional discharge, mandatory supervised release or was the subject of an order of protection, in this or any other state, prohibiting contact with the victim or any member of the victim's family or household;
(4) In the course of the offense, the offender threatened to kill the victim or any member of the victim's family or household;
(5) The person has been convicted in the last 10 years of a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;
(6) The person violates paragraph (5) of Section 26.5-2 or paragraph (4) of Section 26.5-3; or
(7) The person was at least 18 years of age at the time of the commission of the offense and the victim was under 18 years of age at the time of the commission of the offense.
(c) The court may order any person convicted under this Article to submit to a psychiatric examination. (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)
(720 ILCS 5/31-1) (from Ch. 38, par. 31-1)
Sec. 31-1. Resisting or obstructing a peace officer, firefighter, or correctional institution employee.
(a) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any

authorized act within his or her official capacity commits a Class A misdemeanor.
(a-5) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, firefighter, or correctional institution employee to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.
(a-7) A person convicted for a violation of this Section whose violation was the proximate cause of an injury to a peace officer, firefighter, or correctional institution employee is guilty of a Class 4 felony.
(b) For purposes of this Section, "correctional institution employee" means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, a violation of aftercare release, a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing on setting the conditions of pretrial release, or who are sexually dangerous persons or who are sexually violent persons; and "firefighter" means any individual, either as an employee or volunteer, of a regularly constituted fire department of a municipality or fire protection district who performs fire fighting duties, including, but not limited to, the fire chief, assistant fire chief, captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department. "Firefighter" also means a person employed by the Office of the State Fire Marshal to conduct arson investigations.
(c) It is an affirmative defense to a violation of this Section if a person resists or obstructs the performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building, or other structure to rescue or to attempt to rescue any person.
(d) A person shall not be subject to arrest <u>for resisting a peace officer</u> under this Section unless there is an underlying offense for which the person was initially subject to arrest. <u>A person shall be subject to arrest for obstructing a peace officer under this section when the person knowingly obstructs a peace officer, firefighter, or correctional institution employee when acting within his or her official capacity from an authorized act.</u>

(Source: P.A. 98-558, eff. 1-1-14.)
(720 ILCS 5/31A-0.1)
Sec. 31A-0.1. Definitions. For the purposes of this
Article:
"Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of an item of contraband, with or without consideration, whether or not there is an agency relationship.
"Employee" means any elected or appointed officer, trustee or employee of a penal institution or of the governing authority of the penal institution, or any person who performs services for the penal institution pursuant to contract with the penal institution or its governing authority.
"Item of contraband" means any of the following:
(i) "Alcoholic liquor" as that term is defined in Section 1-3.05 of the Liquor Control Act of 1934.
(ii) "Cannabis" as that term is defined in subsection (a) of Section 3 of the Cannabis Control Act.
(iii) "Controlled substance" as that term is defined in the Illinois Controlled Substances Act.
(iii-a) "Methamphetamine" as that term is defined in the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.
(iv) "Hypodermic syringe" or hypodermic needle, or any instrument adapted for use of controlled substances or cannabis by subcutaneous injection.
(v) "Weapon" means any knife, dagger, dirk, billy, razor, stiletto, broken bottle, or other piece of glass which could be used as a dangerous weapon. This term includes any of the devices or implements designated in subsections (a) (1), (a) (3) and (a) (6) of Section 24-1 of this Code, or any other dangerous weapon or instrument of like character.
(vi) "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, including but not limited to:
(A) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter; or
(B) any device used exclusively for signaling or safety and required as recommended by the United States Coast Guard or the Interstate Commerce Commission; or
(C) any device used exclusively for the firing of stud cartridges, explosive rivets or industrial ammunition; or
(D) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and

which, upon hitting a human, can send out current
capable of disrupting the person's nervous system in
such a manner as to render him or her incapable of
normal functioning, commonly referred to as a stun gun
or taser.
(vii) "Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm, including but not limited to:
(A) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
(B) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.
(viii) "Explosive" means, but is not limited to, bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes such as black powder bombs and Molotov cocktails or artillery projectiles.
(ix) "Tool to defeat security mechanisms" means, but is not limited to, handcuff or security restraint key, tool designed to pick locks, popper, or any device or instrument used to or capable of unlocking or preventing from locking any handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.
(x) "Cutting tool" means, but is not limited to, hacksaw blade, wirecutter, or device, instrument or file capable of cutting through metal.
(xi) "Electronic contraband" for the purposes of Section 31A-1.1 of this Article means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment brought into or possessed in a penal institution without the written authorization of the Chief Administrative Officer. "Electronic contraband"
for the purposes of Section 31A-1.2 of this Article, means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment.
"Penal institution" means any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house or other institution or place for the incarceration or custody of persons under sentence for offenses awaiting trial or sentence for offenses, under arrest

for an offense, a violation of probation, a violation of parole, a violation of aftercare release, or a violation of mandatory supervised release, or awaiting a ~~bail setting~~ hearing on the setting of conditions of pretrial release or preliminary hearing; provided that where the place for incarceration or custody is housed within another public building this Article shall not apply to that part of the building unrelated to the incarceration or custody of persons. (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14.)

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

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

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

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

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

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

court ~~before bail is statutorily set.~~

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

(Source: P.A. 97-1108, eff. 1-1-13.)

(720 ILCS 5/32-15)

Sec. 32-15. Pretrial release ~~Bail bond~~ false statement. Any person who in any affidavit, document, schedule or other application to ensure compliance of another with the terms of pretrial release ~~become surety or bail for another on any bail bond or recognizance~~ in any civil or criminal proceeding then pending or about to be started against the other person, having taken a lawful oath or made affirmation, shall swear or affirm

wilfully, corruptly and falsely as to the factors the court relied on to approve the conditions of the other person's pretrial release ~~ownership or liens or incumbrances upon or the value of any real or personal property alleged to be owned by the person proposed to ensure those conditions as surety or bail, the financial worth or standing of the person proposed as surety or bail, or as to the number or total penalties of all other bonds or recognizances signed by and standing against the proposed surety or bail, or any person who, having taken a lawful oath or made affirmation, shall testify wilfully, corruptly and falsely as to any of said matters for the purpose of inducing the approval of any such conditions of pretrial release ~~bail bond or recognizance~~; or for the purpose of justifying on any such conditions of pretrial release ~~bail bond or recognizance~~, or who shall suborn any other person to so swear, affirm or testify as aforesaid, shall be deemed and adjudged guilty of perjury or subornation of perjury (as the case may be) and punished accordingly.~~

(Source: P.A. 97-1108, eff. 1-1-13.)

Section 10-216. The Criminal Code of 2012 is amended by changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 and by adding Sections 7-15, 7-16, and 33-9 as follows:

(720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

Sec. 7-5. Peace officer's use of force in making arrest.

(720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

Sec. 7-5. Peace officer's use of force in making arrest. (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened

resistance to the arrest. He is justified in the use of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes, based on the totality of the circumstances, both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; ~~the officer reasonably believes that the person to be arrested cannot be apprehended at a later date, and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another;~~ and

(2) The person to be arrested ~~just~~ has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay. As used in this subsection, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(a-5) Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a peace officer and to warn that deadly force may be used, ~~unless the officer has reasonable grounds to believe that the person is aware of those facts when at all practical.~~

(a-10) A peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if an reasonable officer would believe the person does not pose an imminent threat of death or ~~serious bodily injury~~ great bodily harm to the peace officer or to another person.

(a-15) A peace officer shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism or unless deadly force is otherwise authorized by law.

(b) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(c) The authority to use physical force conferred on peace officers by this Article is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.

(d) Peace officers shall use deadly force only when reasonably necessary in defense of human life. In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the particular

circumstances of each case and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.

(e) The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

(f) The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

(g) Law enforcement agencies are encouraged to adopt and develop policies designed to protect individuals with ~~physical~~, mental health, developmental, or intellectual disabilities, ~~who are significantly more likely to experience greater levels of physical force during police interactions~~, as these disabilities may affect the ability of a person to understand or comply with commands from peace officers.

(h) As used in this Section:

(1) "Deadly force" means any use of force that creates a substantial risk of causing death or great bodily harm ~~serious bodily injury~~, including, but not limited to, the discharge of a firearm.

(2) A threat of death or ~~serious bodily injury~~ great bodily harm is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the ~~present~~ ability, opportunity, and ~~apparent~~ intent to immediately cause death or ~~serious bodily injury~~ great bodily harm to the peace officer or another person. An imminent harm is ~~not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be immediately confronted and addressed.~~

(3) "Totality of the circumstances" means all facts known to the peace officer at the time, or that would be known to a reasonable officer in the same situation, ~~including the conduct of the officer and the subject leading up to the use of deadly force.~~

(Source: P.A. 84-1426.)

(Source: P.A. 84-1426.)

(720 ILCS 5/7-5.5)

Sec. 7-5.5. Prohibited use of force by a peace officer.

(a) A peace officer, or any person acting on behalf of a peace officer, shall not use a chokehold <u>or prolonged restraint</u> above the
shoulders with risk of <u>positional asphyxiation</u> in the performance of his
or her duties, unless deadly force is justified under Article 7 of this Code.
(b) A peace officer, or any person acting on behalf of a peace officer, shall not use a <u>prolonged chokehold or restraint</u> above the
shoulders with risk of <u>positional asphyxiation</u> , or any lesser contact with
the throat or neck area of another, in order to prevent the destruction of evidence by ingestion.
(c) As used in this Section, "chokehold" means applying any direct pressure to the throat, windpipe, or airway of another <u>with the intent to reduce or prevent the intake of air.</u> "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
(d) As used in this Section, " <u>prolonged restraint above the shoulders</u> with risk of <u>positional asphyxiation</u> " means a use of a technique used to restrain a person above the shoulders, including the neck or head, in a position which interferes with the person's ability to breathe after the person no longer poses a threat to the officer or any other person.
(e) A peace officer, or any person acting on behalf of a peace officer, shall not:
(i) use force as punishment or retaliation;
(ii) discharge kinetic impact projectiles and all other non-or less-lethal <u>projectiles in a manner that targets the head, or pelvis, or back;</u>
(iii) discharge firearms or kinetic impact projectiles <u>indiscriminately into a crowd; or</u>
(iv) use chemical agents or irritants <u>for crowd control,</u> including
pepper spray and tear gas, prior to issuing an order to disperse <u>in a sufficient manner to ensure the order is heard</u> and repeated if necessary, <u>where possible</u> followed by <u>sufficient</u>
time and space to allow compliance with the order.
(Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)
(720 ILCS 5/7-9) (from Ch. 38, par. 7-9)
Sec. 7-9. Use of force to prevent escape.
(a) A peace officer or other person who has an arrested person in his custody is justified in the use of such force, <u>except deadly force,</u> to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person.
(b) A guard or other peace officer is justified in the use

of force, ~~including force likely to cause death or great bodily harm,~~ which he reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

(c) ~~A guard or other peace officer shall not use~~ Deadly force shall not be used to prevent escape under this Section unless, based on the totality of the circumstances, deadly force is necessary to prevent death or great bodily harm to himself or such other person.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/7-15 new)

~~Sec. 7-15. Duty to render aid. It is the policy of the State of Illinois that all law enforcement officers must, as soon as reasonably practical, determine if a person is injured, whether as a result of a use of force or otherwise, and render medical aid and assistance consistent with training and request emergency medical assistance if necessary. "Render medical aid and assistance" includes, but is not limited to, (i) performing emergency life-saving procedures such as cardiopulmonary resuscitation or the administration of an automated external defibrillator; and (ii) the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person. If Aid is required, the officer shall not, when reasonable to administer aid, knowingly and willingly refuse to render aid. An officer does not violate this duty if the failure to render aid is due to circumstances such as the lack of appropriate specialized training, lack of resources or equipment, or if it is unsafe or impracticable to render aid.~~

(720 ILCS 5/7-16 new)

~~Sec. 7-16. Duty to intervene.~~

~~(a) A peace officer or anyone acting on behalf of a peace officer shall have a duty to intervene. Duty to intervene means an obligation to intervene to prevent harm from occurring that arises when an officer is present, and has reason to know (1) that excessive force is being used or that any constitutional violation has been committed by a law enforcement official; and (2) the officer has a realistic opportunity to intervene. This duty applies equally to supervisory and non-supervisory officers. q2peace officer, or any person acting on behalf of a peace officer, shall have an affirmative duty to intervene to prevent or stop another peace officer in his or her presence from using any unauthorized force or force that exceeds the degree of force permitted, if any, without regard for chain of command.~~

~~(b) A peace officer, or any person acting on behalf of a~~

peace officer, who intervenes as required by this Section shall report the intervention to the person designated/identified by the law enforcement entity in a manner prescribed by the agency. The report required by this Section must include the date, time, and place of the occurrence; the identity, if known, and description of the participants; and a description of the intervention actions taken and whether they were successful. In no event shall the report be submitted more than 5 days after the incident.

(c) A member of a law enforcement agency shall not discipline nor retaliate in any way against a peace officer for intervening as required in this Section or for reporting unconstitutional or unlawful conduct, or for failing to follow what the officer reasonably believes is an unconstitutional or unlawful directive.

(720 ILCS 5/9-1) (from Ch. 38, par. 9-1)
Sec. 9-1. First degree murder; death penalties; exceptions; separate hearings; proof; findings; appellate procedures; reversals.

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(1) he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person he or she is attempting or committing a forcible felony other than second degree murder.

(b) Aggravating Factors. A defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to death if:

(1) the murdered individual was a peace officer or fireman killed in the course of performing his official duties, to prevent the performance of his or her official duties, or in retaliation for performing his or her official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman; or

(2) the murdered individual was an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, killed in the

course of performing his or her official duties, to prevent
the performance of his or her official duties, or in
retaliation for performing his or her official duties, or
the murdered individual was an inmate at such institution
or facility and was killed on the grounds thereof, or the
murdered individual was otherwise present in such
institution or facility with the knowledge and approval of
the chief administrative officer thereof; or
(3) the defendant has been convicted of murdering two
or more individuals under subsection (a) of this Section or
under any law of the United States or of any state which is
substantially similar to subsection (a) of this Section
regardless of whether the deaths occurred as the result of
the same act or of several related or unrelated acts so
long as the deaths were the result of either an intent to
kill more than one person or of separate acts which the
defendant knew would cause death or create a strong
probability of death or great bodily harm to the murdered
individual or another; or
(4) the murdered individual was killed as a result of
the hijacking of an airplane, train, ship, bus, or other
public conveyance; or
(5) the defendant committed the murder pursuant to a
contract, agreement, or understanding by which he or she
was to receive money or anything of value in return for
committing the murder or procured another to commit the
murder for money or anything of value; or
(6) the murdered individual was killed in the course of
another felony if:
(a) the murdered individual:
(i) was actually killed by the defendant, or
(ii) received physical injuries personally
inflicted by the defendant substantially
contemporaneously with physical injuries caused by
one or more persons for whose conduct the defendant
is legally accountable under Section 5-2 of this
Code, and the physical injuries inflicted by
either the defendant or the other person or persons
for whose conduct he is legally accountable caused
the death of the murdered individual; and
(b) in performing the acts which caused the death
of the murdered individual or which resulted in
physical injuries personally inflicted by the
defendant on the murdered individual under the
circumstances of subdivision (ii) of subparagraph (a)
of paragraph (6) of subsection (b) of this Section, the
defendant acted with the intent to kill the murdered
individual or with the knowledge that his acts created
a strong probability of death or great bodily harm to
the murdered individual or another; and

(c) the other felony was an inherently violent
crime or the attempt to commit an inherently violent
crime. In this subparagraph (c), "inherently violent
crime" includes, but is not limited to, armed robbery,
robbery, predatory criminal sexual assault of a child,
aggravated criminal sexual assault, aggravated
kidnapping, aggravated vehicular hijacking, aggravated
arson, aggravated stalking, residential burglary, and
home invasion; or
(7) the murdered individual was under 12 years of age
and the death resulted from exceptionally brutal or heinous
behavior indicative of wanton cruelty; or
(8) the defendant committed the murder with intent to
prevent the murdered individual from testifying or
participating in any criminal investigation or prosecution
or giving material assistance to the State in any
investigation or prosecution, either against the defendant
or another; or the defendant committed the murder because
the murdered individual was a witness in any prosecution or
gave material assistance to the State in any investigation
or prosecution, either against the defendant or another;
for purposes of this paragraph (8), "participating in any
criminal investigation or prosecution" is intended to
include those appearing in the proceedings in any capacity
such as trial judges, prosecutors, defense attorneys,
investigators, witnesses, or jurors; or
(9) the defendant, while committing an offense
punishable under Sections 401, 401.1, 401.2, 405, 405.2,
407 or 407.1 or subsection (b) of Section 404 of the
Illinois Controlled Substances Act, or while engaged in a
conspiracy or solicitation to commit such offense,
intentionally killed an individual or counseled,
commanded, induced, procured or caused the intentional
killing of the murdered individual; or
(10) the defendant was incarcerated in an institution
or facility of the Department of Corrections at the time of
the murder, and while committing an offense punishable as a
felony under Illinois law, or while engaged in a conspiracy
or solicitation to commit such offense, intentionally
killed an individual or counseled, commanded, induced,
procured or caused the intentional killing of the murdered
individual; or
(11) the murder was committed in a cold, calculated and
premeditated manner pursuant to a preconceived plan,
scheme or design to take a human life by unlawful means,
and the conduct of the defendant created a reasonable
expectation that the death of a human being would result
therefrom; or
(12) the murdered individual was an emergency medical
technician - ambulance, emergency medical technician -

intermediate, emergency medical technician - paramedic,
ambulance driver, or other medical assistance or first aid
personnel, employed by a municipality or other
governmental unit, killed in the course of performing his
official duties, to prevent the performance of his official
duties, or in retaliation for performing his official
duties, and the defendant knew or should have known that
the murdered individual was an emergency medical
technician - ambulance, emergency medical technician -
intermediate, emergency medical technician - paramedic,
ambulance driver, or other medical assistance or first aid
personnel; or
(13) the defendant was a principal administrator,
organizer, or leader of a calculated criminal drug
conspiracy consisting of a hierarchical position of
authority superior to that of all other members of the
conspiracy, and the defendant counseled, commanded,
induced, procured, or caused the intentional killing of the
murdered person; or
(14) the murder was intentional and involved the
infliction of torture. For the purpose of this Section
torture means the infliction of or subjection to extreme
physical pain, motivated by an intent to increase or
prolong the pain, suffering or agony of the victim; or
(15) the murder was committed as a result of the
intentional discharge of a firearm by the defendant from a
motor vehicle and the victim was not present within the
motor vehicle; or
(16) the murdered individual was 60 years of age or
older and the death resulted from exceptionally brutal or
heinous behavior indicative of wanton cruelty; or
(17) the murdered individual was a person with a
disability and the defendant knew or should have known that
the murdered individual was a person with a disability. For
purposes of this paragraph (17), "person with a disability"
means a person who suffers from a permanent physical or
mental impairment resulting from disease, an injury, a
functional disorder, or a congenital condition that
renders the person incapable of adequately providing for
his or her own health or personal care; or
(18) the murder was committed by reason of any person's
activity as a community policing volunteer or to prevent
any person from engaging in activity as a community
policing volunteer; or
(19) the murdered individual was subject to an order of
protection and the murder was committed by a person against
whom the same order of protection was issued under the
Illinois Domestic Violence Act of 1986; or
(20) the murdered individual was known by the defendant
to be a teacher or other person employed in any school and

the teacher or other employee is upon the grounds of a
school or grounds adjacent to a school, or is in any part
of a building used for school purposes; or
(21) the murder was committed by the defendant in
connection with or as a result of the offense of terrorism
as defined in Section 29D-14.9 of this Code; or
(22) the murdered individual was a member of a
congregation engaged in prayer or other religious
activities at a church, synagogue, mosque, or other
building, structure, or place used for religious worship.
(b-5) Aggravating Factor; Natural Life Imprisonment. A
defendant who has been found guilty of first degree murder and
who at the time of the commission of the offense had attained
the age of 18 years or more may be sentenced to natural life
imprisonment if (i) the murdered individual was a physician,
physician assistant, psychologist, nurse, or advanced practice
registered nurse, (ii) the defendant knew or should have known
that the murdered individual was a physician, physician
assistant, psychologist, nurse, or advanced practice
registered nurse, and (iii) the murdered individual was killed
in the course of acting in his or her capacity as a physician,
physician assistant, psychologist, nurse, or advanced practice
registered nurse, or to prevent him or her from acting in that
capacity, or in retaliation for his or her acting in that
capacity.
(c) Consideration of factors in Aggravation and
Mitigation.
The court shall consider, or shall instruct the jury to
consider any aggravating and any mitigating factors which are
relevant to the imposition of the death penalty. Aggravating
factors may include but need not be limited to those factors
set forth in subsection (b). Mitigating factors may include but
need not be limited to the following:
(1) the defendant has no significant history of prior
criminal activity;
(2) the murder was committed while the defendant was
under the influence of extreme mental or emotional
disturbance, although not such as to constitute a defense
to prosecution;
(3) the murdered individual was a participant in the
defendant's homicidal conduct or consented to the
homicidal act;
(4) the defendant acted under the compulsion of threat
or menace of the imminent infliction of death or great
bodily harm;
(5) the defendant was not personally present during
commission of the act or acts causing death;
(6) the defendant's background includes a history of
extreme emotional or physical abuse;
(7) the defendant suffers from a reduced mental

capacity.
Provided, however, that an action that does not otherwise mitigate first degree murder cannot qualify as a mitigating factor for first degree murder because of the discovery, knowledge, or disclosure of the victim's sexual orientation as defined in Section 1-103 of the Illinois Human Rights Act.
(d) Separate sentencing hearing.
Where requested by the State, the court shall conduct a separate sentencing proceeding to determine the existence of factors set forth in subsection (b) and to consider any aggravating or mitigating factors as indicated in subsection (c). The proceeding shall be conducted:
(1) before the jury that determined the defendant's guilt; or
(2) before a jury impanelled for the purpose of the proceeding if:
A. the defendant was convicted upon a plea of guilty; or
B. the defendant was convicted after a trial before the court sitting without a jury; or
C. the court for good cause shown discharges the jury that determined the defendant's guilt; or
(3) before the court alone if the defendant waives a jury for the separate proceeding.
(e) Evidence and Argument.
During the proceeding any information relevant to any of the factors set forth in subsection (b) may be presented by either the State or the defendant under the rules governing the admission of evidence at criminal trials. Any information relevant to any additional aggravating factors or any mitigating factors indicated in subsection (c) may be presented by the State or defendant regardless of its admissibility under the rules governing the admission of evidence at criminal trials. The State and the defendant shall be given fair opportunity to rebut any information received at the hearing.
(f) Proof.
The burden of proof of establishing the existence of any of the factors set forth in subsection (b) is on the State and shall not be satisfied unless established beyond a reasonable doubt.
(g) Procedure - Jury.
If at the separate sentencing proceeding the jury finds that none of the factors set forth in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections. If there is a unanimous finding by the jury that one or more of the factors set forth in subsection (b) exist, the jury shall consider aggravating and mitigating factors as instructed by the court and shall determine whether the sentence of death shall be imposed. If the jury determines

unanimously, after weighing the factors in aggravation and mitigation, that death is the appropriate sentence, the court shall sentence the defendant to death. If the court does not concur with the jury determination that death is the appropriate sentence, the court shall set forth reasons in writing including what facts or circumstances the court relied upon, along with any relevant documents, that compelled the court to non-concur with the sentence. This document and any attachments shall be part of the record for appellate review. The court shall be bound by the jury's sentencing determination.

If after weighing the factors in aggravation and mitigation, one or more jurors determines that death is not the appropriate sentence, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h) Procedure - No Jury.

In a proceeding before the court alone, if the court finds that none of the factors found in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

If the Court determines that one or more of the factors set forth in subsection (b) exists, the Court shall consider any aggravating and mitigating factors as indicated in subsection (c). If the Court determines, after weighing the factors in aggravation and mitigation, that death is the appropriate sentence, the Court shall sentence the defendant to death.

If the court finds that death is not the appropriate sentence, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h-5) Decertification as a capital case.

In a case in which the defendant has been found guilty of first degree murder by a judge or jury, or a case on remand for resentencing, and the State seeks the death penalty as an appropriate sentence, on the court's own motion or the written motion of the defendant, the court may decertify the case as a death penalty case if the court finds that the only evidence supporting the defendant's conviction is the uncorroborated testimony of an informant witness, as defined in Section 115-21 of the Code of Criminal Procedure of 1963, concerning the confession or admission of the defendant or that the sole evidence against the defendant is a single eyewitness or single accomplice without any other corroborating evidence. If the court decertifies the case as a capital case under either of the grounds set forth above, the court shall issue a written finding. The State may pursue its right to appeal the decertification pursuant to Supreme Court Rule 604(a)(1). If the court does not decertify the case as a capital case, the matter shall proceed to the eligibility phase of the sentencing

hearing.
(i) Appellate Procedure.
The conviction and sentence of death shall be subject to automatic review by the Supreme Court. Such review shall be in accordance with rules promulgated by the Supreme Court. The Illinois Supreme Court may overturn the death sentence, and order the imposition of imprisonment under Chapter V of the Unified Code of Corrections if the court finds that the death sentence is fundamentally unjust as applied to the particular case. If the Illinois Supreme Court finds that the death sentence is fundamentally unjust as applied to the particular case, independent of any procedural grounds for relief, the Illinois Supreme Court shall issue a written opinion explaining this finding.
(j) Disposition of reversed death sentence.
In the event that the death penalty in this Act is held to be unconstitutional by the Supreme Court of the United States or of the State of Illinois, any person convicted of first degree murder shall be sentenced by the court to a term of imprisonment under Chapter V of the Unified Code of Corrections.
In the event that any death sentence pursuant to the sentencing provisions of this Section is declared unconstitutional by the Supreme Court of the United States or of the State of Illinois, the court having jurisdiction over a person previously sentenced to death shall cause the defendant to be brought before the court, and the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.
(k) Guidelines for seeking the death penalty.
The Attorney General and State's Attorneys Association shall consult on voluntary guidelines for procedures governing whether or not to seek the death penalty. The guidelines do not have the force of law and are only advisory in nature. (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18; 100-863, eff. 8-14-18; 101-223, eff. 1-1-20.)
(720 ILCS 5/33-3) (from Ch. 38, par. 33-3) Sec. 33-3. Official misconduct.
(a) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he or she commits any of the following acts:
(1) Intentionally or recklessly fails to perform any mandatory duty as required by law; or
(2) Knowingly performs an act which he knows he is forbidden by law to perform; or
(3) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or

(4) Solicits or knowingly accepts for the performance of any act a fee or reward which he knows is not authorized by law.
(b) An employee of a law enforcement agency commits misconduct when he or she knowingly uses or communicates, directly or indirectly, information acquired in the course of employment, with the intent to obstruct, impede, or prevent the investigation, apprehension, or prosecution of any criminal offense or person. Nothing in this subsection (b) shall be construed to impose liability for communicating to a confidential resource, who is participating or aiding law enforcement, in an ongoing investigation.
(c) A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his or her office or employment or position as a special government agent. In addition, he or she commits a Class 3 felony.
(d) For purposes of this Section: "Special , "special government agent" has the meaning ascribed to it in subsection (1) of Section 4A-101 of the Illinois Governmental Ethics Act. (Source: P.A. 98-867, eff. 1-1-15.)
(720 ILCS 5/33-9 new) Sec. 33-9. Law enforcement misconduct.
(a) A law enforcement officer or a person acting on behalf of a law enforcement officer commits law enforcement misconduct when, in the performance of his or her official duties, he or she knowingly and intentionally:
(1) misrepresents or fails to provide facts describing an incident in any report or during any investigations regarding the law enforcement employee's conduct; Committed perjury, made a false statement or knowingly tampered with or fabricated evidence as defined in 50 ILCS 705/6.3-relating to the reporting, investigation or prosecution of a crime
(2) withheld any knowledge that another law enforcement officer engaged in the conduct described in sub-section (1) of this section or,
(3) tampered with body worn camera or other recorded data for the purpose of concealing, destroying or altering potential evidence.
(2) withholds any knowledge of the misrepresentations of another law enforcement officer from the law enforcement employee's supervisor, investigator, or other person or entity tasked with holding the law enforcement officer accountable; or
(3) fails to comply with State law or their department policy requiring the use of officer-worn body cameras.
(b) Sentence. Law enforcement misconduct is a Class 3 felony.

Section 10-255. The Code of Criminal Procedure of 1963 is amended by changing the heading of Article 110 by changing Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17, 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1, 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2, 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1, 115-4.1, and 122-6 and by adding Section 110-1.5 as follows:
(725 ILCS 5/102-6) (from Ch. 38, par. 102-6)
Sec. 102-6. Pretrial release "Bail" .
"Pretrial release" "Bail" has the meaning ascribed to bail in Section 9 of Article I of the Illinois Constitution that is non-monetary means the amount of money set by the court which is required to be obligated and secured as provided by law for the release of a person in custody in order that he will appear before the court in which his appearance may be required and that he will comply with such conditions as set forth in the bail bond.
(Source: Laws 1963, p. 2836.)
(725 ILCS 5/102-7) (from Ch. 38, par. 102-7)
Sec. 102-7. Conditions of pretrial release "Bail bond" .
"Conditions of pretrial release" "Bail bond" means the conditions established by the court an undertaking secured by bail entered into by a person in custody by which he binds himself to comply with such conditions as are set forth therein.
(Source: Laws 1963, p. 2836.)
(725 ILCS 5/103-5) (from Ch. 38, par. 103-5)
Sec. 103-5. Speedy trial.)
(a) Every person in custody in this State for an alleged offense shall be tried by the court having jurisdiction within 120 days from the date he or she was taken into custody unless delay is occasioned by the defendant, by an examination for fitness ordered pursuant to Section 104-13 of this Act, by a fitness hearing, by an adjudication of unfitness to stand trial, by a continuance allowed pursuant to Section 114-4 of this Act after a court's determination of the defendant's physical incapacity for trial, or by an interlocutory appeal. Delay shall be considered to be agreed to by the defendant unless he or she objects to the delay by making a written demand for trial or an oral demand for trial on the record. The provisions of this subsection (a) do not apply to a person on pretrial release bail or recognizance for an offense but who is in custody for a violation of his or her parole, aftercare release, or mandatory supervised release for another offense.
The 120-day term must be one continuous period of incarceration. In computing the 120-day term, separate periods of incarceration may not be combined. If a defendant is taken

into custody a second (or subsequent) time for the same
offense, the term will begin again at day zero.
(b) Every person on <u>pretrial release</u> bail or recognizance shall be tried by the court having jurisdiction within 160 days from the date defendant demands trial unless delay is occasioned by the defendant, by an examination for fitness ordered pursuant to Section 104-13 of this Act, by a fitness hearing, by an adjudication of unfitness to stand trial, by a continuance allowed pursuant to Section 114-4 of this Act after a court's determination of the defendant's physical incapacity for trial, or by an interlocutory appeal. The defendant's failure to appear for any court date set by the court operates to waive the defendant's demand for trial made under this subsection.
For purposes of computing the 160 day period under this subsection (b), every person who was in custody for an alleged offense and demanded trial and is subsequently released on <u>pretrial release</u> bail or recognizance and demands trial, shall be given credit for time spent in custody following the making of the demand while in custody. Any demand for trial made under this subsection (b) shall be in writing; and in the case of a defendant not in custody, the demand for trial shall include the date of any prior demand made under this provision while the defendant was in custody.
(c) If the court determines that the State has exercised without success due diligence to obtain evidence material to the case and that there are reasonable grounds to believe that such evidence may be obtained at a later day the court may continue the cause on application of the State for not more than an additional 60 days. If the court determines that the State has exercised without success due diligence to obtain results of DNA testing that is material to the case and that there are reasonable grounds to believe that such results may be obtained at a later day, the court may continue the cause on application of the State for not more than an additional 120 days.
(d) Every person not tried in accordance with subsections (a), (b) and (c) of this Section shall be discharged from custody or released from the obligations of his <u>pretrial release</u> bail or recognizance.
(e) If a person is simultaneously in custody upon more than one charge pending against him in the same county, or simultaneously demands trial upon more than one charge pending against him in the same county, he shall be tried, or adjudged guilty after waiver of trial, upon at least one such charge before expiration relative to any of such pending charges of the period prescribed by subsections (a) and (b) of this Section. Such person shall be tried upon all of the remaining charges thus pending within 160 days from the date on which judgment relative to the first charge thus prosecuted is

rendered pursuant to the Unified Code of Corrections or, if such trial upon such first charge is terminated without judgment and there is no subsequent trial of, or adjudication of guilt after waiver of trial of, such first charge within a reasonable time, the person shall be tried upon all of the remaining charges thus pending within 160 days from the date on which such trial is terminated; if either such period of 160 days expires without the commencement of trial of, or adjudication of guilt after waiver of trial of, any of such remaining charges thus pending, such charge or charges shall be dismissed and barred for want of prosecution unless delay is occasioned by the defendant, by an examination for fitness ordered pursuant to Section 104-13 of this Act, by a fitness hearing, by an adjudication of unfitness for trial, by a continuance allowed pursuant to Section 114-4 of this Act after a court's determination of the defendant's physical incapacity for trial, or by an interlocutory appeal; provided, however, that if the court determines that the State has exercised without success due diligence to obtain evidence material to the case and that there are reasonable grounds to believe that such evidence may be obtained at a later day the court may continue the cause on application of the State for not more than an additional 60 days.

(f) Delay occasioned by the defendant shall temporarily suspend for the time of the delay the period within which a person shall be tried as prescribed by subsections (a), (b), or (e) of this Section and on the day of expiration of the delay the said period shall continue at the point at which it was suspended. Where such delay occurs within 21 days of the end of the period within which a person shall be tried as prescribed by subsections (a), (b), or (e) of this Section, the court may continue the cause on application of the State for not more than an additional 21 days beyond the period prescribed by subsections (a), (b), or (e). This subsection (f) shall become effective on, and apply to persons charged with alleged offenses committed on or after, March 1, 1977.

(Source: P.A. 98-558, eff. 1-1-14.)

(725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

Sec. 103-7. Posting notice of rights.

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

~~Sections 110-7~~ and 113-3 of this Code. Each person who is in charge of any courthouse or other building in which any trial of an offense is conducted shall post in each room primarily used for such trials and in each room in which defendants are confined or wait, pending trial, in conspicuous places where it may be seen and read by persons in custody and others, a poster, printed in large type, containing a verbatim copy in the English language of the provisions of Sections 103-6, 113-1, 113-4 and 115-1 and of subparts (a) and (b) of Section 113-3 of this Code.
(Source: Laws 1965, p. 2622.)

(725 ILCS 5/103-9) (from Ch. 38, par. 103-9)
Sec. 103-9. Bail bondsmen. No bail bondsman from any state may seize or transport unwillingly any person found in this State who is allegedly in violation of a bail bond posted in some other state or conditions of pretrial release. The return of any such person to another state may be accomplished only as provided by the laws of this State. Any bail bondsman who violates this Section is fully subject to the criminal and civil penalties provided by the laws of this State for his actions.
(Source: P.A. 84-694.)

(725 ILCS 5/104-13) (from Ch. 38, par. 104-13)
Sec. 104-13. Fitness Examination.
(a) When the issue of fitness involves the defendant's mental condition, the court shall order an examination of the defendant by one or more licensed physicians, clinical psychologists, or psychiatrists chosen by the court. No physician, clinical psychologist or psychiatrist employed by the Department of Human Services shall be ordered to perform, in his official capacity, an examination under this Section.
(b) If the issue of fitness involves the defendant's physical condition, the court shall appoint one or more physicians and in addition, such other experts as it may deem appropriate to examine the defendant and to report to the court regarding the defendant's condition.
(c) An examination ordered under this Section shall be given at the place designated by the person who will conduct the examination, except that if the defendant is being held in custody, the examination shall take place at such location as the court directs. No examinations under this Section shall be ordered to take place at mental health or developmental disabilities facilities operated by the Department of Human Services. If the defendant fails to keep appointments without reasonable cause or if the person conducting the examination reports to the court that diagnosis requires hospitalization or extended observation, the court may order the defendant admitted to an appropriate facility for an examination, other

than a screening examination, for not more than 7 days. The court may, upon a showing of good cause, grant an additional 7 days to complete the examination.
(d) Release on <u>pretrial release</u> bail or on recognizance shall not be revoked and an application therefor shall not be denied on the grounds that an examination has been ordered.
(e) Upon request by the defense and if the defendant is indigent, the court may appoint, in addition to the expert or experts chosen pursuant to subsection (a) of this Section, a qualified expert selected by the defendant to examine him and to make a report as provided in Section 104-15. Upon the filing with the court of a verified statement of services rendered, the court shall enter an order on the county board to pay such expert a reasonable fee stated in the order.
(Source: P.A. 89-507, eff. 7-1-97.)
(725 ILCS 5/104-17) (from Ch. 38, par. 104-17)
Sec. 104-17. Commitment for treatment; treatment plan.
(a) If the defendant is eligible to be or has been released on <u>pretrial release</u> bail or on his own recognizance, the court shall select the least physically restrictive form of treatment therapeutically appropriate and consistent with the treatment plan. The placement may be ordered either on an inpatient or an outpatient basis.
(b) If the defendant's disability is mental, the court may order him placed for treatment in the custody of the Department of Human Services, or the court may order him placed in the custody of any other appropriate public or private mental health facility or treatment program which has agreed to provide treatment to the defendant. If the court orders the defendant placed in the custody of the Department of Human Services, the Department shall evaluate the defendant to determine to which secure facility the defendant shall be transported and, within 20 days of the transmittal by the clerk of the circuit court of the placement court order, notify the sheriff of the designated facility. Upon receipt of that notice, the sheriff shall promptly transport the defendant to the designated facility. If the defendant is placed in the custody of the Department of Human Services, the defendant shall be placed in a secure setting. During the period of time required to determine the appropriate placement the defendant shall remain in jail. If during the course of evaluating the defendant for placement, the Department of Human Services determines that the defendant is currently fit to stand trial, it shall immediately notify the court and shall submit a written report within 7 days. In that circumstance the placement shall be held pending a court hearing on the Department's report. Otherwise, upon completion of the placement process, the sheriff shall be notified and shall transport the defendant to the designated facility. If, within

20 days of the transmittal by the clerk of the circuit court of the placement court order, the Department fails to notify the sheriff of the identity of the facility to which the defendant shall be transported, the sheriff shall contact a designated person within the Department to inquire about when a placement will become available at the designated facility and bed availability at other facilities. If, within 20 days of the transmittal by the clerk of the circuit court of the placement court order, the Department fails to notify the sheriff of the identity of the facility to which the defendant shall be transported, the sheriff shall notify the Department of its intent to transfer the defendant to the nearest secure mental health facility operated by the Department and inquire as to the status of the placement evaluation and availability for admission to such facility operated by the Department by contacting a designated person within the Department. The Department shall respond to the sheriff within 2 business days of the notice and inquiry by the sheriff seeking the transfer and the Department shall provide the sheriff with the status of the evaluation, information on bed and placement availability, and an estimated date of admission for the defendant and any changes to that estimated date of admission. If the Department notifies the sheriff during the 2 business day period of a facility operated by the Department with placement availability, the sheriff shall promptly transport the defendant to that facility. The placement may be ordered either on an inpatient or an outpatient basis.

(c) If the defendant's disability is physical, the court may order him placed under the supervision of the Department of Human Services which shall place and maintain the defendant in a suitable treatment facility or program, or the court may order him placed in an appropriate public or private facility or treatment program which has agreed to provide treatment to the defendant. The placement may be ordered either on an inpatient or an outpatient basis.

(d) The clerk of the circuit court shall within 5 days of the entry of the order transmit to the Department, agency or institution, if any, to which the defendant is remanded for treatment, the following:

- (1) a certified copy of the order to undergo treatment. Accompanying the certified copy of the order to undergo treatment shall be the complete copy of any report prepared under Section 104-15 of this Code or other report prepared by a forensic examiner for the court;
- (2) the county and municipality in which the offense was committed;
- (3) the county and municipality in which the arrest took place;
- (4) a copy of the arrest report, criminal charges, arrest record; and

(5) all additional matters which the Court directs the clerk to transmit.
(e) Within 30 days of entry of an order to undergo treatment, the person supervising the defendant's treatment shall file with the court, the State, and the defense a report assessing the facility's or program's capacity to provide appropriate treatment for the defendant and indicating his opinion as to the probability of the defendant's attaining fitness within a period of time from the date of the finding of unfitness. For a defendant charged with a felony, the period of time shall be one year. For a defendant charged with a misdemeanor, the period of time shall be no longer than the sentence if convicted of the most serious offense. If the report indicates that there is a substantial probability that the defendant will attain fitness within the time period, the treatment supervisor shall also file a treatment plan which shall include:
(1) A diagnosis of the defendant's disability;
(2) A description of treatment goals with respect to rendering the defendant fit, a specification of the proposed treatment modalities, and an estimated timetable for attainment of the goals;
(3) An identification of the person in charge of supervising the defendant's treatment.
(Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18.)
(725 ILCS 5/106D-1)
Sec. 106D-1. Defendant's appearance by closed circuit television and video conference.
(a) Whenever the appearance in person in court, in either a civil or criminal proceeding, is required of anyone held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the chief judge of the circuit by rule may permit the personal appearance to be made by means of two-way audio-visual communication, including closed circuit television and computerized video conference, in the following proceedings:
(1) the initial appearance before a judge on a criminal complaint, at which the conditions of pretrial release bail will be set;
(2) the waiver of a preliminary hearing;
(3) the arraignment on an information or indictment at which a plea of not guilty will be entered;
(4) the presentation of a jury waiver;
(5) any status hearing;
(6) any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken; and
(7) at any hearing conducted under the Sexually Violent

Persons Commitment Act at which no witness testimony will be taken.
(b) The two-way audio-visual communication facilities must provide two-way audio-visual communication between the court and the place of custody or confinement, and must include a secure line over which the person in custody and his or her counsel, if any, may communicate.
(c) Nothing in this Section shall be construed to prohibit other court appearances through the use of two-way audio-visual communication, upon waiver of any right the person in custody or confinement may have to be present physically.
(d) Nothing in this Section shall be construed to establish a right of any person held in custody or confinement to appear in court through two-way audio-visual communication or to require that any governmental entity, or place of custody or confinement, provide two-way audio-visual communication. (Source: P.A. 95-263, eff. 8-17-07.)
(725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
Sec. 107-4. Arrest by peace officer from other jurisdiction.
(a) As used in this Section:
(1) "State" means any State of the United States and the District of Columbia.
(2) "Peace Officer" means any peace officer or member of any duly organized State, County, or Municipal peace unit, any police force of another State, the United States Department of Defense, or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.
(3) "Fresh pursuit" means the immediate pursuit of a person who is endeavoring to avoid arrest.
(4) "Law enforcement agency" means a municipal police department or county sheriff's office of this State.
(a-3) Any peace officer employed by a law enforcement agency of this State may conduct temporary questioning pursuant to Section 107-14 of this Code and may make arrests in any jurisdiction within this State: (1) if the officer is engaged in the investigation of criminal activity that occurred in the officer's primary jurisdiction and the temporary questioning or arrest relates to, arises from, or is conducted pursuant to that investigation; or (2) if the officer, while on duty as a peace officer, becomes personally aware of the immediate commission of a felony or misdemeanor violation of the laws of this State; or (3) if the officer, while on duty as a peace officer, is requested by an appropriate State or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the officer's primary jurisdiction; or (4) in accordance with Section

2605-580 of the Department of State Police Law of the Civil Administrative Code of Illinois. While acting pursuant to this subsection, an officer has the same authority as within his or her own jurisdiction.
(a-7) The law enforcement agency of the county or municipality in which any arrest is made under this Section shall be immediately notified of the arrest.
(b) Any peace officer of another State who enters this State in fresh pursuit and continues within this State in fresh pursuit of a person in order to arrest him on the ground that he has committed an offense in the other State has the same authority to arrest and hold the person in custody as peace officers of this State have to arrest and hold a person in custody on the ground that he has committed an offense in this State.
(c) If an arrest is made in this State by a peace officer of another State in accordance with the provisions of this Section he shall without unnecessary delay take the person arrested before the circuit court of the county in which the arrest was made. Such court shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the court determines that the arrest was lawful it shall commit the person arrested, to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to <u>pretrial release</u> bail for such purpose. If the court determines that the arrest was unlawful it shall discharge the person arrested.
(Source: P.A. 98-576, eff. 1-1-14.)
(725 ILCS 5/107-9) (from Ch. 38, par. 107-9)
Sec. 107-9. Issuance of arrest warrant upon complaint.
(a) When a complaint is presented to a court charging that an offense has been committed it shall examine upon oath or affirmation the complainant or any witnesses.
(b) The complaint shall be in writing and shall:
(1) State the name of the accused if known, and if not known the accused may be designated by any name or description by which he can be identified with reasonable certainty;
(2) State the offense with which the accused is charged;
(3) State the time and place of the offense as definitely as can be done by the complainant; and
(4) Be subscribed and sworn to by the complainant.
(b-5) If an arrest warrant is sought and the request is made by electronic means that has a simultaneous video and audio transmission between the requester and a judge, the judge may issue an arrest warrant based upon a sworn complaint or sworn testimony communicated in the transmission.
(c) A warrant shall be issued by the court for the arrest

of the person complained against if it appears from the contents of the complaint and the examination of the complainant or other witnesses, if any, that the person against whom the complaint was made has committed an offense.
(d) The warrant of arrest shall:
(1) Be in writing;
(2) Specify the name, sex and birth date of the person to be arrested or if his name, sex or birth date is unknown, shall designate such person by any name or description by which he can be identified with reasonable certainty;
(3) Set forth the nature of the offense;
(4) State the date when issued and the municipality or county where issued;
(5) Be signed by the judge of the court with the title of his office;
(6) Command that the person against whom the complaint was made be arrested and brought before the court issuing the warrant or if he is absent or unable to act before the nearest or most accessible court in the same county;
(7) Specify the conditions of pretrial release amount of bail ; and
(8) Specify any geographical limitation placed on the execution of the warrant, but such limitation shall not be expressed in mileage.
(e) The warrant shall be directed to all peace officers in the State. It shall be executed by the peace officer, or by a private person specially named therein, at any location within the geographic limitation for execution placed on the warrant. If no geographic limitation is placed on the warrant, then it may be executed anywhere in the State.
(f) The arrest warrant may be issued electronically or electromagnetically by use of electronic mail or a facsimile transmission machine and any arrest warrant shall have the same validity as a written warrant.
(Source: P.A. 101-239, eff. 1-1-20.)
(725 ILCS 5/109-1) (from Ch. 38, par. 109-1)
Sec. 109-1. Person arrested; release from law enforcement custody and court appearance; geographical constraints prevent in-person appearances.
(a) A person arrested with or without a warrant for an offense for which pretrial release may be denied under paragraphs (1) through (6) of Section 110-6.1 shall be taken without unnecessary delay before the nearest and most accessible judge in that county, except when such county is a participant in a regional jail authority, in which event such person may be taken to the nearest and most accessible judge, irrespective of the county where such judge presides, and a charge shall be filed. Whenever a person arrested either with

or without a warrant is required to be taken before a judge, a charge may be filed against such person by way of a two-way closed circuit television system, except that a hearing to deny pretrial release ~~bail~~ to the defendant may not be conducted by way of closed circuit television.

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

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

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

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

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

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

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

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

(5) Order the confiscation of the person's passport or

impose travel restrictions on a defendant arrested for
first degree murder or other violent crime as defined in
Section 3 of the Rights of Crime Victims and Witnesses Act,
if the judge determines, based on the factors in Section
110-5 of this Code, that this will reasonably ensure the
appearance of the defendant and compliance by the defendant
with all conditions of release.
(c) The court may issue an order of protection in
accordance with the provisions of Article 112A of this Code.
Crime victims shall be given notice by the State's Attorney's
office of this hearing as required in paragraph (2) of
subsection (b) of the Rights of Crime Victims and Witnesses Act
and shall be informed of their opportunity at this hearing to
obtain an order of protection under Article 112A of this Code.
(d) At the initial appearance of a defendant in any
criminal proceeding, the court must advise the defendant in
open court that any foreign national who is arrested or
detained has the right to have notice of the arrest or
detention given to his or her country's consular
representatives and the right to communicate with those
consular representatives if the notice has not already been
provided. The court must make a written record of so advising
the defendant.
(e) If consular notification is not provided to a defendant
before his or her first appearance in court, the court shall
grant any reasonable request for a continuance of the
proceedings to allow contact with the defendant's consulate.
Any delay caused by the granting of the request by a defendant
shall temporarily suspend for the time of the delay the period
within which a person shall be tried as prescribed by
subsections (a), (b), or (e) of Section 103-5 of this Code and
on the day of the expiration of delay the period shall continue
at the point at which it was suspended.
(f) At the hearing at which conditions of pretrial release
are determined, the person charged shall be present in person
rather than by video phone or any other form of electronic
communication, unless the physical health and safety of the
person would be endangered by appearing in court or the accused
waives the right to be present in person.
(g) Defense counsel shall be given adequate opportunity to
confer with Defendant prior to any hearing in which conditions
of release or the detention of the Defendant is to be
considered, with a physical accommodation made to facilitate
attorney/client consultation.
(Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
eff. 1-1-18.)
(725 ILCS 5/109-2) (from Ch. 38, par. 109-2)
Sec. 109-2. Person arrested in another county. (a) Any
person arrested in a county other than the one in which a

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

(b) Notwithstanding the provisions of subsection (a), any person arrested in a county other than the one in which a warrant for his arrest was issued, may waive the right to be taken before a judge in the county where the arrest was made. If a person so arrested waives such right, the arresting agency shall surrender such person to a law enforcement agency of the county that issued the warrant without unnecessary delay. The provisions of Section 109-1 shall then apply to the person so arrested.

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

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

(725 ILCS 5/109-3) (from Ch. 38, par. 109-3)
Sec. 109-3. Preliminary examination.)

(a) The judge shall hold the defendant to answer to the court having jurisdiction of the offense if from the evidence it appears there is probable cause to believe an offense has been committed by the defendant, as provided in Section 109-3.1 of this Code, if the offense is a felony.

(b) If the defendant waives preliminary examination the judge shall hold him to answer and may, or on the demand of the prosecuting attorney shall, cause the witnesses for the State to be examined. After hearing the testimony if it appears that there is not probable cause to believe the defendant guilty of any offense the judge shall discharge him.

(c) During the examination of any witness or when the defendant is making a statement or testifying the judge may and on the request of the defendant or State shall exclude all other witnesses. He may also cause the witnesses to be kept separate and to be prevented from communicating with each other

until all are examined.
(d) If the defendant is held to answer the judge may require any material witness for the State or defendant to enter into a written undertaking to appear at the trial, and may provide for the forfeiture of a sum certain in the event the witness does not appear at the trial. Any witness who refuses to execute a recognizance may be committed by the judge to the custody of the sheriff until trial or further order of the court having jurisdiction of the cause. Any witness who executes a recognizance and fails to comply with its terms shall, in addition to any forfeiture provided in the recognizance, be subject to the penalty provided in Section 32-10 of the Criminal Code of 2012 for violation of the conditions of <u>pretrial release</u> bail bond .
(e) During preliminary hearing or examination the defendant may move for an order of suppression of evidence pursuant to Section 114-11 or 114-12 of this Act or for other reasons, and may move for dismissal of the charge pursuant to Section 114-1 of this Act or for other reasons. (Source: P.A. 97-1150, eff. 1-25-13.)
(725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)
Sec. 109-3.1. Persons Charged with Felonies. (a) In any case involving a person charged with a felony in this State, alleged to have been committed on or after January 1, 1984, the provisions of this Section shall apply.
(b) Every person in custody in this State for the alleged commission of a felony shall receive either a preliminary examination as provided in Section 109-3 or an indictment by Grand Jury as provided in Section 111-2, within 30 days from the date he or she was taken into custody. Every person on <u>pretrial release</u> bail or recognizance for the alleged commission of a felony shall receive either a preliminary examination as provided in Section 109-3 or an indictment by Grand Jury as provided in Section 111-2, within 60 days from the date he or she was arrested. The provisions of this paragraph shall not apply in the following situations:
(1) when delay is occasioned by the defendant; or
(2) when the defendant has been indicted by the Grand Jury on the felony offense for which he or she was initially taken into custody or on an offense arising from the same transaction or conduct of the defendant that was the basis for the felony offense or offenses initially charged; or
(3) when a competency examination is ordered by the court;
or
(4) when a competency hearing is held; or
(5) when an adjudication of incompetency for trial has been made; or
(6) when the case has been continued by the court under

Section 114-4 of this Code after a determination that the defendant is physically incompetent to stand trial.
(c) Delay occasioned by the defendant shall temporarily suspend, for the time of the delay, the period within which the preliminary examination must be held. On the day of expiration of the delay the period in question shall continue at the point at which it was suspended.
(Source: P.A. 83-644.)
(725 ILCS 5/Art. 110 heading)
ARTICLE 110. <u>PRETRIAL RELEASE BAIL</u>
(725 ILCS 5/110-1) (from Ch. 38, par. 110-1)
Sec. 110-1. Definitions. (a) <u>(Blank)</u> . "Security" is that which is required to be pledged to insure the payment of bail.
(b) "Sureties" encompasses the monetary and nonmonetary requirements set by the court as conditions for release either before or after conviction. "Surety" is one who executes a bail bond and binds himself to pay the bail if the person in custody fails to comply with all conditions of the bail bond.
(c) The phrase "for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction" means an offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction.
(d) <u>(Blank)</u> . "Real and present threat to the physical safety of any person or persons", as used in this Article, includes a threat to the community, person, persons or class of persons.
(e) Willful flight means planning or attempting to intentionally evade prosecution by concealing oneself. Simple past non-appearance in court alone is not evidence of future intent to evade prosecution.
(Source: P.A. 85-892.)
(725 ILCS 5/110-1.5 new)
Sec. 110-1.5. Abolition of monetary bail. On and after January 1, 2023, the requirement of posting monetary bail is abolished, except as provided in the Uniform Criminal Extradition Act, the Driver License Compact, or the Nonresident Violator Compact which are compacts that have been entered into between this State and its sister states.
(725 ILCS 5/110-2) (from Ch. 38, par. 110-2)
Sec. 110-2. Release on own recognizance.
(a) It is presumed that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does

not commit any criminal offense, and complies with all terms of pretrial release, including, but not limited to, orders of protection under both Section 112A-4 of this Code and Section 214 of the Illinois Domestic Violence Act of 1986, all civil no contact orders, and all stalking no contact orders.

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

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

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

(e) This Section shall be liberally construed to effectuate the purpose of relying upon contempt of court proceedings or criminal sanctions instead of financial loss to assure the appearance of the defendant, and that the defendant will not

pose a danger to any person or the community and that the defendant will not ~~comply with all conditions of bond.~~ Monetary bail should be set only when it is determined that no other conditions of release will reasonably assure the defendant's appearance in court, that the defendant does not present a danger to any person or the community and that the defendant will comply with all conditions of pretrial release bond.

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

(Source: P.A. 97-1150, eff. 1-25-13.)

(725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

Sec. 110-3. Options for warrant alternatives ~~Issuance of warrant.~~

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

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

(c) If the person does not appear at the hearing to show cause or absconds, the court may, in addition to any other action provided by law, issue a warrant for the arrest of the person at liberty on pretrial release ~~bail or his own recognizance~~. The contents of such a warrant shall be the same as required for an arrest warrant issued upon complaint and may modify any previously imposed conditions placed upon the person, rather than revoking pretrial release or issuing a warrant for the person in accordance with the requirements in subsections (d) and (e) of Section 110-5. When a defendant is at liberty on pretrial release ~~bail~~ or his own recognizance on a felony charge and fails to appear in court as directed, the court may ~~shall~~ issue a warrant for the arrest of such person after his or her failure to appear at the show for cause hearing as provided in this Section. Such warrant shall be noted with a directive to peace officers to arrest the person and hold such person without pretrial release ~~bail~~ and to deliver such person before the court for further proceedings.

(d) If the order as described in Subsection B is issued, a failure to appear shall not be recorded until the Defendant fails to appear at the hearing to show cause. For the purpose

of any risk assessment or future evaluation of risk of willful flight or risk of failure to appear, a non-appearance in court cured by an appearance at the hearing to show cause shall not be considered as evidence of future likelihood appearance in court. A defendant who is arrested or surrenders within 30 days of the issuance of such warrant shall not be bailable in the case in question unless he shows by the preponderance of the evidence that his failure to appear was not intentional. (Source: P.A. 86-298; 86-984; 86-1028.)

(725 ILCS 5/110-4) (from Ch. 38, par. 110-4)
Sec. 110-4. Pretrial release ~~Bailable~~ Offenses.
(a) All persons charged with an offense shall be eligible for pretrial release before conviction. Pretrial release may only be denied when a person is charged with an offense listed in Section 110-6.1 or when the defendant has a high likelihood of willful flight, and after the court has held a hearing under Section 110-6.1. All persons shall be bailable before conviction, except the following offenses where the proof is evident or the presumption great that the defendant is guilty of the offense: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, where the court after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person or persons; stalking or aggravated stalking, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of the alleged victim of the offense and denial of bail is necessary to prevent fulfillment of the threat upon which the charge is based; or unlawful use of weapons in violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 when that offense occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat; or making a terrorist threat in violation of Section 29D-20 of the Criminal Code of 1961 or the Criminal Code of 2012 or an attempt to commit the offense of making a terrorist threat, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat.

(b) A person seeking pretrial release on bail who is charged with a capital offense or an offense for which a sentence of life imprisonment may be imposed shall not be eligible for release pretrial bailable until a hearing is held wherein such person has the burden of demonstrating that the proof of his guilt is not evident and the presumption is not great.
(c) Where it is alleged that pretrial bail should be denied to a person upon the grounds that the person presents a real and present threat to the physical safety of any person or persons, the burden of proof of such allegations shall be upon the State.
(d) When it is alleged that pretrial bail should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110-6.3 of this Code, the burden of proof of those allegations shall be upon the State.
(Source: P.A. 97-1150, eff. 1-25-13.)
(725 ILCS 5/110-5) (from Ch. 38, par. 110-5)
Sec. 110-5. Determining the amount of bail and conditions of release.
(a) In determining which the amount of monetary bail or conditions of pretrial release, if any, which will reasonably assure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of pretrial bail , the court shall, on the basis of available information, take into account such matters as:
(1) the nature and circumstances of the offense charged;
(2) the weight of the evidence against the eligible defendant, except that the court may consider the admissibility of any evidence sought to be excluded;
(3) the history and characteristics of the eligible defendant, including:
(A) the eligible defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, history criminal history, and record concerning appearance at court proceedings; and
(B) whether, at the time of the current offense or arrest, the eligible defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state;
(4) the nature and seriousness of the specific, real and present threat to any person that would be posed by the eligible defendant's release, if applicable; as required under paragraph (7.5) of

Section 4 of the Rights of Crime Victims and Witnesses
Act; and
(5) the nature and seriousness of the risk of
obstructing or attempting to obstruct the criminal
justice process that would be posed by the eligible
defendant's release, if applicable.
(b) The court shall impose any conditions that are
mandatory under Section 110-10. The court may impose any
conditions that are permissible under Section 110-10. whether
the evidence shows that as part of the offense there was a use
of violence or threatened use of violence, whether the offense
involved corruption of public officials or employees, whether
there was physical harm or threats of physical harm to any
public official, public employee, judge, prosecutor, juror or
witness, senior citizen, child, or person with a disability,
whether evidence shows that during the offense or during the
arrest the defendant possessed or used a firearm, machine gun,
explosive or metal piercing ammunition or explosive bomb device
or any military or paramilitary armament, whether the evidence
shows that the offense committed was related to or in
furtherance of the criminal activities of an organized gang or
was motivated by the defendant's membership in or allegiance to
an organized gang, the condition of the victim, any written
statement submitted by the victim or proffer or representation
by the State regarding the impact which the alleged criminal
conduct has had on the victim and the victim's concern, if any,
with further contact with the defendant if released on bail,
whether the offense was based on racial, religious, sexual
orientation or ethnic hatred, the likelihood of the filing of a
greater charge, the likelihood of conviction, the sentence
applicable upon conviction, the weight of the evidence against
such defendant, whether there exists motivation or ability to
flee, whether there is any verification as to prior residence,
education, or family ties in the local jurisdiction, in another
county, state or foreign country, the defendant's employment,
financial resources, character and mental condition, past
conduct, prior use of alias names or dates of birth, and length
of residence in the community, the consent of the defendant to
periodic drug testing in accordance with Section 110-6.5,
whether a foreign national defendant is lawfully admitted in
the United States of America, whether the government of the
foreign national maintains an extradition treaty with the
United States by which the foreign government will extradite to
the United States its national for a trial for a crime
allegedly committed in the United States, whether the defendant
is currently subject to deportation or exclusion under the
immigration laws of the United States, whether the defendant,
although a United States citizen, is considered under the law
of any foreign state a national of that state for the purposes
of extradition or non-extradition to the United States, the

amount of unrecovered proceeds lost as a result of the alleged offense, the source of bail funds tendered or sought to be tendered for bail, whether from the totality of the court's consideration, the loss of funds posted or sought to be posted for bail will not deter the defendant from flight, whether the evidence shows that the defendant is engaged in significant possession, manufacture, or delivery of a controlled substance or cannabis, either individually or in consort with others, whether at the time of the offense charged he or she was on bond or pre trial release pending trial, probation, periodic imprisonment or conditional discharge pursuant to this Code or the comparable Code of any other state or federal jurisdiction, whether the defendant is on bond or pre-trial release pending the imposition or execution of sentence or appeal of sentence for any offense under the laws of Illinois or any other state or federal jurisdiction, whether the defendant is under parole, aftercare release, mandatory supervised release, or work release from the Illinois Department of Corrections or Illinois Department of Juvenile Justice or any penal institution or corrections department of any state or federal jurisdiction, the defendant's record of convictions, whether the defendant has been convicted of a misdemeanor or ordinance offense in Illinois or similar offense in other state or federal jurisdiction within the 10 years preceding the current charge or convicted of a felony in Illinois, whether the defendant was convicted of an offense in another state or federal jurisdiction that would be a felony if committed in Illinois within the 20 years preceding the current charge or has been convicted of such felony and released from the penitentiary within 20 years preceding the current charge if a penitentiary sentence was imposed in Illinois or other state or federal jurisdiction, the defendant's records of juvenile adjudication of delinquency in any jurisdiction, any record of appearance or failure to appear by the defendant at court proceedings, whether there was flight to avoid arrest or prosecution, whether the defendant escaped or attempted to escape to avoid arrest, whether the defendant refused to identify himself or herself, or whether there was a refusal by the defendant to be fingerprinted as required by law. Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. If the State presents evidence that the offense committed by the defendant was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, and if the court determines that the evidence may be substantiated, the court shall prohibit the

defendant from associating with other members of the organized gang as a condition of bail or release. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(a-5) There shall be a presumption that any conditions of release imposed shall be non-monetary in nature and the court shall impose the least restrictive conditions or combination of conditions necessary to reasonably assure the appearance of the defendant for further court proceedings and protect the integrity of the judicial proceedings from a specific threat to a witness or participant. Conditions of release may include, but not be limited to, electronic home monitoring, curfews, drug counseling, stay-away orders, and in-person reporting. The court shall consider the defendant's socio-economic circumstance when setting conditions of release or imposing monetary bail.

(b) The amount of bail shall be:

(1) Sufficient to assure compliance with the conditions set forth in the bail bond, which shall include the defendant's current address with a written admonishment to the defendant that he or she must comply with the provisions of Section 110-12 regarding any change in his or her address. The defendant's address shall at all times remain a matter of public record with the clerk of the court.

(2) Not oppressive.

(3) Considerate of the financial ability of the accused.

(4) When a person is charged with a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, the full street value of the drugs seized shall be considered. "Street value" shall be determined by the court on the basis of a proffer by the State based upon reliable information of a law enforcement official contained in a written report as to the amount seized and such proffer may be used by the court as to the current street value of the smallest unit of the drug seized.

(b-5) Upon the filing of a written request demonstrating reasonable cause, the State's Attorney may request a source of bail hearing either before or after the posting of any funds. If the hearing is granted, before the posting of any bail, the accused must file a written notice requesting that the court conduct a source of bail hearing. The notice must be accompanied by justifying affidavits stating the legitimate and lawful source of funds for bail. At the hearing, the court

shall inquire into any matters stated in any justifying affidavits, and may also inquire into matters appropriate to the determination which shall include, but are not limited to, the following:

- (1) the background, character, reputation, and relationship to the accused of any surety; and
- (2) the source of any money or property deposited by any surety, and whether any such money or property constitutes the fruits of criminal or unlawful conduct; and
- (3) the source of any money posted as cash bail, and whether any such money constitutes the fruits of criminal or unlawful conduct; and
- (4) the background, character, reputation, and relationship to the accused of the person posting cash bail.

Upon setting the hearing, the court shall examine, under oath, any persons who may possess material information.

The State's Attorney has a right to attend the hearing, to call witnesses and to examine any witness in the proceeding. The court shall, upon request of the State's Attorney, continue the proceedings for a reasonable period to allow the State's Attorney to investigate the matter raised in any testimony or affidavit. If the hearing is granted after the accused has posted bail, the court shall conduct a hearing consistent with this subsection (b-5). At the conclusion of the hearing, the court must issue an order either approving or disapproving the bail.

- (c) When a person is charged with an offense punishable by fine only the amount of the bail shall not exceed double the amount of the maximum penalty.
- (d) When a person has been convicted of an offense and only a fine has been imposed the amount of the bail shall not exceed double the amount of the fine.
- (e) The State may appeal any order granting bail or setting a given amount for bail.

(b) ~~(f)~~ When a person is charged with a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 or when a person is charged with domestic battery, aggravated domestic battery, kidnapping, aggravated kidnaping, unlawful restraint, aggravated unlawful restraint, stalking, aggravated stalking, cyberstalking, harassment by telephone, harassment through electronic communications, or an attempt to commit first degree murder committed against an intimate partner regardless whether an order of protection has been issued against the person,

- (1) whether the alleged incident involved harassment or abuse, as defined in the Illinois Domestic Violence Act of 1986;
- (2) whether the person has a history of domestic

violence, as defined in the Illinois Domestic Violence Act, or a history of other criminal acts;
(3) based on the mental health of the person;
(4) whether the person has a history of violating the orders of any court or governmental entity;
(5) whether the person has been, or is, potentially a threat to any other person;
(6) whether the person has access to deadly weapons or a history of using deadly weapons;
(7) whether the person has a history of abusing alcohol or any controlled substance;
(8) based on the severity of the alleged incident that is the basis of the alleged offense, including, but not limited to, the duration of the current incident, and whether the alleged incident involved the use of a weapon, physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;
(9) whether a separation of the person from the <u>victim of abuse</u> alleged victim or a termination of the relationship between the person and the <u>victim of abuse</u> alleged victim has recently occurred or is pending;
(10) whether the person has exhibited obsessive or controlling behaviors toward the <u>victim of abuse</u> alleged victim , including, but not limited to, stalking, surveillance, or isolation of the <u>victim of abuse</u> alleged victim or victim's family member or members;
(11) whether the person has expressed suicidal or homicidal ideations;
(11.5) any other factors deemed by the court to have a reasonable bearing upon the defendant's <u>propensity or reputation for violent, abusive or assaultive behavior, or lack of that behavior</u>
(12) based on any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint,
the court may, in its discretion, order the respondent to undergo a risk assessment evaluation using a recognized, evidence-based instrument conducted by an Illinois Department of Human Services approved partner abuse intervention program provider, pretrial service, probation, or parole agency. These agencies shall have access to summaries of the defendant's criminal history, which shall not include victim interviews or information, for the risk evaluation. Based on the information collected from the 12 points to be considered at a bail hearing under this subsection (f), the results of any risk evaluation conducted and the other circumstances of the violation, the court may order that the person, as a condition of bail, be placed under electronic surveillance as provided in Section 5-8A-7 of the Unified Code of Corrections. Upon making a

determination whether or not to order the respondent to undergo a risk assessment evaluation or to be placed under electronic surveillance and risk assessment, the court shall document in the record the court's reasons for making those determinations. The cost of the electronic surveillance and risk assessment shall be paid by, or on behalf, of the defendant. As used in this subsection (f), "intimate partner" means a spouse or a current or former partner in a cohabitation or dating relationship.

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

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

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

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

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

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

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

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

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

(e) If a person remains in pretrial detention after his or her pretrial conditions hearing after having been ordered released with pretrial conditions, the court shall hold a hearing to determine the reason for continued detention. If the reason for continued detention is due to the unavailability or

the defendant's ineligibility for one or more pretrial conditions previously ordered by the court or directed by a pretrial services agency, the court shall reopen the conditions of release hearing to determine what available pretrial conditions exist that will reasonably assure the appearance of a defendant as required or the safety of any other person and the likelihood of compliance by the defendant with all the conditions of pretrial release. The inability of Defendant to pay for a condition of release or any other ineligibility for a condition of pretrial release shall not be used as a justification for the pretrial detention of that Defendant.

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

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

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

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

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

(Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18; revised 7-12-19.)

(725 ILCS 5/110-5.2)

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

(a) It is the policy of this State that a pre-trial detainee shall not be required to deliver a child while in custody absent a finding by the court that continued pre-trial custody is necessary to protect the public or the victim of the offense on which the charge is based.
(b) If the court reasonably believes that a pre-trial detainee will give birth while in custody, the court shall order an alternative to custody unless, after a hearing, the court determines:
(1) that the release of the pregnant pre-trial detainee would pose a real and present threat to the physical safety of the alleged victim of the offense and continuing custody is necessary to prevent the fulfillment of the threat upon which the charge is based; or
(2) that the release of the pregnant pre-trial detainee would pose a real and present threat to the physical safety of any person or persons or the general public.
(c) The court may order a pregnant or post-partum detainee to be subject to electronic monitoring as a condition of pre-trial release or order other condition or combination of conditions the court reasonably determines are in the best interest of the detainee and the public.
(d) This Section shall be applicable to a pregnant pre-trial detainee in custody on or after the effective date of this amendatory Act of the 100th General Assembly. (Source: P.A. 100-630, eff. 1-1-19.)
(725 ILCS 5/110-6) (from Ch. 38, par. 110-6)
Sec. 110-6. Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release Modification of bail or conditions.
(a) When a defendant is granted pretrial release under this section, that pretrial release may be revoked only under the following conditions:
(1) if the defendant is charged with a detainable felony as defined in 110-6.1, a defendant may be detained after the State files a verified petition for such a hearing, and gives the defendant notice as prescribed in 110-6.1; or
(2) in accordance with subsection (b) of this section.
(b) Revocation due to a new criminal charge: If an individual, while on pretrial release for a Felony or Class A misdemeanor under this Section, is charged with a new felony or Class A misdemeanor under the Criminal Code of 2012, the court may, on its own motion or motion of the state, begin proceedings to revoke the individual's' pretrial release.
(1) When the defendant is charged with a felony or class A misdemeanor offense and while free on pretrial release bail is charged with a subsequent felony or class A

<p>misdemeanor offense that is alleged to have occurred during the defendant's pretrial release, the state may file a verified petition for revocation of pretrial release.</p>
<p>(2) When a defendant on pretrial release is charged with a violation of an order of protection issued under Section 112A-14 of this Code, or Section 214 of the Illinois Domestic Violence Act of 1986 or previously was convicted of a violation of an order of protection under</p>
<p>Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, and the subject of the order of protection is the same person as the victim in the underlying matter, the state shall file a verified petition for revocation of pretrial release.</p>
<p>(3) Upon the filing of this petition, the court shall order the transfer of the defendant and the application to the court before which the previous felony matter is pending. The defendant shall be held without bond pending transfer to and a hearing before such court. The defendant shall be transferred to the court before which the previous matter is pending without unnecessary delay. In no event shall the time between the filing of the state's petition for revocation and the defendant's appearance before the court before which the previous matter is pending exceed 72 hours.</p>
<p>(4) The court before which the previous felony matter is pending may revoke the defendant's pretrial release only if it finds, after considering all relevant circumstances including, but not limited to, the nature and seriousness of the violation or criminal act alleged, by the court finds clear and convincing evidence that no condition or combination of conditions of release would reasonably assure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or class A misdemeanor.</p>
<p>(5) In lieu of revocation, the court may release the defendant pre-trial, with or without modification of conditions of pretrial release.</p>
<p>(6) If the case that caused the revocation is dismissed, the defendant is found not guilty in the case causing the revocation, or the defendant completes a lawfully imposed sentence on the case causing the revocation, the court shall, without unnecessary delay, hold a hearing on conditions of release pursuant to section 110-5 and release the defendant with or without modification of conditions of pretrial release.</p>
<p>(7) Both the state and the defense may appeal an order revoking pretrial release or denying a petition for revocation of release.</p>
<p>(c) Violations other than re-arrest for a felony or class A misdemeanor. If a defendant:</p>

(1) fails to appear in court as required by their conditions of release;
(2) is charged with a class B or C misdemeanor, petty offense, traffic offense, or ordinance violation that is alleged to have occurred during the defendant's pretrial release; or
(3) violates any other condition of release set by the court,
the court shall follow the procedures set forth in Section 110-3 to ensure the defendant's appearance in court to address the violation.
(d) When a defendant appears in court for a notice to show cause hearing, or after being arrested on a warrant issued because of a failure to appear at a notice to show cause hearing, or after being arrested for an offense other than a felony or class A misdemeanor, the state may file a verified petition requesting a hearing for sanctions.
(e) During the hearing for sanctions, the defendant shall be represented by counsel and have an opportunity to be heard regarding the violation and evidence in mitigation. The court shall only impose sanctions if it finds by clear and convincing evidence that:
1. The defendant committed an act that violated a term of their pretrial release;
2. The defendant had actual knowledge that their action would violate a court order;
3. The violation of the court order was willful; and
4. The violation was not caused by a lack of access to financial monetary resources.
(f) Sanctions: sanctions for violations of pretrial release may include:
1. A verbal or written admonishment from the court;
2. Imprisonment in the county jail for a period not exceeding 30 days;
3. A fine of not more than \$200; or
4. A modification of the defendant's pretrial conditions.
(g) Modification of Pretrial Conditions
(a) The court may, at any time, after motion by either party or on its own motion, remove previously set conditions of pretrial release, subject to the provisions in section (e). The court may only add or increase conditions of pretrial release at a hearing under this Section, in a warrant issued under Section 110-3, or upon motion from the state.
(b) Modification of conditions of release regarding contact with victims or witnesses. The court shall not remove a previously set condition of bond regulating contact with a victim or witness in the case, unless the subject of the condition has been given notice of the

hearing as required in paragraph (1) of subsection (b) of
Section 4.5 of the Rights of Crime Victims and Witnesses
Act. If the subject of the condition of release is not
present, the court shall follow the procedures of paragraph
(10) of subsection (c-1) of the Rights of Crime Victims and
Witnesses Act.
(h) Notice to Victims: Crime Victims shall be given notice
by the State's Attorney's office of all hearings in this
section as required in paragraph (1) of subsection (b) of
Section 4.5 of the Rights of Crime Victims and Witnesses Act
and shall be informed of their opportunity at these hearing to
obtain an order of protection under Article 112A of this Code.
Upon verified application by the State or the defendant or on
its own motion the court before which the proceeding is pending
may increase or reduce the amount of bail or may alter the
conditions of the bail bond or grant bail where it has been
previously revoked or denied. If bail has been previously
revoked pursuant to subsection (f) of this Section or if bail
has been denied to the defendant pursuant to subsection (e) of
Section 110-6.1 or subsection (e) of Section 110-6.3, the
defendant shall be required to present a verified application
setting forth in detail any new facts not known or obtainable
at the time of the previous revocation or denial of bail
proceedings. If the court grants bail where it has been
previously revoked or denied, the court shall state on the
record of the proceedings the findings of facts and conclusion
of law upon which such order is based.
(a-5) In addition to any other available motion or
procedure under this Code, a person in custody solely for a
Category B offense due to an inability to post monetary bail
shall be brought before the court at the next available court
date or 7 calendar days from the date bail was set, whichever
is earlier, for a rehearing on the amount or conditions of bail
or release pending further court proceedings. The court may
reconsider conditions of release for any other person whose
inability to post monetary bail is the sole reason for
continued incarceration, including a person in custody for a
Category A offense or a Category A offense and a Category B
offense. The court may deny the rehearing permitted under this
subsection (a-5) if the person has failed to appear as required
before the court and is incarcerated based on a warrant for
failure to appear on the same original criminal offense.
(b) Violation of the conditions of Section 110-10 of this
Code or any special conditions of bail as ordered by the court
shall constitute grounds for the court to increase the amount
of bail, or otherwise alter the conditions of bail, or, where
the alleged offense committed on bail is a forcible felony in
Illinois or a Class 2 or greater offense under the Illinois
Controlled Substances Act, the Cannabis Control Act, or the
Methamphetamine Control and Community Protection Act, revoke

~~bail pursuant to the appropriate provisions of subsection (c) of this Section.~~

~~(c) Reasonable notice of such application by the defendant shall be given to the State.~~

~~(d) Reasonable notice of such application by the State shall be given to the defendant, except as provided in subsection (c).~~

~~(e) 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.~~

~~(f) Where the alleged violation consists of the violation of one or more felony statutes of any jurisdiction which would be a forcible felony in Illinois or a Class 2 or greater offense under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act and the defendant is on bail for the alleged commission of a felony, or where the defendant is on bail for a felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint or domestic battery in violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against a family or household member as defined in Section 112A-3 of this Code and the violation is an offense of domestic battery against the same victim the court shall, on the motion of the State or its own~~

<p>motion, revoke bail in accordance with the following provisions:</p>
<p>(1) The court shall hold the defendant without bail pending the hearing on the alleged breach; however, if the defendant is not admitted to bail the hearing shall be commenced within 10 days from the date the defendant is taken into custody or the defendant may not be held any longer without bail, unless delay is occasioned by the defendant. Where defendant occasions the delay, the running of the 10 day period is temporarily suspended and resumes at the termination of the period of delay. Where defendant occasions the delay with 5 or fewer days remaining in the 10 day period, the court may grant a period of up to 5 additional days to the State for good cause shown. The State, however, shall retain the right to proceed to hearing on the alleged violation at any time, upon reasonable notice to the defendant and the court.</p>
<p>(2) At a hearing on the alleged violation the State has the burden of going forward and proving the violation by clear and convincing evidence. The evidence shall be presented in open court with the opportunity to testify, to present witnesses in his behalf, and to cross-examine witnesses if any are called by the State, and representation by counsel and if the defendant is indigent to have counsel appointed for him. The rules of evidence applicable in criminal trials in this State shall not govern the admissibility of evidence at such hearing. Information used by the court in its findings or stated in or offered in connection with hearings for increase or revocation of bail may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained at such a hearing. Evidence that proof may have been obtained as a result of an unlawful search and seizure or through improper interrogation is not relevant to this hearing.</p>
<p>(3) Upon a finding by the court that the State has established by clear and convincing evidence that the defendant has committed a forcible felony or a Class 2 or greater offense under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act while admitted to bail, or where the defendant is on bail for a felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint</p>

or domestic battery in violation of item (1) of subsection
(a) of Section 12-3.2 of the Criminal Code of 1961 or the
Criminal Code of 2012 against a family or household member
as defined in Section 112A-3 of this Code and the violation
is an offense of domestic battery, against the same victim,
the court shall revoke the bail of the defendant and hold
the defendant for trial without bail. Neither the finding
of the court nor any transcript or other record of the
hearing shall be admissible in the State's case in chief,
but shall be admissible for impeachment, or as provided in
Section 115-10.1 of this Code or in a perjury proceeding.
(4) If the bail of any defendant is revoked pursuant to
paragraph (f) (3) of this Section, the defendant may demand
and shall be entitled to be brought to trial on the offense
with respect to which he was formerly released on bail
within 90 days after the date on which his bail was
revoked. If the defendant is not brought to trial within
the 90 day period required by the preceding sentence, he
shall not be held longer without bail. In computing the 90
day period, the court shall omit any period of delay
resulting from a continuance granted at the request of the
defendant.
(5) If the defendant either is arrested on a warrant
issued pursuant to this Code or is arrested for an
unrelated offense and it is subsequently discovered that
the defendant is a subject of another warrant or warrants
issued pursuant to this Code, the defendant shall be
transferred promptly to the court which issued such
warrant. If, however, the defendant appears initially
before a court other than the court which issued such
warrant, the non-issuing court shall not alter the amount
of bail set on such warrant unless the court sets forth on
the record of proceedings the conclusions of law and facts
which are the basis for such altering of another court's
bond. The non-issuing court shall not alter another courts
bail set on a warrant unless the interests of justice and
public safety are served by such action.
(g) The State may appeal any order where the court has
increased or reduced the amount of bail or altered the
conditions of the bail bond or granted bail where it has
previously been revoked.
(Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)
(725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)
Sec. 110-6.1. Denial of pretrial release bail in
non-probationable felony offenses.
(a) Upon verified petition by the State, the court shall
hold a hearing and may deny to determine whether bail should be
denied to a defendant pretrial release only if:
(1) the defendant who is charged with a forcible felony

offense for which a sentence of imprisonment, without
probation, periodic imprisonment or conditional discharge,
is required by law upon conviction, <u>and when</u> it is alleged
that the defendant's pretrial release poses a specific,
real and present threat to any person or the community.
<u>admission to bail poses a real and present threat to the</u>
<u>physical safety of any person or persons ; -</u>
(2) the defendant is charged with stalking or
aggravated stalking and it is alleged that the defendant's
pre-trial release poses a real and present threat to the
physical safety of a victim of the alleged offense, and
denial of release is necessary to prevent fulfillment of
the threat upon which the charge is based;
(3) the victim of abuse was a family or household
member as defined by paragraph (6) of Section 103 of the
Illinois Domestic Violence Act of 1986, and the person
charged, at the time of the alleged offense, was subject to
the terms of an order of protection issued under Section
112A-14 of this Code, or Section 214 of the Illinois
Domestic Violence Act of 1986 or previously was convicted
of a violation of an order of protection under Section
12-3.4 or 12-30 of the Criminal Code of 1961 or the
Criminal Code of 2012 or a violent crime if the victim was
a family or household member as defined by paragraph (6) of
the Illinois Domestic Violence Act of 1986 at the time of
the offense or a violation of a substantially similar
municipal ordinance or law of this or any other state or
the United States if the victim was a family or household
member as defined by paragraph (6) of Section 103 of the
Illinois Domestic Violence Act of 1986 at the time of the
offense, and it is alleged that the defendant's pre-trial
release poses a real and present threat to the physical
safety of any person or persons;
(4) the defendant is charged with domestic battery or
aggravated domestic battery under Section 12-3.2 or 12-3.3
of the Criminal Code of 2012 and it is alleged that the
defendant's pretrial release poses a real and present
threat to the physical safety of any person or persons;
(5) the defendant is charged with any offense under
Article 11 of the Criminal Code of 2012, except for
Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal
Code of 2012, or similar provisions of the Criminal Code of
1961 and it is alleged that the defendant's pretrial
release poses a real and present threat to the physical
safety of any person or persons;
(6) the defendant is charged with any of these
violations under the Criminal Code of 2012 and it is
alleged that the defendant's pretrial releases poses a real
and present threat to the physical safety of any
specifically identifiable person or persons.

(A) Section 24-1.2 (aggravated discharge of a firearm);
(B) Section 24-2.5 (aggravated discharge of a machine gun or a firearm equipped with a device designed or use for silencing the report of a firearm);
(C) Section 24-1.5 (reckless discharge of a firearm);
(D) Section 24-1.7 (armed habitual criminal);
(E) Section 24-2.2 2 (manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells or flechette shells);
(F) Section 24-3 (unlawful sale or delivery of firearms);
(G) Section 24-3.3 (unlawful sale or delivery of firearms on the premises of any school);
(H) Section 24-34 (unlawful sale of firearms by liquor license);
(I) Section 24-3.5 (unlawful purchase of a firearm);
(J) Section 24-3A (gunrunning); or
(K) Section on 24-3B (firearms trafficking);
(L) Section 10-9 (b) (involuntary servitude);
(M) Section 10-9 (c) (involuntary sexual servitude of a minor);
(N) Section 10-9(d) (trafficking in persons);
(O) Non-probationable violations: (i) (unlawful use or possession of weapons by felons or persons in the Custody of the Department of Corrections facilities (Section 24-1.1), (ii) aggravated unlawful use of a weapon (Section 24-1.6, or (iii) aggravated possession of a stolen firearm (Section 24-3.9);
(7) the person has a high likelihood of willful flight to avoid prosecution and is charged with:
(A) Any felony described in Sections (a) (1) through (a) (5) of this Section; or
(B) A felony offense other than a Class 4 offense.
(b) If the charged offense is a felony, the Court shall hold a hearing pursuant to 109-3 of this Code to determine whether there is probable cause the defendant has committed an offense, unless a grand jury has returned a true bill of indictment against the defendant. If there is a finding of no probable cause, the defendant shall be released. No such finding is necessary if the defendant is charged with a misdemeanor.
(c) Timing of petition.
(1) A petition may be filed without prior notice to the defendant at the first appearance before a judge, or within the 21 calendar days, except as provided in Section 110-6,

after arrest and release of the defendant upon reasonable notice to defendant; provided that while such petition is pending before the court, the defendant if previously released shall not be detained.
(2) (2) Upon filing, the court shall immediately hold a hearing on the petition unless a continuance is requested. If a continuance is requested, the hearing shall be held within 48 hours of the defendant's first appearance if the defendant is charged with a Class X, Class 1, Class 2, or Class 3 felony, and within 24 hours if the defendant is charged with a Class 4 or misdemeanor offense. The Court may deny and or grant the request for continuance. If the court decides to grant the continuance, the Court retains the discretion to detain or release the defendant in the time between the filing of the petition and the hearing.
(d) Contents of petition.
(1) The petition shall be verified by the State and shall state the grounds upon which it contends the defendant should be denied pretrial release, including the identity of the specific person or persons the State believes the defendant poses a danger to.
(2) Only one petition may be filed under this Section.
(e) Eligibility: All defendants shall be presumed eligible for pretrial release, and the State shall bear the burden of proving by clear and convincing evidence that: The hearing shall be held immediately upon the defendant's appearance before the court, unless for good cause shown the defendant or the State seeks a continuance. A continuance on motion of the defendant may not exceed 5 calendar days, and a continuance on the motion of the State may not exceed 3 calendar days. The defendant may be held in custody during such continuance.
(b) The court may deny bail to the defendant where, after the hearing, it is determined that:
(1) the proof is evident or the presumption great that the defendant has committed an offense listed in paragraphs (1) through (6) of subsection (a) for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, must be imposed by law as a consequence of conviction, and
(2) the defendant poses a real and present threat to the physical safety of a specific, identifiable any person or persons, by conduct which may include, but is not limited to, a forcible felony, the obstruction of justice, intimidation, injury, or abuse as defined by paragraph (1) of Section 103 of the Illinois Domestic Violence Act of 1986 physical harm, an offense under the Illinois Controlled Substances Act which is a Class X felony, or an offense under the Methamphetamine Control and Community Protection Act which is a Class X felony, and
(3) the court finds that no condition or combination of

conditions set forth in subsection (b) of Section 110-10 of
this Article <u>can mitigate the real and present threat to</u>
<u>the safety of any , can reasonably assure the physical</u>
<u>safety of any other person or persons or the defendant's</u>
<u>willful flight.</u>
<u>(f) (e) Conduct of the hearings.</u>
<u>(1) Prior to the hearing the State shall tender to the</u>
<u>defendant copies of defendant's criminal history</u>
<u>available, any written or recorded statements, and the</u>
<u>substance of any oral statements made by any person, if</u>
<u>relied upon by the State in its petition, and any police</u>
<u>reports in the State's Attorney's possession at the time of</u>
<u>the hearing that are required to be disclosed to the</u>
<u>defense under Illinois Supreme Court rules. The hearing on</u>
<u>the defendant's culpability and dangerousness shall be</u>
<u>conducted in accordance with the following provisions:</u>
<u>(2) The State or defendant may present evidence at the</u>
<u>hearing (A) Information used by the court in its findings</u>
<u>or stated in or offered at such hearing may be by way of</u>
<u>proffer based upon reliable information offered by the</u>
<u>State or by defendant.</u>
<u>(3) The defendant Defendant has the right to be</u>
<u>represented by counsel, and if he or she is indigent, to</u>
<u>have counsel appointed for him or her. The defendant -</u>
<u>Defendant shall have the opportunity to testify, to present</u>
<u>witnesses on in his or her own behalf, and to cross-examine</u>
<u>any witnesses that if any are called by the State.</u>
<u>(4) If the defense seeks to call the complaining</u>
<u>witness as a witness in its favor, it shall petition the</u>
<u>court for permission. The defendant has the right to</u>
<u>present witnesses in his favor. When the ends of justice so</u>
<u>require, the court may <u>exercise</u> exercises its discretion</u>
<u>and compel the appearance of a complaining witness. The</u>
<u>court shall state on the record reasons for granting a</u>
<u>defense request to compel the presence of a complaining</u>
<u>witness. In making a determination under this section, the</u>
<u>court shall state on the record the reason for granting a</u>
<u>defense request to compel the presence of a complaining</u>
<u>witness, and only grant the request if the court finds by</u>
<u>clear and convincing evidence that the defendant will be</u>
<u>materially prejudiced if the complaining witness does not</u>
<u>appear. Cross-examination of a complaining witness at the</u>
<u>pretrial detention hearing for the purpose of impeaching</u>
<u>the witness' credibility is insufficient reason to compel</u>
<u>the presence of the witness. In deciding whether to compel</u>
<u>the appearance of a complaining witness, the court shall be</u>
<u>considerate of the emotional and physical well-being of the</u>
<u>witness. The pre-trial detention hearing is not to be used</u>
<u>for purposes of discovery, and the post arraignment rules</u>
<u>of discovery do not apply. The State shall tender to the</u>

defendant, prior to the hearing, copies of defendant's
criminal history, if any, if available, and any written or
recorded statements and the substance of any oral
statements made by any person, if relied upon by the State
in its petition.
(5) The rules concerning the admissibility of evidence
in criminal trials do not apply to the presentation and
consideration of information at the hearing. At the trial
concerning the offense for which the hearing was conducted
neither the finding of the court nor any transcript or
other record of the hearing shall be admissible in the
State's case in chief, but shall be admissible for
impeachment, or as provided in Section 115-10.1 of this
Code, or in a perjury proceeding.
(6) The (B) A motion by the defendant <u>may not move to</u>
<u>suppress evidence or to suppress a confession, however,</u>
<u>evidence shall not be entertained. Evidence that proof of</u>
<u>the charged crime may have been obtained as the result of</u>
<u>an unlawful search or and seizure, or both, or through</u>
<u>improper interrogation, is not relevant in assessing the</u>
<u>weight of the evidence against the defendant to this state</u>
<u>of the prosecution.</u>
(7) Decisions regarding release, conditions of release
and detention prior trial should be individualized, and no
single factor or standard should be used exclusively to
make a condition or detention decision.
(2) The facts relied upon by the court to support a
finding that the defendant poses a real and present threat
to the physical safety of any person or persons shall be
supported by clear and convincing evidence presented by the
State.
(g) (d) Factors to be considered in making a determination
of dangerousness. The court may, in determining whether the
defendant poses a <u>specific, imminent real and present threat of</u>
<u>serious to the physical harm to an identifiable safety of any</u>
<u>person or persons, consider but shall not be limited to</u>
<u>evidence or testimony concerning:</u>
(1) The nature and circumstances of any offense
charged, including whether the offense is a crime of
violence, involving a weapon, or a sex offense.
(2) The history and characteristics of the defendant
including:
(A) Any evidence of the defendant's prior criminal
history indicative of violent, abusive or assaultive
behavior, or lack of such behavior. Such evidence may
include testimony or documents received in juvenile
proceedings, criminal, quasi-criminal, civil
commitment, domestic relations or other proceedings.
(B) Any evidence of the defendant's psychological,
psychiatric or other similar social history which

tends to indicate a violent, abusive, or assaultive nature, or lack of any such history.
(3) The identity of any person or persons to whose safety the defendant is believed to pose a threat, and the nature of the threat;
(4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them;
(5) The age and physical condition of any person assaulted by the defendant;
(6) The age and physical condition of any victim or <u>complaining witness</u> ;
(7) Whether the defendant is known to possess or have access to any weapon or weapons;
(8) (7) Whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, aftercare release, mandatory supervised release or other release from custody pending trial, sentencing, appeal or completion of sentence for an offense under federal or state law;
(9) (8) Any other factors, including those listed in Section 110-5 of this Article deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive or assaultive behavior, or lack of such behavior.
(h) (e) Detention order. The court shall, in any order for detention:
(1) briefly summarize the evidence of the defendant's <u>guilt or innocence, culpability</u> and <u>the court's its</u> reasons for concluding that the defendant should be <u>denied pretrial release held without bail</u> ;
(2) direct that the defendant be committed to the custody of the sheriff for confinement in the county jail pending trial;
(3) direct that the defendant be given a reasonable opportunity for private consultation with counsel, and for communication with others of his <u>or her</u> choice by visitation, mail and telephone; and
(4) direct that the sheriff deliver the defendant as required for appearances in connection with court proceedings.
(i) <u>Detention.</u> (f) If the court enters an order for the detention of the defendant pursuant to subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be <u>denied pretrial release held longer without bail</u> . In computing the 90 day period, the court shall omit any period of delay resulting from a

continuance granted at the request of the defendant.
(j) (g) Rights of the defendant. Any person shall be entitled to appeal any order entered under this Section denying pretrial release bail to the defendant.
(k) Appeal. (h) The State may appeal any order entered under this Section denying any motion for denial of pretrial release bail .
(l) Presumption of innocence. (i) Nothing in this Section shall be construed as modifying or limiting in any way the defendant's presumption of innocence in further criminal proceedings.
(m) Victim notice.
(1) Crime Victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under Article 112A of this Code.
(Source: P.A. 98-558, eff. 1-1-14.)
(725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2) Sec. 110-6.2. Post-conviction Detention.
(a) The court may order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence be held without release bond unless the court finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community if released under Sections 110-5 and 110-10 of this Act.
(b) The court may order that person who has been found guilty of an offense and sentenced to a term of imprisonment be held without release bond unless the court finds by clear and convincing evidence that:
(1) the person is not likely to flee or pose a danger to the safety of any other person or the community if released on bond pending appeal; and
(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.
(Source: P.A. 96-1200, eff. 7-22-10.)
(725 ILCS 5/110-6.4)
Sec. 110-6.4. Statewide risk-assessment tool. The Supreme Court may establish a statewide risk-assessment tool to be used in proceedings to assist the court in establishing conditions of pretrial release bail for a defendant by assessing the defendant's likelihood of appearing at future court proceedings or determining if the defendant poses a real and present threat to the physical safety of any person or persons. The Supreme Court shall consider establishing a risk-assessment tool that does not discriminate on the basis of

<p>race, gender, educational level, socio-economic status, or neighborhood. If a risk-assessment tool is utilized within a circuit that does not require a personal interview to be completed, the Chief Judge of the circuit or the director of the pretrial services agency may exempt the requirement under Section 9 and subsection (a) of Section 7 of the Pretrial Services Act.</p>
<p>For the purpose of this Section, "risk-assessment tool"</p>
<p>means an empirically validated, evidence-based screening instrument that demonstrates reduced instances of a defendant's failure to appear for further court proceedings or prevents future criminal activity.</p>
<p>(Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18.)</p>
<p>(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)</p>
<p>Sec. 110-10. Conditions of <u>pretrial release</u> bail bond.</p>
<p>(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of <u>pretrial release</u> the bail bond shall be that he or she will:</p>
<p>(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;</p>
<p>(2) Submit himself or herself to the orders and process of the court;</p>
<p>(3) (Blank); Not depart this State without leave of the court;</p>
<p>(4) Not violate any criminal statute of any jurisdiction;</p>
<p>(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the</p>
<p>circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; if the Firearm Owner's Identification Card is confiscated, the clerk of the circuit court shall mail the confiscated card to the Illinois State Police; all legally possessed firearms shall be returned to the person upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason</p>

of insanity; and
(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school.
Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of pretrial release bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of pretrial release bail , pursuant to Section 110-6 of this Code. The court may change the conditions of pretrial release bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.
(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:
(0.05) Not depart this State without leave of the court;
(1) Report to or appear in person before such person or agency as the court may direct;
(2) Refrain from possessing a firearm or other dangerous weapon;
(3) Refrain from approaching or communicating with particular persons or classes of persons;
(4) Refrain from going to certain described geographical areas or premises;
(5) Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;
(6) Undergo treatment for drug addiction or

alcoholism;
(7) Undergo medical or psychiatric treatment;
(8) Work or pursue a course of study or vocational training;
(9) Attend or reside in a facility designated by the court;
(10) Support his or her dependents;
(11) If a minor resides with his or her parents or in a foster home, attend school, attend a non-residential program for youths, and contribute to his or her own support at home or in a foster home;
(12) Observe any curfew ordered by the court;
(13) Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has agreed to monitor, and shall be subject to contempt of court for failure so to notify the court;
(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;
(14.1) The court may shall impose upon a defendant who is charged with any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such <u>pretrial monitoring</u> bail bond , a fee that represents costs incidental to the electronic monitoring for each day of such <u>pretrial</u> bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code, except as provided in an administrative order of the Chief Judge of the circuit court.
The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders with regard to drug-related and alcohol-related offenses, in which a vendor supplies and monitors the operation of the electronic monitoring

device, and collects the fees on behalf of the county. The
program shall include provisions for indigent offenders
and the collection of unpaid fees. The program shall not
unduly burden the offender and shall be subject to review
by the Chief Judge.
The Chief Judge of the circuit court may suspend any
additional charges or fees for late payment, interest, or
damage to any device;
(14.2) The court may shall impose upon all defendants,
including those defendants subject to paragraph (14.1)
above, placed under direct supervision of the Pretrial
Services Agency, Probation Department or Court Services
Department in a pretrial bond home supervision capacity
with the use of an approved monitoring device, as a
condition of such <u>release</u> bail bond , a fee which shall
represent costs incidental to such electronic monitoring
for each day of such bail supervision ordered by the court,
unless after determining the inability of the defendant to
pay the fee, the court assesses a lesser fee or no fee as
the case may be. The fee shall be collected by the clerk of
the circuit court, except as provided in an administrative
order of the Chief Judge of the circuit court. The clerk of
the circuit court shall pay all monies collected from this
fee to the county treasurer who shall use the monies
collected to defray the costs of corrections. The county
treasurer shall deposit the fee collected in the county
working cash fund under Section 6-27001 or Section 6-29002
of the Counties Code, as the case may be, except as
provided in an administrative order of the Chief Judge of
the circuit court.
The Chief Judge of the circuit court of the county may
by administrative order establish a program for electronic
monitoring of offenders with regard to drug-related and
alcohol-related offenses, in which a vendor supplies and
monitors the operation of the electronic monitoring
device, and collects the fees on behalf of the county. The
program shall include provisions for indigent offenders
and the collection of unpaid fees. The program shall not
unduly burden the offender and shall be subject to review
by the Chief Judge.
The Chief Judge of the circuit court may suspend any
additional charges or fees for late payment, interest, or
damage to any device;
(14.3) The Chief Judge of the Judicial Circuit may
establish reasonable fees to be paid by a person receiving
pretrial services while under supervision of a pretrial
services agency, probation department, or court services
department. Reasonable fees may be charged for pretrial
services including, but not limited to, pretrial
supervision, diversion programs, electronic monitoring,

victim impact services, drug and alcohol testing, DNA
testing, GPS electronic monitoring, assessments and
evaluations related to domestic violence and other
victims, and victim mediation services. The person
receiving pretrial services may be ordered to pay all costs
incidental to pretrial services in accordance with his or
her ability to pay those costs;
(14.4) For persons charged with violating Section
11-501 of the Illinois Vehicle Code, refrain from operating
a motor vehicle not equipped with an ignition interlock
device, as defined in Section 1-129.1 of the Illinois
Vehicle Code, pursuant to the rules promulgated by the
Secretary of State for the installation of ignition
interlock devices. Under this condition the court may allow
a defendant who is not self-employed to operate a vehicle
owned by the defendant's employer that is not equipped with
an ignition interlock device in the course and scope of the
defendant's employment;
(15) Comply with the terms and conditions of an order
of protection issued by the court under the Illinois
Domestic Violence Act of 1986 or an order of protection
issued by the court of another state, tribe, or United
States territory;
(16) (Blank); and Under Section 110-6.5 comply with the
conditions of the drug testing program; and
(17) Such other reasonable conditions as the court may
impose.
(c) When a person is charged with an offense under Section
11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
Criminal Code of 2012, involving a victim who is a minor under
18 years of age living in the same household with the defendant
at the time of the offense, in granting bail or releasing the
defendant on his own recognizance , the judge shall impose
conditions to restrict the defendant's access to the victim
which may include, but are not limited to conditions that he
will:
1. Vacate the household.
2. Make payment of temporary support to his dependents.
3. Refrain from contact or communication with the child
victim, except as ordered by the court.
(d) When a person is charged with a criminal offense and
the victim is a family or household member as defined in
Article 112A, conditions shall be imposed at the time of the
defendant's release on bond that restrict the defendant's
access to the victim. Unless provided otherwise by the court,
the restrictions shall include requirements that the defendant
do the following:
(1) refrain from contact or communication with the
victim for a minimum period of 72 hours following the

defendant's release; and
(2) refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.
(e) Local law enforcement agencies shall develop standardized <u>pretrial release</u> bond forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of <u>pretrial release</u> bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).
(f) If the defendant is <u>released</u> admitted to bail after conviction <u>following appeal or other post-conviction proceeding</u> , the conditions of the <u>pretrial release</u> bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:
(1) Duly prosecute his appeal;
(2) Appear at such time and place as the court may direct;
(3) Not depart this State without leave of the court;
(4) Comply with such other reasonable conditions as the court may impose; and
(5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was <u>released</u> bailed .
(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of <u>being released</u> remaining on bond pending sentencing.
(h) In the event the defendant is denied <u>pretrial release</u> unable to post bond , the court may impose a no contact provision with the victim or other interested party that shall be enforced while the defendant remains in custody. (Source: P.A. 101-138, eff. 1-1-20.)
(725 ILCS 5/110-11) (from Ch. 38, par. 110-11) Sec. 110-11. <u>Pretrial release</u> Bail on a new trial. If the judgment of conviction is reversed and the cause remanded for a new trial the trial court may order that the <u>conditions of pretrial release</u> bail stand pending such trial, or modify the <u>conditions of pretrial release</u> reduce or increase bail . (Source: Laws 1963, p. 2836.)
(725 ILCS 5/110-12) (from Ch. 38, par. 110-12) Sec. 110-12. Notice of change of address. A defendant who has been admitted to <u>pretrial release</u> bail shall file a written notice with the clerk of the court before which the proceeding is pending of any change in his or her

address within 24 hours after such change, except that a defendant who has been admitted to pretrial release ~~bail~~ for a forcible felony as defined in Section 2-8 of the Criminal Code of 2012 shall file a written notice with the clerk of the court before which the proceeding is pending and the clerk shall immediately deliver a time stamped copy of the written notice to the State's Attorney charged with the prosecution within 24 hours prior to such change. The address of a defendant who has been admitted to pretrial release ~~bail~~ shall at all times remain a matter of public record with the clerk of the court. (Source: P.A. 97-1150, eff. 1-25-13.)

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

Sec. 111-2. Commencement of prosecutions.

(a) All prosecutions of felonies shall be by information or by indictment. No prosecution may be pursued by information unless a preliminary hearing has been held or waived in accordance with Section 109-3 and at that hearing probable cause to believe the defendant committed an offense was found, and the provisions of Section 109-3.1 of this Code have been complied with.

(b) All other prosecutions may be by indictment, information or complaint.

(c) Upon the filing of an information or indictment in open court charging the defendant with the commission of a sex offense defined in any Section of Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012, and a minor as defined in Section 1-3 of the Juvenile Court Act of 1987 is alleged to be the victim of the commission of the acts of the defendant in the commission of such offense, the court may appoint a guardian ad litem for the minor as provided in Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of 1987.

(d) Upon the filing of an information or indictment in open court, the court shall immediately issue a warrant for the arrest of each person charged with an offense directed to a peace officer or some other person specifically named commanding him to arrest such person.

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

(f) Where the prosecution of a felony is by information or complaint after preliminary hearing, or after a waiver of preliminary hearing in accordance with paragraph (a) of this Section, such prosecution may be for all offenses, arising from the same transaction or conduct of a defendant even though the complaint or complaints filed at the preliminary hearing

charged only one or some of the offenses arising from that transaction or conduct.
(Source: P.A. 97-1150, eff. 1-25-13.)
(725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)
Sec. 112A-23. Enforcement of protective orders.
(a) When violation is crime. A violation of any protective order, whether issued in a civil, quasi-criminal proceeding, shall be enforced by a criminal court when:
(1) The respondent commits the crime of violation of a domestic violence order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:
(i) remedies described in paragraphs (1), (2), (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, <u>or</u>
(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 domestic violence order of protection, which is authorized under the laws of another state, tribe or United States territory.
(3) The respondent commits the crime of violation of a civil no contact order when the respondent violates Section 12-3.8 of the Criminal Code of 2012. Prosecution for a violation of a civil no contact order 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 civil no contact order.
(4) The respondent commits the crime of violation of a stalking no contact order when the respondent violates Section 12-3.9 of the Criminal Code of 2012. Prosecution for a violation of a stalking no contact order 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 stalking no contact order.
(b) When violation is contempt of court. A violation of any valid protective order, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the protective order were committed, to the extent consistent with the venue provisions of this Article. Nothing in this Article shall preclude any Illinois court from enforcing any valid protective order issued in another state. Illinois courts may enforce protective orders through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.
(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. Bond shall be set unless specifically denied in writing.
(2) A petition for a rule to show cause for violation of a protective order shall be treated as an expedited proceeding.
(c) Violation of custody, allocation of parental responsibility, or support orders. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 112A-14 of this Code may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 112A-14 of this Code in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act.
(d) Actual knowledge. A protective order may be enforced pursuant to this Section if the respondent violates the order after respondent has actual knowledge of its contents as shown through one of the following means:
(1) (Blank).
(2) (Blank).
(3) By service of a protective order under subsection

(f) of Section 112A-17.5 or Section 112A-22 of this Code.
(4) By other means demonstrating actual knowledge of the contents of the order.
(e) The enforcement of a protective order in civil or criminal court shall not be affected by either of the following:
(1) The existence of a separate, correlative order entered under Section 112A-15 of this Code.
(2) Any finding or order entered in a conjoined criminal proceeding.
(f) Circumstances. The court, when determining whether or not a violation of a protective order has occurred, shall not require physical manifestations of abuse on the person of the victim.
(g) Penalties.
(1) Except as provided in paragraph (3) of this subsection (g), where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.
(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection (g).
(3) To the extent permitted by law, the court is encouraged to:
(i) increase the penalty for the knowing violation of any protective order over any penalty previously imposed by any court for respondent's violation of any protective order or penal statute involving petitioner as victim and respondent as defendant;
(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any protective order; and
(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of a protective order unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.
(4) In addition to any other penalties imposed for a violation of a protective order, a criminal court may consider evidence of any violations of a protective order:
(i) to increase, revoke, or modify the <u>conditions of pretrial release bail bond</u> on an underlying criminal charge pursuant to Section 110-6 of this Code;
(ii) to revoke or modify an order of probation, conditional discharge, or supervision, pursuant to

Section 5-6-4 of the Unified Code of Corrections;
(iii) to revoke or modify a sentence of periodic
imprisonment, pursuant to Section 5-7-2 of the Unified
Code of Corrections.
(Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
100-597, eff. 6-29-18; revised 7-12-19.)
(725 ILCS 5/114-1) (from Ch. 38, par. 114-1)
Sec. 114-1. Motion to dismiss charge.
(a) Upon the written motion of the defendant made prior to
trial before or after a plea has been entered the court may
dismiss the indictment, information or complaint upon any of
the following grounds:
(1) The defendant has not been placed on trial in
compliance with Section 103-5 of this Code.
(2) The prosecution of the offense is barred by
Sections 3-3 through 3-8 of the Criminal Code of 2012.
(3) The defendant has received immunity from
prosecution for the offense charged.
(4) The indictment was returned by a Grand Jury which
was improperly selected and which results in substantial
injustice to the defendant.
(5) The indictment was returned by a Grand Jury which
acted contrary to Article 112 of this Code and which
results in substantial injustice to the defendant.
(6) The court in which the charge has been filed does
not have jurisdiction.
(7) The county is an improper place of trial.
(8) The charge does not state an offense.
(9) The indictment is based solely upon the testimony
of an incompetent witness.
(10) The defendant is misnamed in the charge and the
misnomer results in substantial injustice to the
defendant.
(11) The requirements of Section 109-3.1 have not been
complied with.
(b) The court shall require any motion to dismiss to be
filed within a reasonable time after the defendant has been
arraigned. Any motion not filed within such time or an
extension thereof shall not be considered by the court and the
grounds therefor, except as to subsections (a) (6) and (a) (8) of
this Section, are waived.
(c) If the motion presents only an issue of law the court
shall determine it without the necessity of further pleadings.
If the motion alleges facts not of record in the case the State
shall file an answer admitting or denying each of the factual
allegations of the motion.
(d) When an issue of fact is presented by a motion to
dismiss and the answer of the State the court shall conduct a
hearing and determine the issues.

(d-5) When a defendant seeks dismissal of the charge upon the ground set forth in subsection (a) (7) of this Section, the defendant shall make a prima facie showing that the county is an improper place of trial. Upon such showing, the State shall have the burden of proving, by a preponderance of the evidence, that the county is the proper place of trial.
(d-6) When a defendant seeks dismissal of the charge upon the grounds set forth in subsection (a) (2) of this Section, the prosecution shall have the burden of proving, by a preponderance of the evidence, that the prosecution of the offense is not barred by Sections 3-3 through 3-8 of the Criminal Code of 2012.
(e) Dismissal of the charge upon the grounds set forth in subsections (a) (4) through (a) (11) of this Section shall not prevent the return of a new indictment or the filing of a new charge, and upon such dismissal the court may order that the defendant be held in custody or, if the defendant had been previously released on pretrial release bail, that the pretrial release bail be continued for a specified time pending the return of a new indictment or the filing of a new charge.
(f) If the court determines that the motion to dismiss based upon the grounds set forth in subsections (a) (6) and (a) (7) is well founded it may, instead of dismissal, order the cause transferred to a court of competent jurisdiction or to a proper place of trial.
(Source: P.A. 100-434, eff. 1-1-18.)
(725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)
Sec. 115-4.1. Absence of defendant.
(a) When a defendant after arrest and an initial court appearance for a non-capital felony or a misdemeanor, fails to appear for trial, at the request of the State and after the State has affirmatively proven through substantial evidence that the defendant is willfully avoiding trial, the court may commence trial in the absence of the defendant. Absence of a defendant as specified in this Section shall not be a bar to indictment of a defendant, return of information against a defendant, or arraignment of a defendant for the charge for which pretrial release bail has been granted. If a defendant fails to appear at arraignment, the court may enter a plea of "not guilty" on his behalf. If a defendant absents himself before trial on a capital felony, trial may proceed as specified in this Section provided that the State certifies that it will not seek a death sentence following conviction. Trial in the defendant's absence shall be by jury unless the defendant had previously waived trial by jury. The absent defendant must be represented by retained or appointed counsel. The court, at the conclusion of all of the proceedings, may order the clerk of the circuit court to pay counsel such sum as the court deems reasonable, from any bond monies which were

posted by the defendant with the clerk, after the clerk has first deducted all court costs. If trial had previously commenced in the presence of the defendant and the defendant willfully absents himself for two successive court days, the court shall proceed to trial. All procedural rights guaranteed by the United States Constitution, Constitution of the State of Illinois, statutes of the State of Illinois, and rules of court shall apply to the proceedings the same as if the defendant were present in court and had not either had his or her pretrial release revoked ~~forfeited his bail bond~~ or escaped from custody. The court may set the case for a trial which may be conducted under this Section despite the failure of the defendant to appear at the hearing at which the trial date is set. When such trial date is set the clerk shall send to the defendant, by certified mail at his last known address indicated on his bond slip, notice of the new date which has been set for trial. Such notification shall be required when the defendant was not personally present in open court at the time when the case was set for trial.

(b) The absence of a defendant from a trial conducted pursuant to this Section does not operate as a bar to concluding the trial, to a judgment of conviction resulting therefrom, or to a final disposition of the trial in favor of the defendant.

(c) Upon a verdict of not guilty, the court shall enter judgment for the defendant. Upon a verdict of guilty, the court shall set a date for the hearing of post-trial motions and shall hear such motion in the absence of the defendant. If post-trial motions are denied, the court shall proceed to conduct a sentencing hearing and to impose a sentence upon the defendant.

(d) A defendant who is absent for part of the proceedings of trial, post-trial motions, or sentencing, does not thereby forfeit his right to be present at all remaining proceedings.

(e) When a defendant who in his absence has been either convicted or sentenced or both convicted and sentenced appears before the court, he must be granted a new trial or new sentencing hearing if the defendant can establish that his failure to appear in court was both without his fault and due to circumstances beyond his control. A hearing with notice to the State's Attorney on the defendant's request for a new trial or a new sentencing hearing must be held before any such request may be granted. At any such hearing both the defendant and the State may present evidence.

(f) If the court grants only the defendant's request for a new sentencing hearing, then a new sentencing hearing shall be held in accordance with the provisions of the Unified Code of Corrections. At any such hearing, both the defendant and the State may offer evidence of the defendant's conduct during his period of absence from the court. The court may impose any

sentence authorized by the Unified Code of Corrections and is not in any way limited or restricted by any sentence previously imposed.

(g) A defendant whose motion under paragraph (e) for a new trial or new sentencing hearing has been denied may file a notice of appeal therefrom. Such notice may also include a request for review of the judgment and sentence not vacated by the trial court.

(Source: P.A. 90-787, eff. 8-14-98.)

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

Sec. 122-6. Disposition in trial court.

The court may receive proof by affidavits, depositions, oral testimony, or other evidence. In its discretion the court may order the petitioner brought before the court for the hearing. If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to rearraignment, retrial, custody, conditions of pretrial release ~~bail~~ or discharge as may be necessary and proper.

(Source: Laws 1963, p. 2836.)

Section 10-256. The Code of Criminal Procedure of 1963 is amended by changing the heading of Article 110 by changing Sections 103-2, 103-3, and 108-8 as follows:

(725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

Sec. 103-2. Treatment while in custody.

(a) On being taken into custody every person shall have the right to remain silent.

(b) No unlawful means of any kind shall be used to obtain a statement, admission or confession from any person in custody.

(c) Persons in custody shall be treated humanely and provided with proper food, shelter and, if required, medical treatment without unreasonable delay if the need for the treatment is apparent.

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

Sec. 103-3. Right to communicate with attorney and family; transfers.

(a) ~~(Blank). Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.~~

(a-5) Persons who are in police custody have the right to communicate free of charge with an attorney of their choice and

members of their family as soon as possible upon being taken into police custody, but no later than three hours after arrival at the first place of custody. Persons in police custody must be given:

- (1) access to use a telephone via a land line or cellular phone to make three phone calls; and
- (2) the ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory.

(a-10) In accordance with Section 103-7, at every facility where a person is in police custody a sign containing, at minimum, the following information in bold block type must be posted in a conspicuous place:

- (1) a short statement notifying persons who are in police custody of their right to have access to a phone within three hours after being taken into police custody; and
- (2) persons who are in police custody have the right to make three phone calls within three hours after being taken into custody, at no charge.

(a-15) In addition to the information listed in subsection (a-10), if the place of custody is located in a jurisdiction where the court has appointed the public defender or other attorney to represent persons who are in police custody, the telephone number to the public defender or appointed attorney's office must also be displayed. The telephone call to the public defender or other attorney must not be monitored, eavesdropped upon, or recorded.

(b) (Blank). In the event the accused is transferred to a new place of custody his right to communicate with an attorney and a member of his family is renewed.

(c) In the event a person who is in police custody is transferred to a new place of custody, his or her right to make telephone calls under this Section within three hours after arrival is renewed.

(d) In this Section "custody" means the restriction of a person's freedom of movement by a law enforcement officer's exercise of his or her lawful authority.

(e) The three hours requirement shall not apply while the person in police custody is asleep, unconscious, or otherwise incapacitated.

(f) Nothing in this Section shall interfere with a person's rights or override procedures required in the Bill of Rights of the Illinois and US Constitutions, including but not limited to Fourth Amendment search and seizure rights, Fifth Amendment due process rights and rights to be free from self-incrimination and Sixth Amendment right to counsel.

(Source: Laws 1963, p. 2836.)

Sec. 103-3. Right to communicate with attorney and family; transfers.

~~(a)(Blank). Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.~~

~~(a-5) Persons who are in police custody have the right to communicate free of charge with an attorney of their choice and members of their family as soon as possible upon being taken into police custody, but no later than three hours after arrival at the first place of custody facility of detention, unless the person waives the right or articulable circumstances exist that prevent adherence to the time constraint. If articulable circumstances present themselves, it must be properly documented in the official police report. Persons in police custody must be given:~~

~~(1) access to use a telephone via a land line or cellular phone to make three phone calls; and~~

~~(2) the ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory. If direct access to the phone creates the ability to destroy evidence, police personnel may retrieve information for the subject in custody.~~

~~(a-10) In accordance with Section 103-7, at every facility where a person is in police custody a sign containing, at minimum, the following information in bold block type must be posted in a conspicuous place:~~

~~(1) a short statement notifying persons who are in police custody of their right to have access to a phone within three hours after being taken into police custody; and~~

~~(2) persons who are in police custody have the right to make three phone calls within three hours after being taken into custody, at no charge.~~

~~(a-15) In addition to the information listed in subsection (a-10), if the place of custody is located in a jurisdiction where the court has appointed the public defender or other attorney to represent persons who are in police custody, the telephone number to the public defender or appointed attorney's office must also be displayed. The telephone call to the public defender or other attorney must not be monitored, eavesdropped upon, or recorded.~~

~~(b)(Blank). In the event the accused is transferred to a new place of custody his right to communicate with an attorney and a member of his family is renewed.~~

~~(c) In the event a person who is in police custody is transferred to a new facility of detention place of custody, his or her right to make telephone calls under this Section within three hours after arrival is renewed.~~

~~(d) In this Section "custody" means the restriction of a person's freedom of movement by a law enforcement officer's exercise of his or her lawful authority. Facility of detention means a physical structure designated for the purpose of holding subjects in the custody of law enforcement officials.~~

~~(e) The three hours requirement shall not apply while the person in police custody is asleep, unconscious, or otherwise incapacitated.~~

~~(f) Nothing in this Section shall interfere with a person's rights or override procedures required in the Bill of Rights of the Illinois and US Constitutions,~~

including but not limited to Fourth Amendment search and seizure rights, Fifth Amendment due process rights and rights to be free from self-incrimination and Sixth Amendment right to counsel.

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

Sec. 108-8. Use of force in execution of search warrant.

(a) All necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute a search warrant.

(b) The court issuing a warrant may authorize the officer executing the warrant to make entry without first knocking and announcing his or her office if it finds, based upon a showing of specific facts, the existence of the following exigent circumstances:

(1) That the officer reasonably believes that if notice were given a weapon would be used:

(i) against the officer executing the search

warrant; or

(ii) against another person.

(2) That if notice were given there is an imminent "danger" that evidence will be destroyed.

~~(c) Prior to the issuing of a warrant under subsection (b), the officer must attest that:~~

~~(1) prior to entering the location described in the search warrant, a supervising officer will ensure that each participating member is assigned a body worn camera and is following policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act; provided that the law enforcement agency has implemented body worn camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act. If a law enforcement agency has not implemented a body camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, the officer must attest that the interaction authorized by the warrant is otherwise recorded;~~

~~(2) steps were taken in planning the search to ensure accuracy and plan for children or other vulnerable people on-site; and~~

~~(3) if an officer becomes aware the search warrant was executed at an address, unit, or apartment different from the location listed on the search warrant, that member will immediately notify a supervisor who will ensure an internal investigation ensues.~~

~~(3) Prior to the issuing of a warrant under subsection (b) the supervising officer must attest that:~~

(I) prior to entering the location described in the search warrant, a supervising officer will ensure that each participating member is assigned a body worn camera and is following policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act; provided that the law enforcement agency has implemented body worn camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act.

If a law enforcement agency, or each participating member of a multi-jurisdictional team has not implemented a body camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, the supervising officer must attest that the ~~interaction~~ authorized by execution of the warrant is otherwise recorded;

(II) ~~steps were taken in planning the search to~~ The supervising officer verified the subject address with the address listed on the warrant for accuracy and plan for children or other vulnerable people on-site; and

(III) if an officer becomes aware the search warrant was executed at an address, unit, or apartment different from the location listed on the search warrant, that member will immediately notify a supervisor who will ~~ensure an internal investigation ensues~~ report the incident to a commanding officer to initiate a formal inquiry.

(Source: P.A. 92-502, eff. 12-19-01.)

(725 ILCS 5/110-5.1 rep.)

(725 ILCS 5/110-6.3 rep.)

(725 ILCS 5/110-6.5 rep.)

(725 ILCS 5/110-7 rep.)

(725 ILCS 5/110-8 rep.)

(725 ILCS 5/110-9 rep.)

(725 ILCS 5/110-13 rep.)

(725 ILCS 5/110-14 rep.)

(725 ILCS 5/110-15 rep.)

(725 ILCS 5/110-16 rep.)

(725 ILCS 5/110-17 rep.)

(725 ILCS 5/110-18 rep.)

Section 10-260. The Code of Criminal Procedure of 1963 is amended by repealing Sections 110-5.1, 110-6.3, 110-6.5, 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17, and 110-18.

Section 10-265. The Rights of Crime Victims and Witnesses Act is amended by changing Sections 4 and 4.5 as follows:

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

Sec. 4. Rights of crime victims.

(a) Crime victims shall have the following rights:

(1) The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.
(1.5) The right to notice and to a hearing before a court ruling on a request for access to any of the victim's records, information, or communications which are privileged or confidential by law.
(2) The right to timely notification of all court proceedings.
(3) The right to communicate with the prosecution.
(4) The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.
(5) The right to be notified of the conviction, the sentence, the imprisonment and the release of the accused.
(6) The right to the timely disposition of the case following the arrest of the accused.
(7) The right to be reasonably protected from the accused through the criminal justice process.
(7.5) The right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.
(8) The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
(9) The right to have present at all court proceedings, including proceedings under the Juvenile Court Act of 1987, subject to the rules of evidence, an advocate and other support person of the victim's choice.
(10) The right to restitution.
(b) Any law enforcement agency that investigates an offense committed in this State shall provide a crime victim with a written statement and explanation of the rights of crime victims under this amendatory Act of the 99th General Assembly within 48 hours of law enforcement's initial contact with a victim. The statement shall include information about crime victim compensation, including how to contact the Office of the Illinois Attorney General to file a claim, and appropriate referrals to local and State programs that provide victim services. The content of the statement shall be provided to law enforcement by the Attorney General. Law enforcement shall also provide a crime victim with a sign-off sheet that the victim shall sign and date as an acknowledgement that he or she has been furnished with information and an explanation of the

rights of crime victims and compensation set forth in this Act.
(b-5) Upon the request of the victim, the law enforcement
agency having jurisdiction shall provide a free copy of the
police report concerning the victim's incident, as soon as
practicable, but in no event later than 5 business days from
the request.
(c) The Clerk of the Circuit Court shall post the rights of
crime victims set forth in Article I, Section 8.1(a) of the
Illinois Constitution and subsection (a) of this Section within
3 feet of the door to any courtroom where criminal proceedings
are conducted. The clerk may also post the rights in other
locations in the courthouse.
(d) At any point, the victim has the right to retain a
victim's attorney who may be present during all stages of any
interview, investigation, or other interaction with
representatives of the criminal justice system. Treatment of
the victim should not be affected or altered in any way as a
result of the victim's decision to exercise this right.
(Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19.)
(725 ILCS 120/4.5)
Sec. 4.5. Procedures to implement the rights of crime
victims. To afford crime victims their rights, law enforcement,
prosecutors, judges, and corrections will provide information,
as appropriate, of the following procedures:
(a) At the request of the crime victim, law enforcement
authorities investigating the case shall provide notice of the
status of the investigation, except where the State's Attorney
determines that disclosure of such information would
unreasonably interfere with the investigation, until such time
as the alleged assailant is apprehended or the investigation is
closed.
(a-5) When law enforcement authorities reopen a closed case
to resume investigating, they shall provide notice of the
reopening of the case, except where the State's Attorney
determines that disclosure of such information would
unreasonably interfere with the investigation.
(b) The office of the State's Attorney:
(1) shall provide notice of the filing of an
information, the return of an indictment, or the filing of
a petition to adjudicate a minor as a delinquent for a
violent crime;
(2) shall provide timely notice of the date, time, and
place of court proceedings; of any change in the date,
time, and place of court proceedings; and of any
cancellation of court proceedings. Notice shall be
provided in sufficient time, wherever possible, for the
victim to make arrangements to attend or to prevent an
unnecessary appearance at court proceedings;
(3) or victim advocate personnel shall provide

information of social services and financial assistance
available for victims of crime, including information of
how to apply for these services and assistance;
(3.5) or victim advocate personnel shall provide
information about available victim services, including
referrals to programs, counselors, and agencies that
assist a victim to deal with trauma, loss, and grief;
(4) shall assist in having any stolen or other personal
property held by law enforcement authorities for
evidentiary or other purposes returned as expeditiously as
possible, pursuant to the procedures set out in Section
115-9 of the Code of Criminal Procedure of 1963;
(5) or victim advocate personnel shall provide
appropriate employer intercession services to ensure that
employers of victims will cooperate with the criminal
justice system in order to minimize an employee's loss of
pay and other benefits resulting from court appearances;
(6) shall provide, whenever possible, a secure waiting
area during court proceedings that does not require victims
to be in close proximity to defendants or juveniles accused
of a violent crime, and their families and friends;
(7) shall provide notice to the crime victim of the
right to have a translator present at all court proceedings
and, in compliance with the federal Americans with
Disabilities Act of 1990, the right to communications
access through a sign language interpreter or by other
means;
(8) (blank);
(8.5) shall inform the victim of the right to be
present at all court proceedings, unless the victim is to
testify and the court determines that the victim's
testimony would be materially affected if the victim hears
other testimony at trial;
(9) shall inform the victim of the right to have
present at all court proceedings, subject to the rules of
evidence and confidentiality, an advocate and other
support person of the victim's choice;
(9.3) shall inform the victim of the right to retain an
attorney, at the victim's own expense, who, upon written
notice filed with the clerk of the court and State's
Attorney, is to receive copies of all notices, motions, and
court orders filed thereafter in the case, in the same
manner as if the victim were a named party in the case;
(9.5) shall inform the victim of (A) the victim's right
under Section 6 of this Act to make a statement at the
sentencing hearing; (B) the right of the victim's spouse,
guardian, parent, grandparent, and other immediate family
and household members under Section 6 of this Act to
present a statement at sentencing; and (C) if a presentence
report is to be prepared, the right of the victim's spouse,

guardian, parent, grandparent, and other immediate family
and household members to submit information to the preparer
of the presentence report about the effect the offense has
had on the victim and the person;
(10) at the sentencing shall make a good faith attempt
to explain the minimum amount of time during which the
defendant may actually be physically imprisoned. The
Office of the State's Attorney shall further notify the
crime victim of the right to request from the Prisoner
Review Board or Department of Juvenile Justice information
concerning the release of the defendant;
(11) shall request restitution at sentencing and as
part of a plea agreement if the victim requests
restitution;
(12) shall, upon the court entering a verdict of not
guilty by reason of insanity, inform the victim of the
notification services available from the Department of
Human Services, including the statewide telephone number,
under subparagraph (d) (2) of this Section;
(13) shall provide notice within a reasonable time
after receipt of notice from the custodian, of the release
of the defendant on <u>pretrial release</u> bail or personal
recognizance or the release from detention of a minor who
has been detained;
(14) shall explain in nontechnical language the
details of any plea or verdict of a defendant, or any
adjudication of a juvenile as a delinquent;
(15) shall make all reasonable efforts to consult with
the crime victim before the Office of the State's Attorney
makes an offer of a plea bargain to the defendant or enters
into negotiations with the defendant concerning a possible
plea agreement, and shall consider the written statement,
if prepared prior to entering into a plea agreement. The
right to consult with the prosecutor does not include the
right to veto a plea agreement or to insist the case go to
trial. If the State's Attorney has not consulted with the
victim prior to making an offer or entering into plea
negotiations with the defendant, the Office of the State's
Attorney shall notify the victim of the offer or the
negotiations within 2 business days and confer with the
victim;
(16) shall provide notice of the ultimate disposition
of the cases arising from an indictment or an information,
or a petition to have a juvenile adjudicated as a
delinquent for a violent crime;
(17) shall provide notice of any appeal taken by the
defendant and information on how to contact the appropriate
agency handling the appeal, and how to request notice of
any hearing, oral argument, or decision of an appellate
court;

(18) shall provide timely notice of any request for
post-conviction review filed by the defendant under
Article 122 of the Code of Criminal Procedure of 1963, and
of the date, time and place of any hearing concerning the
petition. Whenever possible, notice of the hearing shall be
given within 48 hours of the court's scheduling of the
hearing; and
(19) shall forward a copy of any statement presented
under Section 6 to the Prisoner Review Board or Department
of Juvenile Justice to be considered in making a
determination under Section 3-2.5-85 or subsection (b) of
Section 3-3-8 of the Unified Code of Corrections.
(c) The court shall ensure that the rights of the victim
are afforded.
(c-5) The following procedures shall be followed to afford
victims the rights guaranteed by Article I, Section 8.1 of the
Illinois Constitution:
(1) Written notice. A victim may complete a written
notice of intent to assert rights on a form prepared by the
Office of the Attorney General and provided to the victim
by the State's Attorney. The victim may at any time provide
a revised written notice to the State's Attorney. The
State's Attorney shall file the written notice with the
court. At the beginning of any court proceeding in which
the right of a victim may be at issue, the court and
prosecutor shall review the written notice to determine
whether the victim has asserted the right that may be at
issue.
(2) Victim's retained attorney. A victim's attorney
shall file an entry of appearance limited to assertion of
the victim's rights. Upon the filing of the entry of
appearance and service on the State's Attorney and the
defendant, the attorney is to receive copies of all
notices, motions and court orders filed thereafter in the
case.
(3) Standing. The victim has standing to assert the
rights enumerated in subsection (a) of Article I, Section
8.1 of the Illinois Constitution and the statutory rights
under Section 4 of this Act in any court exercising
jurisdiction over the criminal case. The prosecuting
attorney, a victim, or the victim's retained attorney may
assert the victim's rights. The defendant in the criminal
case has no standing to assert a right of the victim in any
court proceeding, including on appeal.
(4) Assertion of and enforcement of rights.
(A) The prosecuting attorney shall assert a
victim's right or request enforcement of a right by
filing a motion or by orally asserting the right or
requesting enforcement in open court in the criminal
case outside the presence of the jury. The prosecuting

attorney shall consult with the victim and the victim's
attorney regarding the assertion or enforcement of a
right. If the prosecuting attorney decides not to
assert or enforce a victim's right, the prosecuting
attorney shall notify the victim or the victim's
attorney in sufficient time to allow the victim or the
victim's attorney to assert the right or to seek
enforcement of a right.
(B) If the prosecuting attorney elects not to
assert a victim's right or to seek enforcement of a
right, the victim or the victim's attorney may assert
the victim's right or request enforcement of a right by
filing a motion or by orally asserting the right or
requesting enforcement in open court in the criminal
case outside the presence of the jury.
(C) If the prosecuting attorney asserts a victim's
right or seeks enforcement of a right, and the court
denies the assertion of the right or denies the request
for enforcement of a right, the victim or victim's
attorney may file a motion to assert the victim's right
or to request enforcement of the right within 10 days
of the court's ruling. The motion need not demonstrate
the grounds for a motion for reconsideration. The court
shall rule on the merits of the motion.
(D) The court shall take up and decide any motion
or request asserting or seeking enforcement of a
victim's right without delay, unless a specific time
period is specified by law or court rule. The reasons
for any decision denying the motion or request shall be
clearly stated on the record.
(5) Violation of rights and remedies.
(A) If the court determines that a victim's right
has been violated, the court shall determine the
appropriate remedy for the violation of the victim's
right by hearing from the victim and the parties,
considering all factors relevant to the issue, and then
awarding appropriate relief to the victim.
(A-5) Consideration of an issue of a substantive
nature or an issue that implicates the constitutional
or statutory right of a victim at a court proceeding
labeled as a status hearing shall constitute a per se
violation of a victim's right.
(B) The appropriate remedy shall include only
actions necessary to provide the victim the right to
which the victim was entitled and may include reopening
previously held proceedings; however, in no event
shall the court vacate a conviction. Any remedy shall
be tailored to provide the victim an appropriate remedy
without violating any constitutional right of the
defendant. In no event shall the appropriate remedy be

a new trial, damages, or costs.
(6) Right to be heard. Whenever a victim has the right to be heard, the court shall allow the victim to exercise the right in any reasonable manner the victim chooses.
(7) Right to attend trial. A party must file a written motion to exclude a victim from trial at least 60 days prior to the date set for trial. The motion must state with specificity the reason exclusion is necessary to protect a constitutional right of the party, and must contain an offer of proof. The court shall rule on the motion within 30 days. If the motion is granted, the court shall set forth on the record the facts that support its finding that the victim's testimony will be materially affected if the victim hears other testimony at trial.
(8) Right to have advocate and support person present at court proceedings.
(A) A party who intends to call an advocate as a witness at trial must seek permission of the court before the subpoena is issued. The party must file a written motion at least 90 days before trial that sets forth specifically the issues on which the advocate's testimony is sought and an offer of proof regarding (i) the content of the anticipated testimony of the advocate; and (ii) the relevance, admissibility, and materiality of the anticipated testimony. The court shall consider the motion and make findings within 30 days of the filing of the motion. If the court finds by a preponderance of the evidence that: (i) the anticipated testimony is not protected by an absolute privilege; and (ii) the anticipated testimony contains relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena requiring the advocate to appear to testify at an in camera hearing. The prosecuting attorney and the victim shall have 15 days to seek appellate review before the advocate is required to testify at an ex parte in camera proceeding.
The prosecuting attorney, the victim, and the advocate's attorney shall be allowed to be present at the ex parte in camera proceeding. If, after conducting the ex parte in camera hearing, the court determines that due process requires any testimony regarding confidential or privileged information or communications, the court shall provide to the prosecuting attorney, the victim, and the advocate's attorney a written memorandum on the substance of the advocate's testimony. The prosecuting attorney, the victim, and the advocate's attorney shall have 15 days to seek appellate review before a subpoena may be

issued for the advocate to testify at trial. The
presence of the prosecuting attorney at the ex parte in
camera proceeding does not make the substance of the
advocate's testimony that the court has ruled
inadmissible subject to discovery.
(B) If a victim has asserted the right to have a
support person present at the court proceedings, the
victim shall provide the name of the person the victim
has chosen to be the victim's support person to the
prosecuting attorney, within 60 days of trial. The
prosecuting attorney shall provide the name to the
defendant. If the defendant intends to call the support
person as a witness at trial, the defendant must seek
permission of the court before a subpoena is issued.
The defendant must file a written motion at least 45
days prior to trial that sets forth specifically the
issues on which the support person will testify and an
offer of proof regarding: (i) the content of the
anticipated testimony of the support person; and (ii)
the relevance, admissibility, and materiality of the
anticipated testimony.
If the prosecuting attorney intends to call the
support person as a witness during the State's
case-in-chief, the prosecuting attorney shall inform
the court of this intent in the response to the
defendant's written motion. The victim may choose a
different person to be the victim's support person. The
court may allow the defendant to inquire about matters
outside the scope of the direct examination during
cross-examination. If the court allows the defendant
to do so, the support person shall be allowed to remain
in the courtroom after the support person has
testified. A defendant who fails to question the
support person about matters outside the scope of
direct examination during the State's case-in-chief
waives the right to challenge the presence of the
support person on appeal. The court shall allow the
support person to testify if called as a witness in the
defendant's case-in-chief or the State's rebuttal.
If the court does not allow the defendant to
inquire about matters outside the scope of the direct
examination, the support person shall be allowed to
remain in the courtroom after the support person has
been called by the defendant or the defendant has
rested. The court shall allow the support person to
testify in the State's rebuttal.
If the prosecuting attorney does not intend to call
the support person in the State's case-in-chief, the
court shall verify with the support person whether the
support person, if called as a witness, would testify

as set forth in the offer of proof. If the court finds
that the support person would testify as set forth in
the offer of proof, the court shall rule on the
relevance, materiality, and admissibility of the
anticipated testimony. If the court rules the
anticipated testimony is admissible, the court shall
issue the subpoena. The support person may remain in
the courtroom after the support person testifies and
shall be allowed to testify in rebuttal.
If the court excludes the victim's support person
during the State's case-in-chief, the victim shall be
allowed to choose another support person to be present
in court.
If the victim fails to designate a support person
within 60 days of trial and the defendant has
subpoenaed the support person to testify at trial, the
court may exclude the support person from the trial
until the support person testifies. If the court
excludes the support person the victim may choose
another person as a support person.
(9) Right to notice and hearing before disclosure of
confidential or privileged information or records. A
defendant who seeks to subpoena records of or concerning
the victim that are confidential or privileged by law must
seek permission of the court before the subpoena is issued.
The defendant must file a written motion and an offer of
proof regarding the relevance, admissibility and
materiality of the records. If the court finds by a
preponderance of the evidence that: (A) the records are not
protected by an absolute privilege and (B) the records
contain relevant, admissible, and material evidence that
is not available through other witnesses or evidence, the
court shall issue a subpoena requiring a sealed copy of the
records be delivered to the court to be reviewed in camera.
If, after conducting an in camera review of the records,
the court determines that due process requires disclosure
of any portion of the records, the court shall provide
copies of what it intends to disclose to the prosecuting
attorney and the victim. The prosecuting attorney and the
victim shall have 30 days to seek appellate review before
the records are disclosed to the defendant. The disclosure
of copies of any portion of the records to the prosecuting
attorney does not make the records subject to discovery.
(10) Right to notice of court proceedings. If the
victim is not present at a court proceeding in which a
right of the victim is at issue, the court shall ask the
prosecuting attorney whether the victim was notified of the
time, place, and purpose of the court proceeding and that
the victim had a right to be heard at the court proceeding.
If the court determines that timely notice was not given or

that the victim was not adequately informed of the nature
of the court proceeding, the court shall not rule on any
substantive issues, accept a plea, or impose a sentence and
shall continue the hearing for the time necessary to notify
the victim of the time, place and nature of the court
proceeding. The time between court proceedings shall not be
attributable to the State under Section 103-5 of the Code
of Criminal Procedure of 1963.
(11) Right to timely disposition of the case. A victim
has the right to timely disposition of the case so as to
minimize the stress, cost, and inconvenience resulting
from the victim's involvement in the case. Before ruling on
a motion to continue trial or other court proceeding, the
court shall inquire into the circumstances for the request
for the delay and, if the victim has provided written
notice of the assertion of the right to a timely
disposition, and whether the victim objects to the delay.
If the victim objects, the prosecutor shall inform the
court of the victim's objections. If the prosecutor has not
conferred with the victim about the continuance, the
prosecutor shall inform the court of the attempts to
confer. If the court finds the attempts of the prosecutor
to confer with the victim were inadequate to protect the
victim's right to be heard, the court shall give the
prosecutor at least 3 but not more than 5 business days to
confer with the victim. In ruling on a motion to continue,
the court shall consider the reasons for the requested
continuance, the number and length of continuances that
have been granted, the victim's objections and procedures
to avoid further delays. If a continuance is granted over
the victim's objection, the court shall specify on the
record the reasons for the continuance and the procedures
that have been or will be taken to avoid further delays.
(12) Right to Restitution.
(A) If the victim has asserted the right to
restitution and the amount of restitution is known at
the time of sentencing, the court shall enter the
judgment of restitution at the time of sentencing.
(B) If the victim has asserted the right to
restitution and the amount of restitution is not known
at the time of sentencing, the prosecutor shall, within
5 days after sentencing, notify the victim what
information and documentation related to restitution
is needed and that the information and documentation
must be provided to the prosecutor within 45 days after
sentencing. Failure to timely provide information and
documentation related to restitution shall be deemed a
waiver of the right to restitution. The prosecutor
shall file and serve within 60 days after sentencing a
proposed judgment for restitution and a notice that

includes information concerning the identity of any
victims or other persons seeking restitution, whether
any victim or other person expressly declines
restitution, the nature and amount of any damages
together with any supporting documentation, a
restitution amount recommendation, and the names of
any co-defendants and their case numbers. Within 30
days after receipt of the proposed judgment for
restitution, the defendant shall file any objection to
the proposed judgment, a statement of grounds for the
objection, and a financial statement. If the defendant
does not file an objection, the court may enter the
judgment for restitution without further proceedings.
If the defendant files an objection and either party
requests a hearing, the court shall schedule a hearing.
(13) Access to presentence reports.
(A) The victim may request a copy of the
presentence report prepared under the Unified Code of
Corrections from the State's Attorney. The State's
Attorney shall redact the following information before
providing a copy of the report:
(i) the defendant's mental history and
condition;
(ii) any evaluation prepared under subsection
(b) or (b-5) of Section 5-3-2; and
(iii) the name, address, phone number, and
other personal information about any other victim.
(B) The State's Attorney or the defendant may
request the court redact other information in the
report that may endanger the safety of any person.
(C) The State's Attorney may orally disclose to the
victim any of the information that has been redacted if
there is a reasonable likelihood that the information
will be stated in court at the sentencing.
(D) The State's Attorney must advise the victim
that the victim must maintain the confidentiality of
the report and other information. Any dissemination of
the report or information that was not stated at a
court proceeding constitutes indirect criminal
contempt of court.
(14) Appellate relief. If the trial court denies the
relief requested, the victim, the victim's attorney, or the
prosecuting attorney may file an appeal within 30 days of
the trial court's ruling. The trial or appellate court may
stay the court proceedings if the court finds that a stay
would not violate a constitutional right of the defendant.
If the appellate court denies the relief sought, the
reasons for the denial shall be clearly stated in a written
opinion. In any appeal in a criminal case, the State may
assert as error the court's denial of any crime victim's

right in the proceeding to which the appeal relates.
(15) Limitation on appellate relief. In no case shall an appellate court provide a new trial to remedy the violation of a victim's right.
(16) The right to be reasonably protected from the accused throughout the criminal justice process and the right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction. A victim of domestic violence, a sexual offense, or stalking may request the entry of a protective order under Article 112A of the Code of Criminal Procedure of 1963.
(d) Procedures after the imposition of sentence.
(1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian, other than the Department of Juvenile Justice, of the discharge of any individual who was adjudicated a delinquent for a crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times and dates of such furlough. Upon written request by the victim or any other concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Notification shall be based on the most recent information as to victim's or other concerned citizen's residence or other location available to the notifying authority.
(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections, the victim may request to be notified by the releasing authority of the approval by the court of an on-grounds pass, a supervised off-grounds pass, an unsupervised off-grounds pass, or conditional release; the release on an off-grounds pass; the return from an off-grounds pass; transfer to another facility; conditional release; escape; death; or final discharge from State custody. The Department of Human Services shall establish and maintain a statewide telephone number to be used by victims to make notification requests under these provisions and shall

publicize this telephone number on its website and to the State's Attorney of each county.
(3) In the event of an escape from State custody, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board and the Board shall notify the victim.
(4) The victim of the crime for which the prisoner has been sentenced has the right to register with the Prisoner Review Board's victim registry. Victims registered with the Board shall receive reasonable written notice not less than 30 days prior to the parole hearing or target aftercare release date. The victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice in writing, on film, videotape, or other electronic means, or in the form of a recording prior to the parole hearing or target aftercare release date, or in person at the parole hearing or aftercare release protest hearing, or by calling the toll-free number established in subsection (f) of this Section. The victim shall be notified within 7 days after the prisoner has been granted parole or aftercare release and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections. The provisions of this paragraph (4) are subject to the Open Parole Hearings Act. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288) this amendatory Act of the 101st General Assembly , except if the statement was an oral statement made by the victim at a hearing open to the public.
(4-1) The crime victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice prior to or at a hearing to determine the conditions of mandatory supervised release of a person sentenced to a determinate sentence or at a hearing on revocation of mandatory supervised release of a person sentenced to a determinate sentence. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording,

<p>or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288) this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.</p>
<p>(4-2) The crime victim has the right to submit a victim statement to the Prisoner Review Board for consideration at an executive clemency hearing as provided in Section 3-3-13 of the Unified Code of Corrections. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording prior to a hearing, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288) this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.</p>
<p>(5) If a statement is presented under Section 6, the Prisoner Review Board or Department of Juvenile Justice shall inform the victim of any order of discharge pursuant to Section 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.</p>
<p>(6) At the written or oral request of the victim of the crime for which the prisoner was sentenced or the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted, the Prisoner Review Board or Department of Juvenile Justice shall notify the victim and the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted of the death of the prisoner if the prisoner died while on parole or aftercare release or mandatory supervised release.</p>
<p>(7) When a defendant who has been committed to the Department of Corrections, the Department of Juvenile Justice, or the Department of Human Services is released or discharged and subsequently committed to the Department of Human Services as a sexually violent person and the victim had requested to be notified by the releasing authority of the defendant's discharge, conditional release, death, or escape from State custody, the releasing authority shall provide to the Department of Human Services such information that would allow the Department of Human Services to contact the victim.</p>
<p>(8) When a defendant has been convicted of a sex</p>

offense as defined in Section 2 of the Sex Offender
Registration Act and has been sentenced to the Department
of Corrections or the Department of Juvenile Justice, the
Prisoner Review Board or the Department of Juvenile Justice
shall notify the victim of the sex offense of the
prisoner's eligibility for release on parole, aftercare
release, mandatory supervised release, electronic
detention, work release, international transfer or
exchange, or by the custodian of the discharge of any
individual who was adjudicated a delinquent for a sex
offense from State custody and by the sheriff of the
appropriate county of any such person's final discharge
from county custody. The notification shall be made to the
victim at least 30 days, whenever possible, before release
of the sex offender.
(e) The officials named in this Section may satisfy some or
all of their obligations to provide notices and other
information through participation in a statewide victim and
witness notification system established by the Attorney
General under Section 8.5 of this Act.
(f) The Prisoner Review Board shall establish a toll-free
number that may be accessed by the crime victim to present a
victim statement to the Board in accordance with paragraphs
(4), (4-1), and (4-2) of subsection (d).
(Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;
101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)
Section 10-270. The Pretrial Services Act is amended by
changing Sections 11, 20, 22, and 34 as follows:
(725 ILCS 185/11) (from Ch. 38, par. 311)
Sec. 11. No person shall be interviewed by a pretrial
services agency unless he or she has first been apprised of the
identity and purpose of the interviewer, the scope of the
interview, the right to secure legal advice, and the right to
refuse cooperation. Inquiry of the defendant shall carefully
exclude questions concerning the details of the current charge.
Statements made by the defendant during the interview, or
evidence derived therefrom, are admissible in evidence only
when the court is considering the imposition of pretrial or
posttrial conditions to bail or recognizance, or when
considering the modification of a prior release order.
(Source: P.A. 84-1449.)
(725 ILCS 185/20) (from Ch. 38, par. 320)
Sec. 20. In preparing and presenting its written reports
under Sections 17 and 19, pretrial services agencies shall in
appropriate cases include specific recommendations for the
setting the conditions , increase, or decrease of pretrial
release bail ; the release of the interviewee on his own

<p>recognizance in sums certain; and the imposition of pretrial conditions of <u>pretrial release</u> to bail or recognizance designed to minimize the risks of nonappearance, the commission of new offenses while awaiting trial, and other potential</p>
<p>interference with the orderly administration of justice. In establishing objective internal criteria of any such recommendation policies, the agency may utilize so-called "point scales" for evaluating the aforementioned risks, but no interviewee shall be considered as ineligible for particular agency recommendations by sole reference to such procedures. (Source: P.A. 91-357, eff. 7-29-99.)</p>
<p>(725 ILCS 185/22) (from Ch. 38, par. 322)</p>
<p>Sec. 22. If so ordered by the court, the pretrial services agency shall prepare and submit for the court's approval and signature a uniform release order on the uniform form established by the Supreme Court in all cases where an interviewee may be released from custody under conditions contained in an agency report. Such conditions shall become part of the conditions of <u>pretrial release</u> the bail bond. A copy of the uniform release order shall be provided to the defendant and defendant's attorney of record, and the prosecutor. (Source: P.A. 84-1449.)</p>
<p>(725 ILCS 185/34)</p>
<p>Sec. 34. Probation and court services departments considered pretrial services agencies. For the purposes of administering the provisions of Public Act 95-773, known as the Cindy Bischof Law, all probation and court services departments are to be considered pretrial services agencies under this Act and under the <u>pretrial release</u> bail bond provisions of the Code of Criminal Procedure of 1963. (Source: P.A. 96-341, eff. 8-11-09.)</p>
<p>Section 10-275. The Quasi-criminal and Misdemeanor Bail Act is amended by changing the title of the Act and Sections 0.01, 1, 2, 3, and 5 as follows:</p>
<p>(725 ILCS 195/Act title)</p>
<p>An Act to authorize designated officers to let persons charged with quasi-criminal offenses and misdemeanors to <u>pretrial release</u> bail and to accept and receipt for fines on pleas of guilty in minor offenses, in accordance with schedules established by rule of court.</p>
<p>(725 ILCS 195/0.01) (from Ch. 16, par. 80)</p>
<p>Sec. 0.01. Short title. This Act may be cited as the Quasi-criminal and Misdemeanor <u>Pretrial Release</u> Bail Act.</p>

(Source: P.A. 86-1324.)
(725 ILCS 195/1) (from Ch. 16, par. 81)
Sec. 1. Whenever in any circuit there shall be in force a rule or order of the Supreme Court establishing a uniform <u>form schedule</u> prescribing the <u>conditions of pretrial release</u> amounts of bail for specified conservation cases, traffic cases, quasi-criminal offenses and misdemeanors, any general superintendent, chief, captain, lieutenant, or sergeant of police, or other police officer, the sheriff, the circuit clerk, and any deputy sheriff or deputy circuit clerk designated by the Circuit Court for the purpose, are authorized to let to <u>pretrial release bail</u> any person charged with a quasi-criminal offense or misdemeanor and to accept and receipt for bonds or cash bail in accordance with regulations established by rule or order of the Supreme Court. Unless otherwise provided by Supreme Court Rule, no such bail may be posted or accepted in any place other than a police station, sheriff's office or jail, or other county, municipal or other building housing governmental units, or a division headquarters building of the Illinois State Police. Bonds and cash so received shall be delivered to the office of the circuit clerk or that of his designated deputy as provided by regulation. Such cash and securities so received shall be delivered to the office of such clerk or deputy clerk within at least 48 hours of receipt or within the time set for the accused's appearance in court whichever is earliest.
In all cases where a person is admitted to bail under a uniform schedule prescribing the amount of bail for specified conservation cases, traffic cases, quasi-criminal offenses and misdemeanors the provisions of Section 110-15 of the "Code of Criminal Procedure of 1963", approved August 14, 1963, as amended by the 75th General Assembly shall be applicable.
(Source: P.A. 80-897.)
(725 ILCS 195/2) (from Ch. 16, par. 82)
Sec. 2. The conditions of the <u>pretrial release bail bond</u> or deposit of cash bail shall be that the accused will appear to answer the charge in court at a time and place specified in the <u>pretrial release form bond</u> and thereafter as ordered by the court until discharged on final order of the court and to submit himself to the orders and process of the court. The accused shall be furnished with an official receipt on a form prescribed by rule of court for any cash or other security deposited, and shall receive a copy of the <u>pretrial release form bond</u> specifying the time and place of his court appearance.
Upon performance of the conditions of the <u>pretrial release bond</u> , the <u>pretrial release form bond</u> shall be null and void and the accused shall be released from the conditions of pretrial

release any cash bail or other security shall be returned to the accused.
(Source: Laws 1963, p. 2652.)
(725 ILCS 195/3) (from Ch. 16, par. 83)
Sec. 3. In lieu of complying with the conditions of pretrial release making bond or depositing cash bail as provided in this Act or the deposit of other security authorized by law, any accused person has the right to be brought without unnecessary delay before the nearest or most accessible judge of the circuit to be dealt with according to law.
(Source: P.A. 77-1248.)
(725 ILCS 195/5) (from Ch. 16, par. 85)
Sec. 5. Any person authorized to accept pretrial release bail or pleas of guilty by this Act who violates any provision of this Act is guilty of a Class B misdemeanor.
(Source: P.A. 77-2319.)
Section 10-280. The Unified Code of Corrections is amended by changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and 8-2-1 as follows:
(730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)
Sec. 5-3-2. Presentence report.
(a) In felony cases, the presentence report shall set forth:
(1) the defendant's history of delinquency or criminality, physical and mental history and condition, family situation and background, economic status, education, occupation and personal habits;
(2) information about special resources within the community which might be available to assist the defendant's rehabilitation, including treatment centers, residential facilities, vocational training services, correctional manpower programs, employment opportunities, special educational programs, alcohol and drug abuse programming, psychiatric and marriage counseling, and other programs and facilities which could aid the defendant's successful reintegration into society;
(3) the effect the offense committed has had upon the victim or victims thereof, and any compensatory benefit that various sentencing alternatives would confer on such victim or victims;
(3.5) information provided by the victim's spouse, guardian, parent, grandparent, and other immediate family and household members about the effect the offense committed has had on the victim and on the person providing the information; if the victim's spouse, guardian, parent,

grandparent, or other immediate family or household member
has provided a written statement, the statement shall be
attached to the report;
(4) information concerning the defendant's status
since arrest, including his record if released on his own
recognizance, or the defendant's achievement record if
released on a conditional pre-trial supervision program;
(5) when appropriate, a plan, based upon the personal,
economic and social adjustment needs of the defendant,
utilizing public and private community resources as an
alternative to institutional sentencing;
(6) any other matters that the investigatory officer
deems relevant or the court directs to be included;
(7) information concerning the defendant's eligibility
for a sentence to a county impact incarceration program
under Section 5-8-1.2 of this Code; and
(8) information concerning the defendant's eligibility
for a sentence to an impact incarceration program
administered by the Department under Section 5-8-1.1.
(b) The investigation shall include a physical and mental
examination of the defendant when so ordered by the court. If
the court determines that such an examination should be made,
it shall issue an order that the defendant submit to
examination at such time and place as designated by the court
and that such examination be conducted by a physician,
psychologist or psychiatrist designated by the court. Such an
examination may be conducted in a court clinic if so ordered by
the court. The cost of such examination shall be paid by the
county in which the trial is held.
(b-5) In cases involving felony sex offenses in which the
offender is being considered for probation only or any felony
offense that is sexually motivated as defined in the Sex
Offender Management Board Act in which the offender is being
considered for probation only, the investigation shall include
a sex offender evaluation by an evaluator approved by the Board
and conducted in conformance with the standards developed under
the Sex Offender Management Board Act. In cases in which the
offender is being considered for any mandatory prison sentence,
the investigation shall not include a sex offender evaluation.
(c) In misdemeanor, business offense or petty offense
cases, except as specified in subsection (d) of this Section,
when a presentence report has been ordered by the court, such
presentence report shall contain information on the
defendant's history of delinquency or criminality and shall
further contain only those matters listed in any of paragraphs
(1) through (6) of subsection (a) or in subsection (b) of this
Section as are specified by the court in its order for the
report.
(d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
12-30 of the Criminal Code of 1961 or the Criminal Code of

2012, the presentence report shall set forth information about alcohol, drug abuse, psychiatric, and marriage counseling or other treatment programs and facilities, information on the defendant's history of delinquency or criminality, and shall contain those additional matters listed in any of paragraphs (1) through (6) of subsection (a) or in subsection (b) of this Section as are specified by the court.

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

(Source: P.A. 101-105, eff. 1-1-20; revised 9-24-19.)

(730 ILCS 5/5-5-3.2)

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

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

(1) the defendant's conduct caused or threatened serious harm;

(2) the defendant received compensation for committing the offense;

(3) the defendant has a history of prior delinquency or criminal activity;

(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;

(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;

(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

(7) the sentence is necessary to deter others from committing the same crime;

(8) the defendant committed the offense against a person 60 years of age or older or such person's property;

(9) the defendant committed the offense against a person who has a physical disability or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other

individual; or (iii) the person or property of a relative
(by blood or marriage) of a person described in clause (i)
or (ii). For the purposes of this Section, "sexual
orientation" has the meaning ascribed to it in paragraph
(0-1) of Section 1-103 of the Illinois Human Rights Act;
(11) the offense took place in a place of worship or on
the grounds of a place of worship, immediately prior to,
during or immediately following worship services. For
purposes of this subparagraph, "place of worship" shall
mean any church, synagogue or other building, structure or
place used primarily for religious worship;
(12) the defendant was convicted of a felony committed
while he was <u>on pretrial release</u> released on bail or his
own recognizance pending trial for a prior felony and was
convicted of such prior felony, or the defendant was
convicted of a felony committed while he was serving a
period of probation, conditional discharge, or mandatory
supervised release under subsection (d) of Section 5-8-1
for a prior felony;
(13) the defendant committed or attempted to commit a
felony while he was wearing a bulletproof vest. For the
purposes of this paragraph (13), a bulletproof vest is any
device which is designed for the purpose of protecting the
wearer from bullets, shot or other lethal projectiles;
(14) the defendant held a position of trust or
supervision such as, but not limited to, family member as
defined in Section 11-0.1 of the Criminal Code of 2012,
teacher, scout leader, baby sitter, or day care worker, in
relation to a victim under 18 years of age, and the
defendant committed an offense in violation of Section
11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
11-14.4 except for an offense that involves keeping a place
of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
or 12-16 of the Criminal Code of 1961 or the Criminal Code
of 2012 against that victim;
(15) the defendant committed an offense related to the
activities of an organized gang. For the purposes of this
factor, "organized gang" has the meaning ascribed to it in
Section 10 of the Streetgang Terrorism Omnibus Prevention
Act;
(16) the defendant committed an offense in violation of
one of the following Sections while in a school, regardless
of the time of day or time of year; on any conveyance
owned, leased, or contracted by a school to transport
students to or from school or a school related activity; on
the real property of a school; or on a public way within
1,000 feet of the real property comprising any school:
Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,

11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18-2, or 33A-2, or Section 12-3.05 except for subdivision
(a) (4) or (g) (1), of the Criminal Code of 1961 or the
Criminal Code of 2012;
(16.5) the defendant committed an offense in violation
of one of the following Sections while in a day care
center, regardless of the time of day or time of year; on
the real property of a day care center, regardless of the
time of day or time of year; or on a public way within
1,000 feet of the real property comprising any day care
center, regardless of the time of day or time of year:
Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18-2, or 33A-2, or Section 12-3.05 except for subdivision
(a) (4) or (g) (1), of the Criminal Code of 1961 or the
Criminal Code of 2012;
(17) the defendant committed the offense by reason of
any person's activity as a community policing volunteer or
to prevent any person from engaging in activity as a
community policing volunteer. For the purpose of this
Section, "community policing volunteer" has the meaning
ascribed to it in Section 2-3.5 of the Criminal Code of
2012;
(18) the defendant committed the offense in a nursing
home or on the real property comprising a nursing home. For
the purposes of this paragraph (18), "nursing home" means a
skilled nursing or intermediate long term care facility
that is subject to license by the Illinois Department of
Public Health under the Nursing Home Care Act, the
Specialized Mental Health Rehabilitation Act of 2013, the
ID/DD Community Care Act, or the MC/DD Act;
(19) the defendant was a federally licensed firearm
dealer and was previously convicted of a violation of
subsection (a) of Section 3 of the Firearm Owners
Identification Card Act and has now committed either a
felony violation of the Firearm Owners Identification Card
Act or an act of armed violence while armed with a firearm;
(20) the defendant (i) committed the offense of
reckless homicide under Section 9-3 of the Criminal Code of
1961 or the Criminal Code of 2012 or the offense of driving
under the influence of alcohol, other drug or drugs,
intoxicating compound or compounds or any combination
thereof under Section 11-501 of the Illinois Vehicle Code
or a similar provision of a local ordinance and (ii) was
operating a motor vehicle in excess of 20 miles per hour
over the posted speed limit as provided in Article VI of
Chapter 11 of the Illinois Vehicle Code;

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;
(22) the defendant committed the offense against a person that the defendant knew, or reasonably should have known, was a member of the Armed Forces of the United States serving on active duty. For purposes of this clause (22), the term "Armed Forces" means any of the Armed Forces of the United States, including a member of any reserve component thereof or National Guard unit called to active duty;
(23) the defendant committed the offense against a person who was elderly or infirm or who was a person with a disability by taking advantage of a family or fiduciary relationship with the elderly or infirm person or person with a disability;
(24) the defendant committed any offense under Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 and possessed 100 or more images;
(25) the defendant committed the offense while the defendant or the victim was in a train, bus, or other vehicle used for public transportation;
(26) the defendant committed the offense of child pornography or aggravated child pornography, specifically including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context and specifically including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1B or Section 11-20.3 of the Criminal Code of 1961 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context;
(27) the defendant committed the offense of first degree murder, assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person who was a veteran and the defendant knew, or reasonably should have known, that the person was a veteran performing duties as a representative of a veterans' organization. For the purposes of this paragraph (27), "veteran" means an Illinois resident who has served as a member of the United States Armed Forces, a member of the Illinois National Guard, or a member of the

United States Reserve Forces; and "veterans' organization"
means an organization comprised of members of which
substantially all are individuals who are veterans or
spouses, widows, or widowers of veterans, the primary
purpose of which is to promote the welfare of its members
and to provide assistance to the general public in such a
way as to confer a public benefit;
(28) the defendant committed the offense of assault,
aggravated assault, battery, aggravated battery, robbery,
armed robbery, or aggravated robbery against a person that
the defendant knew or reasonably should have known was a
letter carrier or postal worker while that person was
performing his or her duties delivering mail for the United
States Postal Service;
(29) the defendant committed the offense of criminal
sexual assault, aggravated criminal sexual assault,
criminal sexual abuse, or aggravated criminal sexual abuse
against a victim with an intellectual disability, and the
defendant holds a position of trust, authority, or
supervision in relation to the victim;
(30) the defendant committed the offense of promoting
juvenile prostitution, patronizing a prostitute, or
patronizing a minor engaged in prostitution and at the time
of the commission of the offense knew that the prostitute
or minor engaged in prostitution was in the custody or
guardianship of the Department of Children and Family
Services;
(31) the defendant (i) committed the offense of driving
while under the influence of alcohol, other drug or drugs,
intoxicating compound or compounds or any combination
thereof in violation of Section 11-501 of the Illinois
Vehicle Code or a similar provision of a local ordinance
and (ii) the defendant during the commission of the offense
was driving his or her vehicle upon a roadway designated
for one-way traffic in the opposite direction of the
direction indicated by official traffic control devices;
or
(32) the defendant committed the offense of reckless
homicide while committing a violation of Section 11-907 of
the Illinois Vehicle Code; -
(33) (32) the defendant was found guilty of an
administrative infraction related to an act or acts of
public indecency or sexual misconduct in the penal
institution. In this paragraph <u>(33)</u> (32) , "penal
institution" has the same meaning as in Section 2-14 of the
Criminal Code of 2012; <u>or</u> -
<u>(34)</u> (32) the defendant committed the offense of
leaving the scene of an accident in violation of subsection
(b) of Section 11-401 of the Illinois Vehicle Code and the
accident resulted in the death of a person and at the time

of the offense, the defendant was: (i) driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof as defined by Section 11-501 of the Illinois Vehicle Code; or (ii) operating the motor vehicle while using an electronic communication device as defined in Section 12-610.2 of the Illinois Vehicle Code.
For the purposes of this Section:
"School" is defined as a public or private elementary or secondary school, community college, college, or university.
"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.
"Intellectual disability" means significantly subaverage intellectual functioning which exists concurrently with impairment in adaptive behavior.
"Public transportation" means the transportation or conveyance of persons by means available to the general public, and includes paratransit services.
"Traffic control devices" means all signs, signals, markings, and devices that conform to the Illinois Manual on Uniform Traffic Control Devices, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
(b) The following factors, related to all felonies, may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:
(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or
(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or
(3) When a defendant is convicted of any felony committed against:
(i) a person under 12 years of age at the time of the offense or such person's property;
(ii) a person 60 years of age or older at the time of the offense or such person's property; or
(iii) a person who had a physical disability at the time of the offense or such person's property; or
(4) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite,

initiation, observance, performance, practice or activity
of any actual or ostensible religious, fraternal, or social
group:
(i) the brutalizing or torturing of humans or
animals;
(ii) the theft of human corpses;
(iii) the kidnapping of humans;
(iv) the desecration of any cemetery, religious,
fraternal, business, governmental, educational, or
other building or property; or
(v) ritualized abuse of a child; or
(5) When a defendant is convicted of a felony other
than conspiracy and the court finds that the felony was
committed under an agreement with 2 or more other persons
to commit that offense and the defendant, with respect to
the other individuals, occupied a position of organizer,
supervisor, financier, or any other position of management
or leadership, and the court further finds that the felony
committed was related to or in furtherance of the criminal
activities of an organized gang or was motivated by the
defendant's leadership in an organized gang; or
(6) When a defendant is convicted of an offense
committed while using a firearm with a laser sight attached
to it. For purposes of this paragraph, "laser sight" has
the meaning ascribed to it in Section 26-7 of the Criminal
Code of 2012; or
(7) When a defendant who was at least 17 years of age
at the time of the commission of the offense is convicted
of a felony and has been previously adjudicated a
delinquent minor under the Juvenile Court Act of 1987 for
an act that if committed by an adult would be a Class X or
Class 1 felony when the conviction has occurred within 10
years after the previous adjudication, excluding time
spent in custody; or
(8) When a defendant commits any felony and the
defendant used, possessed, exercised control over, or
otherwise directed an animal to assault a law enforcement
officer engaged in the execution of his or her official
duties or in furtherance of the criminal activities of an
organized gang in which the defendant is engaged; or
(9) When a defendant commits any felony and the
defendant knowingly video or audio records the offense with
the intent to disseminate the recording.
(c) The following factors may be considered by the court as
reasons to impose an extended term sentence under Section 5-8-2
(730 ILCS 5/5-8-2) upon any offender for the listed offenses:
(1) When a defendant is convicted of first degree
murder, after having been previously convicted in Illinois
of any offense listed under paragraph (c) (2) of Section
5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred

within 10 years after the previous conviction, excluding
time spent in custody, and the charges are separately
brought and tried and arise out of different series of
acts.
(1.5) When a defendant is convicted of first degree
murder, after having been previously convicted of domestic
battery (720 ILCS 5/12-3.2) or aggravated domestic battery
(720 ILCS 5/12-3.3) committed on the same victim or after
having been previously convicted of violation of an order
of protection (720 ILCS 5/12-30) in which the same victim
was the protected person.
(2) When a defendant is convicted of voluntary
manslaughter, second degree murder, involuntary
manslaughter, or reckless homicide in which the defendant
has been convicted of causing the death of more than one
individual.
(3) When a defendant is convicted of aggravated
criminal sexual assault or criminal sexual assault, when
there is a finding that aggravated criminal sexual assault
or criminal sexual assault was also committed on the same
victim by one or more other individuals, and the defendant
voluntarily participated in the crime with the knowledge of
the participation of the others in the crime, and the
commission of the crime was part of a single course of
conduct during which there was no substantial change in the
nature of the criminal objective.
(4) If the victim was under 18 years of age at the time
of the commission of the offense, when a defendant is
convicted of aggravated criminal sexual assault or
predatory criminal sexual assault of a child under
subsection (a) (1) of Section 11-1.40 or subsection (a) (1)
of Section 12-14.1 of the Criminal Code of 1961 or the
Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).
(5) When a defendant is convicted of a felony violation
of Section 24-1 of the Criminal Code of 1961 or the
Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
finding that the defendant is a member of an organized
gang.
(6) When a defendant was convicted of unlawful use of
weapons under Section 24-1 of the Criminal Code of 1961 or
the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
a weapon that is not readily distinguishable as one of the
weapons enumerated in Section 24-1 of the Criminal Code of
1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).
(7) When a defendant is convicted of an offense
involving the illegal manufacture of a controlled
substance under Section 401 of the Illinois Controlled
Substances Act (720 ILCS 570/401), the illegal manufacture
of methamphetamine under Section 25 of the Methamphetamine
Control and Community Protection Act (720 ILCS 646/25), or

the illegal possession of explosives and an emergency
response officer in the performance of his or her duties is
killed or injured at the scene of the offense while
responding to the emergency caused by the commission of the
offense. In this paragraph, "emergency" means a situation
in which a person's life, health, or safety is in jeopardy;
and "emergency response officer" means a peace officer,
community policing volunteer, fireman, emergency medical
technician-ambulance, emergency medical
technician-intermediate, emergency medical
technician-paramedic, ambulance driver, other medical
assistance or first aid personnel, or hospital emergency
room personnel.
(8) When the defendant is convicted of attempted mob
action, solicitation to commit mob action, or conspiracy to
commit mob action under Section 8-1, 8-2, or 8-4 of the
Criminal Code of 2012, where the criminal object is a
violation of Section 25-1 of the Criminal Code of 2012, and
an electronic communication is used in the commission of
the offense. For the purposes of this paragraph (8),
"electronic communication" shall have the meaning provided
in Section 26.5-0.1 of the Criminal Code of 2012.
(d) For the purposes of this Section, "organized gang" has
the meaning ascribed to it in Section 10 of the Illinois
Streetgang Terrorism Omnibus Prevention Act.
(e) The court may impose an extended term sentence under
Article 4.5 of Chapter V upon an offender who has been
convicted of a felony violation of Section 11-1.20, 11-1.30,
11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
when the victim of the offense is under 18 years of age at the
time of the commission of the offense and, during the
commission of the offense, the victim was under the influence
of alcohol, regardless of whether or not the alcohol was
supplied by the offender; and the offender, at the time of the
commission of the offense, knew or should have known that the
victim had consumed alcohol.
(Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)
(730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)
Sec. 5-6-4. Violation, Modification or Revocation of
Probation, of Conditional Discharge or Supervision or of a
sentence of county impact incarceration - Hearing.
(a) Except in cases where conditional discharge or
supervision was imposed for a petty offense as defined in
Section 5-1-17, when a petition is filed charging a violation
of a condition, the court may:
(1) in the case of probation violations, order the
issuance of a notice to the offender to be present by the

County Probation Department or such other agency
designated by the court to handle probation matters; and in
the case of conditional discharge or supervision
violations, such notice to the offender shall be issued by
the Circuit Court Clerk; and in the case of a violation of
a sentence of county impact incarceration, such notice
shall be issued by the Sheriff;
(2) order a summons to the offender to be present for
hearing; or
(3) order a warrant for the offender's arrest where
there is danger of his fleeing the jurisdiction or causing
serious harm to others or when the offender fails to answer
a summons or notice from the clerk of the court or Sheriff.
Personal service of the petition for violation of probation
or the issuance of such warrant, summons or notice shall toll
the period of probation, conditional discharge, supervision,
or sentence of county impact incarceration until the final
determination of the charge, and the term of probation,
conditional discharge, supervision, or sentence of county
impact incarceration shall not run until the hearing and
disposition of the petition for violation.
(b) The court shall conduct a hearing of the alleged
violation. The court shall admit the offender to <u>pretrial</u>
<u>release bail</u> pending the hearing unless the alleged violation
is itself a criminal offense in which case the offender shall
be admitted to <u>pretrial release bail</u> on such terms as are
provided in the Code of Criminal Procedure of 1963, as amended.
In any case where an offender remains incarcerated only as a
result of his alleged violation of the court's earlier order of
probation, supervision, conditional discharge, or county
impact incarceration such hearing shall be held within 14 days
of the onset of said incarceration, unless the alleged
violation is the commission of another offense by the offender
during the period of probation, supervision or conditional
discharge in which case such hearing shall be held within the
time limits described in Section 103-5 of the Code of Criminal
Procedure of 1963, as amended.
(c) The State has the burden of going forward with the
evidence and proving the violation by the preponderance of the
evidence. The evidence shall be presented in open court with
the right of confrontation, cross-examination, and
representation by counsel.
(d) Probation, conditional discharge, periodic
imprisonment and supervision shall not be revoked for failure
to comply with conditions of a sentence or supervision, which
imposes financial obligations upon the offender unless such
failure is due to his willful refusal to pay.
(e) If the court finds that the offender has violated a
condition at any time prior to the expiration or termination of
the period, it may continue him on the existing sentence, with

or without modifying or enlarging the conditions, or may impose any other sentence that was available under Article 4.5 of Chapter V of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing. If the court finds that the person has failed to successfully complete his or her sentence to a county impact incarceration program, the court may impose any other sentence that was available under Article 4.5 of Chapter V of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing, except for a sentence of probation or conditional discharge. If the court finds that the offender has violated paragraph (8.6) of subsection (a) of Section 5-6-3, the court shall revoke the probation of the offender. If the court finds that the offender has violated subsection (o) of Section 5-6-3.1, the court shall revoke the supervision of the offender.

(f) The conditions of probation, of conditional discharge, of supervision, or of a sentence of county impact incarceration may be modified by the court on motion of the supervising agency or on its own motion or at the request of the offender after notice and a hearing.

(g) A judgment revoking supervision, probation, conditional discharge, or a sentence of county impact incarceration is a final appealable order.

(h) Resentencing after revocation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be under Article 4. The term on probation, conditional discharge or supervision shall not be credited by the court against a sentence of imprisonment or periodic imprisonment unless the court orders otherwise. The amount of credit to be applied against a sentence of imprisonment or periodic imprisonment when the defendant served a term or partial term of periodic imprisonment shall be calculated upon the basis of the actual days spent in confinement rather than the duration of the term.

(i) Instead of filing a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration, an agent or employee of the supervising agency with the concurrence of his or her supervisor may serve on the defendant a Notice of Intermediate Sanctions. The Notice shall contain the technical violation or violations involved, the date or dates of the violation or violations, and the intermediate sanctions to be imposed. Upon receipt of the Notice, the defendant shall immediately accept or reject the intermediate sanctions. If the sanctions are accepted, they shall be imposed immediately. If the intermediate sanctions are rejected or the defendant does not respond to the Notice, a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be immediately filed with the court. The State's Attorney and the sentencing court shall be notified of the Notice of Sanctions. Upon

successful completion of the intermediate sanctions, a court may not revoke probation, conditional discharge, supervision, or a sentence of county impact incarceration or impose additional sanctions for the same violation. A notice of intermediate sanctions may not be issued for any violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration which could warrant an additional, separate felony charge. The intermediate sanctions shall include a term of home detention as provided in Article 8A of Chapter V of this Code for multiple or repeat violations of the terms and conditions of a sentence of probation, conditional discharge, or supervision.
(j) When an offender is re-sentenced after revocation of probation that was imposed in combination with a sentence of imprisonment for the same offense, the aggregate of the sentences may not exceed the maximum term authorized under Article 4.5 of Chapter V.
(k) (1) On and after the effective date of this amendatory Act of the 101st General Assembly, this subsection (k) shall apply to arrest warrants in Cook County only. An arrest warrant issued under paragraph (3) of subsection (a) when the underlying conviction is for the offense of theft, retail theft, or possession of a controlled substance shall remain active for a period not to exceed 10 years from the date the warrant was issued unless a motion to extend the warrant is filed by the office of the State's Attorney or by, or on behalf of, the agency supervising the wanted person. A motion to extend the warrant shall be filed within one year before the warrant expiration date and notice shall be provided to the office of the sheriff.
(2) If a motion to extend a warrant issued under paragraph (3) of subsection (a) is not filed, the warrant shall be quashed and recalled as a matter of law under paragraph (1) of this subsection (k) and the wanted person's period of probation, conditional discharge, or supervision shall terminate unsatisfactorily as a matter of law. (Source: P.A. 101-406, eff. 1-1-20.)
(730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1) Sec. 5-6-4.1. Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing.)
(a) In cases where a defendant was placed upon supervision or conditional discharge for the commission of a petty offense, upon the oral or written motion of the State, or on the court's own motion, which charges that a violation of a condition of that conditional discharge or supervision has occurred, the court may:
(1) Conduct a hearing instanter if the offender is present in court;
(2) Order the issuance by the court clerk of a notice

to the offender to be present for a hearing for violation;
(3) Order summons to the offender to be present; or
(4) Order a warrant for the offender's arrest.
The oral motion, if the defendant is present, or the
issuance of such warrant, summons or notice shall toll the
period of conditional discharge or supervision until the final
determination of the charge, and the term of conditional
discharge or supervision shall not run until the hearing and
disposition of the petition for violation.
(b) The Court shall admit the offender to <u>pretrial release</u>
bail pending the hearing.
(c) The State has the burden of going forward with the
evidence and proving the violation by the preponderance of the
evidence. The evidence shall be presented in open court with
the right of confrontation, cross-examination, and
representation by counsel.
(d) Conditional discharge or supervision shall not be
revoked for failure to comply with the conditions of the
discharge or supervision which imposed financial obligations
upon the offender unless such failure is due to his wilful
refusal to pay.
(e) If the court finds that the offender has violated a
condition at any time prior to the expiration or termination of
the period, it may continue him on the existing sentence or
supervision with or without modifying or enlarging the
conditions, or may impose any other sentence that was available
under Article 4.5 of Chapter V of this Code or Section 11-501
of the Illinois Vehicle Code at the time of initial sentencing.
(f) The conditions of conditional discharge and of
supervision may be modified by the court on motion of the
probation officer or on its own motion or at the request of the
offender after notice to the defendant and a hearing.
(g) A judgment revoking supervision is a final appealable
order.
(h) Resentencing after revocation of conditional discharge
or of supervision shall be under Article 4. Time served on
conditional discharge or supervision shall be credited by the
court against a sentence of imprisonment or periodic
imprisonment unless the court orders otherwise.
(Source: P.A. 95-1052, eff. 7-1-09.)
(730 ILCS 5/5-8A-7)
Sec. 5-8A-7. Domestic violence surveillance program. If
the Prisoner Review Board, Department of Corrections,
Department of Juvenile Justice, or court (the supervising
authority) orders electronic surveillance as a condition of
parole, aftercare release, mandatory supervised release, early
release, probation, or conditional discharge for a violation of
an order of protection or as a condition of <u>pretrial release</u>
bail for a person charged with a violation of an order of

protection, the supervising authority shall use the best available global positioning technology to track domestic violence offenders. Best available technology must have real-time and interactive capabilities that facilitate the following objectives: (1) immediate notification to the supervising authority of a breach of a court ordered exclusion zone; (2) notification of the breach to the offender; and (3) communication between the supervising authority, law enforcement, and the victim, regarding the breach. The supervising authority may also require that the electronic surveillance ordered under this Section monitor the consumption of alcohol or drugs.
(Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16; 100-201, eff. 8-18-17.)
(730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)
Sec. 8-2-1. Saving Clause.
The repeal of Acts or parts of Acts enumerated in Section 8-5-1 does not: (1) affect any offense committed, act done, prosecution pending, penalty, punishment or forfeiture incurred, or rights, powers or remedies accrued under any law in effect immediately prior to the effective date of this Code; (2) impair, avoid, or affect any grant or conveyance made or right acquired or cause of action then existing under any such repealed Act or amendment thereto; (3) affect or impair the validity of any pretrial release bail or other bond or other obligation issued or sold and constituting a valid obligation of the issuing authority immediately prior to the effective date of this Code; (4) the validity of any contract; or (5) the validity of any tax levied under any law in effect prior to the effective date of this Code. The repeal of any validating Act or part thereof shall not avoid the effect of the validation. No Act repealed by Section 8-5-1 shall repeal any Act or part thereof which embraces the same or a similar subject matter as the Act repealed.
(Source: P.A. 78-255.)
Section 10-281. The Unified Code of Corrections is amended by changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1, 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 and by adding 5-6-3.8 as follows:
(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and regulations for sentence credit.
(a) (1) The Department of Corrections shall prescribe rules and regulations for awarding and revoking sentence credit for persons committed to the Department which shall be subject to review by the Prisoner Review Board.
(1.5) As otherwise provided by law, sentence credit may be awarded for the following:

(A) successful completion of programming while in custody of the Department or while in custody prior to sentencing;
(B) compliance with the rules and regulations of the Department; or
(C) service to the institution, service to a community, or service to the State.
(2) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or with respect to offense listed in clause (vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or with respect to the offense of being an armed habitual criminal committed on or after August 2, 2005 (the effective date of Public Act 94-398) or with respect to the offenses listed in clause (v) of this paragraph (2) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or with respect to the offense of aggravated domestic battery committed on or after July 23, 2010 (the effective date of Public Act 96-1224) or with respect to the offense of attempt to commit terrorism committed on or after January 1, 2013 (the effective date of Public Act 97-990), the following:
(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no sentence credit and shall serve the entire sentence imposed by the court;
(ii) that a prisoner serving a sentence for attempt to commit terrorism, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section 12-3.05, heinous battery as described in Section 12-4.1 or subdivision (a) (2) of Section 12-3.05, being an armed habitual criminal, aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05, or aggravated battery of a child as described in Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;
(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a

category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;
(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;
(v) that a person serving a sentence for gunrunning, narcotics racketeering, controlled substance trafficking, methamphetamine trafficking, drug-induced homicide, aggravated methamphetamine-related child endangerment, money laundering pursuant to clause (c) (4) or (5) of Section 29B-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or a Class X felony conviction for delivery of a controlled substance, possession of a controlled substance with intent to manufacture or deliver, calculated criminal drug conspiracy, criminal drug conspiracy, street gang criminal drug conspiracy, participation in methamphetamine manufacturing, aggravated participation in methamphetamine manufacturing, delivery of methamphetamine, possession with intent to deliver methamphetamine, aggravated delivery of methamphetamine, aggravated possession with intent to deliver methamphetamine, methamphetamine conspiracy when the substance containing the controlled substance or methamphetamine is 100 grams or more shall receive no more than 7.5 days sentence credit for each month of his or her sentence of imprisonment;
(vi) that a prisoner serving a sentence for a second or subsequent offense of luring a minor shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment; and
(vii) that a prisoner serving a sentence for aggravated domestic battery shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.
(2.1) For all offenses, other than those enumerated in subdivision (a) (2) (i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a) (2) (iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a) (2) (v) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a) (2) (vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a) (2) (vii) committed

on or after July 23, 2010 (the effective date of Public Act 96-1224), and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of sentence credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of sentence credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.
(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no sentence credit.
(2.3) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.
(2.4) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.
(2.5) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.
(2.6) Except as provided in paragraph (4.7) of this

subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(3) In addition to the sentence credits earned under paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this subsection (a), the rules and regulations shall also provide that the Director may award up to 180 days of earned sentence credit for prisoners serving a sentence of incarceration of less than 5 years, and up to 365 days of earned sentence credit for prisoners serving a sentence of 5 years or longer. The Director may grant this credit for good conduct in specific instances as the Director deems proper. The good conduct may include, but is not limited to, compliance with the rules and regulations of the Department, service to the Department, service to a community, or service to the State.

Eligible inmates for an award of earned sentence credit under this paragraph (3) may be selected to receive the credit at the Director's or his or her designee's sole discretion. Eligibility for the additional earned sentence credit under this paragraph (3) may ~~shall~~ be based on, but is not limited to, participation in programming offered by the department as appropriate for the prisoner based on the results of any available risk/needs assessment or other relevant assessments or evaluations administered by the Department using a validated instrument, the circumstances of the crime, demonstrated commitment to rehabilitation by a prisoner with a ~~any~~ history of conviction for a forcible felony enumerated in Section 2-8 of the Criminal Code of 2012, the inmate's behavior and improvements in disciplinary history while incarcerated, and the inmate's commitment to rehabilitation, including participation in programming offered by the Department.

The Director shall not award sentence credit under this paragraph (3) to an inmate unless the inmate has served a minimum of 60 days of the sentence; except nothing in this paragraph shall be construed to permit the Director to extend an inmate's sentence beyond that which was imposed by the court. Prior to awarding credit under this paragraph (3), the Director shall make a written determination that the inmate:

- (A) is eligible for the earned sentence credit;
- (B) has served a minimum of 60 days, or as close to 60

days as the sentence will allow;

- (B-1) has received a risk/needs assessment or other relevant evaluation or assessment administered by the

Department using a validated instrument; and
(C) has met the eligibility criteria established by rule for earned sentence credit.
The Director shall determine the form and content of the written determination required in this subsection.
(3.5) The Department shall provide annual written reports to the Governor and the General Assembly on the award of earned sentence credit no later than February 1 of each year. The Department must publish both reports on its website within 48 hours of transmitting the reports to the Governor and the General Assembly. The reports must include:
(A) the number of inmates awarded earned sentence credit;
(B) the average amount of earned sentence credit awarded;
(C) the holding offenses of inmates awarded earned sentence credit; and
(D) the number of earned sentence credit revocations.
(4) (A) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall also provide that any prisoner who the sentence credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, educational programs, work-release programs or activities in accordance with 730 ILCS 5/3-13-1 et seq., behavior modification programs, life skills courses, or re-entry planning provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall receive [one day] of sentence credit for each day in which that prisoner is engaged in the activities described in this paragraph be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. The rules and regulations shall also provide that sentence credit, subject to the same offense limits and multiplier provided in this paragraph, may be provided to an inmate who was held in pre-trial detention prior to his or her current commitment to the Department of Corrections and successfully completed a full-time, 60-day or longer substance abuse program, educational program, behavior modification program, life skills course, or re-entry planning provided by the county department of corrections or county jail. Calculation of this county program credit shall be done at sentencing as provided in Section 5-4.5-100 of this Code and shall be included in the sentencing order. The rules and regulations shall also provide that sentence credit may be provided to an inmate who is in compliance with programming requirements in an adult transition center. However, no inmate shall be eligible for the additional sentence credit under this

~~paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention.~~

(B) The Department shall award sentence credit under this paragraph (4) accumulated prior to January 1, 2020 (the effective date of Public Act 101-440) ~~this amendatory Act of the 101st General Assembly~~ in an amount specified in subparagraph (C) of this paragraph (4) to an inmate serving a sentence for an offense committed prior to June 19, 1998, if the Department determines that the inmate is entitled to this sentence credit, based upon:

(i) documentation provided by the Department that the inmate engaged in any full-time substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the Department under this paragraph (4) and satisfactorily completed the assigned program as determined by the standards of the Department during the inmate's current term of incarceration; or

(ii) the inmate's own testimony in the form of an affidavit or documentation, or a third party's documentation or testimony in the form of an affidavit that the inmate likely engaged in any full-time substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the Department under paragraph (4) and satisfactorily completed the assigned program as determined by the standards of the Department during the inmate's current term of incarceration.

(C) If the inmate can provide documentation that he or she is entitled to sentence credit under subparagraph (B) in excess of 45 days of participation in those programs, the inmate shall receive 90 days of sentence credit. If the inmate cannot provide documentation of more than 45 days of participation in those programs, the inmate shall receive 45 days of sentence credit. In the event of a disagreement between the Department and the inmate as to the amount of credit accumulated under subparagraph (B), if the Department provides documented proof of a lesser amount of days of participation in those programs, that proof shall control. If the Department provides no documentary proof, the inmate's proof as set forth in clause (ii) of subparagraph (B) shall control as to the amount of sentence credit provided.

(D) If the inmate has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, sentencing credits under subparagraph (B) of this paragraph (4) shall be awarded by the Department only if the conditions set forth in paragraph (4.6) of subsection (a) are satisfied. No inmate serving a term of natural life imprisonment shall receive sentence credit under subparagraph (B) of this

paragraph (4).

Educational, vocational, substance abuse, behavior modification programs, life skills courses, re-entry planning, and correctional industry programs under which sentence credit may be earned increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The rules and regulations shall provide that a prisoner who has been placed on a waiting list but is transferred for non-disciplinary reasons before beginning a program shall receive priority placement on the waitlist for appropriate programs at the new facility. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate. The rules and regulations shall provide that a prisoner who begins an educational, vocational, substance abuse, work-release programs or activities in accordance with 730 ILCS 5/3-13-1 et seq., behavior modification program, life skills course, re-entry planning, or correctional industry programs but is unable to complete the program due to illness, disability, transfer, lockdown, or another reason outside of the prisoner's control shall receive prorated sentence credits for the days in which the prisoner did participate.

(4.1) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall also provide that an additional 90 days of sentence credit shall be awarded to any prisoner who passes high school equivalency testing while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a high school equivalency certificate. If, after an award of the high school equivalency testing sentence credit has been made, the Department

determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 90 days of sentence credit to any committed person who passed high school equivalency testing while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections. Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 120 days of sentence credit shall be awarded to any prisoner who obtains a associate degree while the prisoner is committed to the Department of Corrections, regardless of the date that the associate degree was obtained, including if prior to the effective date of this amendatory Act of the 101st General Assembly. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph (4.1) shall be available only to those prisoners who have not previously earned an associate degree prior to the current commitment to the Department of Corrections. If, after an award of the associate degree sentence credit has been made and the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 120 days of sentence credit to any committed person who earned an associate degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 180 days of sentence credit shall be awarded to any prisoner who obtains a bachelor's degree while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of this subsection (a). The sentence credit provided for in this paragraph shall be available only to those prisoners who have not earned a bachelor's degree prior to the current commitment to the Department of Corrections. If, after an award of the bachelor's degree sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 180 days of sentence credit to any committed person who earned a bachelor's degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 180 days of sentence credit shall be awarded to any prisoner

who obtains a master's or professional degree while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of this subsection (a). The sentence credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a master's or professional degree prior to the current commitment to the Department of Corrections. If, after an award of the master's or professional degree sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 180 days of sentence credit to any committed person who earned a master's or professional degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

(4.2) The rules and regulations shall also provide that any prisoner engaged in self-improvement programs, volunteer work, or work assignments that are not otherwise eligible activities under section (4), shall receive up to 0.5 days of sentence credit for each day in which the prisoner is engaged in activities described in this paragraph.

(4.5) The rules and regulations on sentence credit shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no sentence credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive sentence credit under clause (3) of this subsection (a) at the discretion of the Director.

(4.6) The rules and regulations on sentence credit shall

also provide that a prisoner who has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall receive no sentence credit unless he or she either has successfully completed or is participating in sex offender treatment as defined by the Sex Offender Management Board. However, prisoners who are waiting to receive treatment, but who are unable to do so due solely to the lack of resources on the part of the Department, may, at the Director's sole discretion, be awarded sentence credit at a rate as the Director shall determine.

(4.7) On or after January 1, 2018 (the effective date of Public Act 100-3) ~~this amendatory Act of the 100th General Assembly~~, sentence credit under paragraph (3), (4), or (4.1) of this subsection (a) may be awarded to a prisoner who is serving a sentence for an offense described in paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned on or after January 1, 2018 (the effective date of Public Act 100-3) ~~this amendatory Act of the 100th General Assembly~~; provided, the award of the credits under this paragraph (4.7) shall not reduce the sentence of the prisoner to less than the following amounts:

- (i) 85% of his or her sentence if the prisoner is required to serve 85% of his or her sentence; or
- (ii) 60% of his or her sentence if the prisoner is required to serve 75% of his or her sentence, except if the prisoner is serving a sentence for gunrunning his or her sentence shall not be reduced to less than 75%.
- (iii) 100% of his or her sentence if the prisoner is required to serve 100% of his or her sentence.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of earned sentence credit under paragraph (3) of subsection (a) of this Section given at any time during the term, the Department shall give reasonable notice of the impending release not less than 14 days prior to the date of the release to the State's Attorney of the county where the prosecution of the inmate took place, and if applicable, the State's Attorney of the county into which the inmate will be released. The Department must also make identification information and a recent photo of the inmate being released accessible on the Internet by means of a hyperlink labeled "Community Notification of Inmate Early Release" on the Department's World Wide Web homepage. The identification information shall include the inmate's: name, any known alias, date of birth, physical characteristics, commitment offense, and county where conviction was imposed. The identification information shall be placed on the website within 3 days of the inmate's release and the information may not be removed until either: completion of the first year of mandatory supervised release or return of the inmate to custody of the Department.

(b) Whenever a person is or has been committed under

several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of sentence credit.
(c) (1) The Department shall prescribe rules and regulations for revoking sentence credit, including revoking sentence credit awarded under paragraph (3) of subsection (a) of this Section. The Department shall prescribe rules and regulations establishing and requiring the use of a sanctions matrix for revoking sentence credit. The Department shall
prescribe rules and regulations for suspending or reducing the rate of accumulation of sentence credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of sentence credit for any one infraction.
(2) When the Department seeks to revoke, suspend, or reduce the rate of accumulation of any sentence credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of sentence credits before the Prisoner Review Board as provided in subparagraph (a) (4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days, whether from one infraction or cumulatively from multiple infractions arising out of a single event, or when, during any 12-month 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of sentence credit. The Board may subsequently approve the revocation of additional sentence credit, if the Department seeks to revoke sentence credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of sentence credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.
(3) The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days of sentence credits which have been revoked, suspended, or reduced. The Department shall prescribe rules and regulations governing the restoration of sentence credits. These rules and regulations shall provide for the automatic restoration of sentence credits following a period in which the prisoner maintains a record without a disciplinary violation. Any restoration of sentence credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore sentence credit in excess of the amount requested by the Director.
Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the

accumulation of sentence credit.
(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of sentence credit by bringing charges against the prisoner sought to be deprived of the sentence credits before the Prisoner Review Board as provided in subparagraph (a) (8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of sentence credit at the time of the finding, then the Prisoner Review Board may revoke all sentence credit accumulated by the prisoner.
For purposes of this subsection (d):
(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:
(A) it lacks an arguable basis either in law or in fact;
(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.
(2) "Lawsuit" means a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act, an action under the federal Civil Rights Act (42 U.S.C. 1983), or a second or subsequent petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 whether filed with or without leave of court or a second or subsequent petition for relief from judgment under Section 2-1401 of the Code of Civil Procedure.
(e) Nothing in Public Act 90-592 or 90-593 affects the

validity of Public Act 89-404.
(f) Whenever the Department is to release any inmate who has been convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, earlier than it otherwise would because of a grant of sentence credit, the Department, as a condition of release, shall require that the person, upon release, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code.
(Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18; 101-440, eff. 1-1-20; revised 8-19-20.)
(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
Sec. 5-4-1. Sentencing hearing.
(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court shall make a specific finding about whether the defendant is eligible for participation in a Department impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an explanation as to why a sentence to impact incarceration is not an appropriate sentence. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:
(1) consider the evidence, if any, received upon the trial;
(2) consider any presentence reports;
(3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
(4) consider evidence and information offered by the parties in aggravation and mitigation;
(4.5) consider substance abuse treatment, eligibility screening, and an assessment, if any, of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;

(5) hear arguments as to sentencing alternatives;
(6) afford the defendant the opportunity to make a statement in his own behalf;
(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, the opportunity to present an oral or written statement, as guaranteed by Article I, Section 8.1 of the Illinois Constitution and provided in Section 6 of the Rights of Crime Victims and Witnesses Act. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral or written statement. An oral or written statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the
crime who are not victims under subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. All statements offered under this paragraph (7) shall become part of the record of the court. In this paragraph (7), "victim of a violent crime" means a person who is a victim of a violent crime for which the defendant has been convicted after a bench or jury trial or a person who is the victim of a violent crime with which the defendant was charged and the defendant has been convicted under a plea agreement of a crime that is not a violent crime as defined in subsection (c) of 3 of the Rights of Crime Victims and Witnesses Act;
(7.5) afford a qualified person affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act; or (ii) a Class 4 felony violation of Section 11-14, 11-14.3 except as described in subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961 or the Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the qualified person and to offer evidence in aggravation or mitigation; provided that the statement and evidence
offered in aggravation or mitigation shall first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Sworn testimony offered by the qualified person is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7.5) shall become part of the record of the court. In this paragraph (7.5), "qualified person" means any person who: (i) lived or worked within the territorial jurisdiction where the

offense took place when the offense took place; or (ii) is
familiar with various public places within the territorial
jurisdiction where the offense took place when the offense
took place. "Qualified person" includes any peace officer
or any member of any duly organized State, county, or
municipal peace officer unit assigned to the territorial
jurisdiction where the offense took place when the offense
took place;
(8) in cases of reckless homicide afford the victim's
spouse, guardians, parents or other immediate family
members an opportunity to make oral statements;
(9) in cases involving a felony sex offense as defined
under the Sex Offender Management Board Act, consider the
results of the sex offender evaluation conducted pursuant
to Section 5-3-2 of this Act; and
(10) make a finding of whether a motor vehicle was used
in the commission of the offense for which the defendant is
being sentenced.
(b) All sentences shall be imposed by the judge based upon
his independent assessment of the elements specified above and
any agreement as to sentence reached by the parties. The judge
who presided at the trial or the judge who accepted the plea of
guilty shall impose the sentence unless he is no longer sitting
as a judge in that court. Where the judge does not impose
sentence at the same time on all defendants who are convicted
as a result of being involved in the same offense, the
defendant or the State's Attorney may advise the sentencing
court of the disposition of any other defendants who have been
sentenced.
(b-1) In imposing a sentence of imprisonment or periodic
imprisonment for a Class 3 or Class 4 felony for which a
sentence of probation or conditional discharge is an available
sentence, if the defendant has no prior sentence of probation
or conditional discharge and no prior conviction for a violent
crime, the defendant shall not be sentenced to imprisonment
before review and consideration of a presentence report and
determination and explanation of why the particular evidence,
information, factor in aggravation, factual finding, or other
reasons support a sentencing determination that one or more of
the factors under subsection (a) of Section 5-6-1 of this Code
apply and that probation or conditional discharge is not an
appropriate sentence.
(c) In imposing a sentence for a violent crime or for an
offense of operating or being in physical control of a vehicle
while under the influence of alcohol, any other drug or any
combination thereof, or a similar provision of a local
ordinance, when such offense resulted in the personal injury to
someone other than the defendant, the trial judge shall specify
on the record the particular evidence, information, factors in
mitigation and aggravation or other reasons that led to his

sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for sentence credit found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a) (4) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her sentence credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional earned sentence credit. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day sentence credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a) (2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or

compounds, or any combination thereof as defined in
subparagraph (F) of paragraph (1) of subsection (d) of Section
11-501 of the Illinois Vehicle Code, and when the sentence is
imposed for aggravated arson if the offense was committed on or
after July 27, 2001 (the effective date of Public Act 92-176),
and when the sentence is imposed for aggravated driving under
the influence of alcohol, other drug or drugs, or intoxicating
compound or compounds, or any combination thereof as defined in
subparagraph (C) of paragraph (1) of subsection (d) of Section
11-501 of the Illinois Vehicle Code committed on or after
January 1, 2011 (the effective date of Public Act 96-1230), the
judge's statement, to be given after pronouncing the sentence,
shall include the following:
"The purpose of this statement is to inform the public of
the actual period of time this defendant is likely to spend in
prison as a result of this sentence. The actual period of
prison time served is determined by the statutes of Illinois as
applied to this sentence by the Illinois Department of
Corrections and the Illinois Prisoner Review Board. In this
case, the defendant is entitled to no more than 4 1/2 days of
sentence credit for each month of his or her sentence of
imprisonment. Therefore, this defendant will serve at least 85%
of his or her sentence. Assuming the defendant receives 4 1/2
days credit for each month of his or her sentence, the period
of estimated actual custody is ... years and ... months. If the
defendant, because of his or her own misconduct or failure to
comply with the institutional regulations receives lesser
credit, the actual time served in prison will be longer."
When a sentence of imprisonment is imposed for first degree
murder and the offense was committed on or after June 19, 1998,
the judge's statement, to be given after pronouncing the
sentence, shall include the following:
"The purpose of this statement is to inform the public of
the actual period of time this defendant is likely to spend in
prison as a result of this sentence. The actual period of
prison time served is determined by the statutes of Illinois as
applied to this sentence by the Illinois Department of
Corrections and the Illinois Prisoner Review Board. In this
case, the defendant is not entitled to sentence credit.
Therefore, this defendant will serve 100% of his or her
sentence."
When the sentencing order recommends placement in a
substance abuse program for any offense that results in
incarceration in a Department of Corrections facility and the
crime was committed on or after September 1, 2003 (the
effective date of Public Act 93-354), the judge's statement, in
addition to any other judge's statement required under this
Section, to be given after pronouncing the sentence, shall
include the following:
"The purpose of this statement is to inform the public of

the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no earned sentence credit under clause (3) of subsection (a) of Section 3-6-3 until he or she participates in and completes a substance abuse treatment program or receives a waiver from the Director of Corrections pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

(c-4) Before the sentencing hearing and as part of the presentence investigation under Section 5-3-1, the court shall inquire of the defendant whether the defendant is currently serving in or is a veteran of the Armed Forces of the United States. If the defendant is currently serving in the Armed Forces of the United States or is a veteran of the Armed Forces of the United States and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

(1) order that the officer preparing the presentence report consult with the United States Department of Veterans Affairs, Illinois Department of Veterans' Affairs, or another agency or person with suitable knowledge or experience for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, State, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

For the purposes of this subsection (c-4), "qualified psychiatrist" means a reputable physician licensed in Illinois to practice medicine in all its branches, who has specialized in the diagnosis and treatment of mental and nervous disorders for a period of not less than 5 years.

(c-6) In imposing a sentence, the trial judge shall specify, on the record, the particular evidence and other reasons which led to his or her determination that a motor vehicle was used in the commission of the offense.

(c-7) In imposing a sentence for a Class 3 or 4 felony, other than a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, the court shall determine and indicate in the sentencing order whether the defendant has 4 or more or fewer than 4 months remaining on his or her sentence accounting for time served.

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to

which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

- (1) the sentence imposed;
- (2) any statement by the court of the basis for imposing the sentence;
- (3) any presentence reports;
- (3.5) any sex offender evaluations;
- (3.6) any substance abuse treatment eligibility screening and assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
- (4) the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;
 - (4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);
- (5) all statements filed under subsection (d) of this Section;
- (6) any medical or mental health records or summaries of the defendant;
- (7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;
- (8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and
- (9) all additional matters which the court directs the clerk to transmit.

(f) In cases in which the court finds that a motor vehicle was used in the commission of the offense for which the defendant is being sentenced, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Secretary of State.

(Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;

101-105, eff. 1-1-20.)
(730 ILCS 5/5-4.5-95)
Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.
(a) HABITUAL CRIMINALS.
(1) Every person who has been twice convicted in any state or federal court of an offense that contains the same elements as an offense now (the date of the offense committed after the 2 prior convictions) classified in Illinois as a Class X felony, criminal sexual assault, aggravated kidnapping, or first degree murder, and who is thereafter convicted of a Class X felony, criminal sexual assault, or first degree murder, committed after the 2 prior convictions, shall be adjudged an habitual criminal.
(2) The 2 prior convictions need not have been for the same offense.
(3) Any convictions that result from or are connected with the same transaction, or result from offenses committed at the same time, shall be counted for the purposes of this Section as one conviction.
(4) This Section does not apply unless each of the following requirements are satisfied:
(A) The third offense was committed after July 3, 1980.
(B) The third offense was committed within 20 years of the date that judgment was entered on the first conviction; provided, however, that time spent in custody shall not be counted.
(C) The third offense was committed after conviction on the second offense.
(D) The second offense was committed after conviction on the first offense.
(E) The first offense was committed when the person was 21 years of age or older.
(5) Anyone who, having attained the age of 18 at the time of the third offense, is adjudged an habitual criminal shall be sentenced to a term of natural life imprisonment.
(6) A prior conviction shall not be alleged in the indictment, and no evidence or other disclosure of that conviction shall be presented to the court or the jury during the trial of an offense set forth in this Section unless otherwise permitted by the issues properly raised in that trial. After a plea or verdict or finding of guilty and before sentence is imposed, the prosecutor may file with the court a verified written statement signed by the State's Attorney concerning any former conviction of an offense set forth in this Section rendered against the defendant. The court shall then cause the defendant to be brought before it; shall inform the defendant of the allegations of the statement so filed, and of his or her

right to a hearing before the court on the issue of that
former conviction and of his or her right to counsel at
that hearing; and unless the defendant admits such
conviction, shall hear and determine the issue, and shall
make a written finding thereon. If a sentence has
previously been imposed, the court may vacate that sentence
and impose a new sentence in accordance with this Section.
(7) A duly authenticated copy of the record of any
alleged former conviction of an offense set forth in this
Section shall be prima facie evidence of that former
conviction; and a duly authenticated copy of the record of
the defendant's final release or discharge from probation
granted, or from sentence and parole supervision (if any)
imposed pursuant to that former conviction, shall be prima
facie evidence of that release or discharge.
(8) Any claim that a previous conviction offered by the
prosecution is not a former conviction of an offense set
forth in this Section because of the existence of any
exceptions described in this Section, is waived unless duly
raised at the hearing on that conviction, or unless the
prosecution's proof shows the existence of the exceptions
described in this Section.
(9) If the person so convicted shows to the
satisfaction of the court before whom that conviction was
had that he or she was released from imprisonment, upon
either of the sentences upon a pardon granted for the
reason that he or she was innocent, that conviction and
sentence shall not be considered under this Section.
(b) When a defendant, over the age of 21 years, is
convicted of a Class 1 or Class 2 <u>forcible</u> felony, except for
an offense listed in subsection (c) of this Section, after
having twice been convicted in any state or federal court of an
offense that contains the same elements as an offense now (the
date the Class 1 or Class 2 <u>forcible</u> felony was committed)
classified in Illinois as a Class 2 or greater Class <u>forcible</u>
felony, except for an offense listed in subsection (c) of this
Section, and those charges are separately brought and tried and
arise out of different series of acts, that defendant shall be
sentenced as a Class X offender. This subsection does not apply
unless:
(1) the first <u>forcible</u> felony was committed after
February 1, 1978 (the effective date of Public Act
80-1099);
(2) the second <u>forcible</u> felony was committed after
conviction on the first; and
(3) the third <u>forcible</u> felony was committed after
conviction on the second; and
(4) the first offense was committed when the person was
<u>21 years of age or older.</u>
(c) (Blank). Subsection (b) of this Section does not apply

to Class 1 or Class 2 felony convictions for a violation of Section 16-1 of the Criminal Code of 2012.
A person sentenced as a Class X offender under this subsection (b) is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Substance Use Disorder Act (20 ILCS 301/40-10).
(Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759, eff. 1-1-19.)
(730 ILCS 5/5-4.5-100)
Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.
(a) COMMENCEMENT. A sentence of imprisonment shall commence on the date on which the offender is received by the Department or the institution at which the sentence is to be served.
(b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set forth in subsection (e), the offender shall be given credit on the determinate sentence or maximum term and the minimum period of imprisonment for the number of days spent in custody as a result of the offense for which the sentence was imposed. The Department shall calculate the credit at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). The Except when prohibited by subsection (d), the trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3). Home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement. Electronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit. The trial court may give credit to the defendant for the number of days spent confined for psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial.
(c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender arrested on one charge and prosecuted on another charge for conduct that occurred prior to his or her arrest shall be given credit on the determinate sentence or maximum term and the minimum term of imprisonment for time spent in custody under the former charge not credited against another sentence.
(c-5) CREDIT; PROGRAMMING. The trial court shall give the defendant credit for successfully completing county programming while in custody prior to imposition of sentence at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the purposes of this subsection, "custody" includes time spent in home detention.
(d) (Blank). NO CREDIT; SOME HOME DETENTION. An offender sentenced to a term of imprisonment for an offense listed in paragraph (2) of subsection (c) of Section 5-5-3 (730 ILCS

~~5/5-5-3) or in paragraph (3) of subsection (c-1) of Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall not receive credit for time spent in home detention prior to judgment.~~

(e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED RELEASE, OR PROBATION. An offender charged with the commission of an offense committed while on parole, mandatory supervised release, or probation shall not be given credit for time spent in custody under subsection (b) for that offense for any time spent in custody as a result of a revocation of parole, mandatory supervised release, or probation where such revocation is based on a sentence imposed for a previous conviction, regardless of the facts upon which the revocation of parole, mandatory supervised release, or probation is based, unless both the State and the defendant agree that the time served for a violation of mandatory supervised release, parole, or probation shall be credited towards the sentence for the current offense.

(Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12.)

(730 ILCS 5/5-6-3.8 new)

Sec. 5-6-3.8. Eligibility for programs restricted by felony background. Any conviction entered prior to the effective date of this amendatory Act of the 101st General Assembly for:

(1) felony possession of a controlled substance, or possession with intent to manufacture or deliver a controlled substance, in a total amount equal to or less than the amounts listed in subsection (a-5) of Section 402 of the Illinois Controlled Substances Act; or

(2) felony possession of methamphetamine, or possession with intent to deliver methamphetamine, in an amount less than 3 grams; or any adjudication of delinquency under the Juvenile Court Act of 1987 for acts that would have constituted those felonies if committed by an adult, shall be treated as a Class A misdemeanor for the purposes of evaluating a defendant's eligibility for programs of qualified probation, impact incarceration, or any other diversion, deflection, probation, or other program for which felony background or delinquency background is a factor in determining eligibility."

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Natural life imprisonment; enhancements for use of a firearm; mandatory supervised release terms.

(a) Except as otherwise provided in the statute defining the offense or in Article 4.5 of Chapter V, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, subject to Section 5-4.5-115 of this Code, according to the following limitations:

(1) for first degree murder,

(a) (blank),
(b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a) (1) (c) of this Section, that any of the aggravating factors listed in subsection (b) or (b-5) of Section 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012 are present, the court may sentence the defendant, subject to Section 5-4.5-105, to a term of natural life imprisonment, or
(c) the court shall sentence the defendant to a term of natural life imprisonment if the defendant, at the time of the commission of the murder, had attained the age of 18, and
(i) has previously been convicted of first degree murder under any state or federal law, or
(ii) is found guilty of murdering more than one victim, or
(iii) is found guilty of murdering a peace officer, fireman, or emergency management worker when the peace officer, fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, fireman, or emergency management worker, or
(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or
(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the

murdered individual was an emergency medical
technician - ambulance, emergency medical
technician - intermediate, emergency medical
technician - paramedic, ambulance driver, or other
medical assistant or first aid personnel, or
(vi) (blank), or
(vii) is found guilty of first degree murder
and the murder was committed by reason of any
person's activity as a community policing
volunteer or to prevent any person from engaging in
activity as a community policing volunteer. For
the purpose of this Section, "community policing
volunteer" has the meaning ascribed to it in
Section 2-3.5 of the Criminal Code of 2012.
For purposes of clause (v), "emergency medical
technician - ambulance", "emergency medical technician -
intermediate", "emergency medical technician -
paramedic", have the meanings ascribed to them in the
Emergency Medical Services (EMS) Systems Act.
(d) (i) if the person committed the offense while
armed with a firearm, 15 years shall be added to
the term of imprisonment imposed by the court;
(ii) if, during the commission of the offense, the
person personally discharged a firearm, 20 years shall
be added to the term of imprisonment imposed by the
court;
(iii) if, during the commission of the offense, the
person personally discharged a firearm that
proximately caused great bodily harm, permanent
disability, permanent disfigurement, or death to
another person, 25 years or up to a term of natural
life shall be added to the term of imprisonment imposed
by the court.
(2) (blank);
(2.5) for a person who has attained the age of 18 years
at the time of the commission of the offense and who is
convicted under the circumstances described in subdivision
(b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
(b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
or paragraph (2) of subsection (d) of Section 12-14,
subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
of subsection (b) of Section 12-14.1, subdivision (b) (2) of
Section 11-1.40 or paragraph (2) of subsection (b) of
Section 12-14.1 of the Criminal Code of 1961 or the
Criminal Code of 2012, the sentence shall be a term of
natural life imprisonment.
(b) (Blank).
(c) (Blank).
(d) Subject to earlier termination under Section 3-3-8, the
parole or mandatory supervised release term shall be written as

part of the sentencing order and shall be as follows:
(1) for first degree murder or for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or before December 12, 2005 or a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after the effective date of this amendatory Act of the 94th General Assembly and except for the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, 3 years;
(1.5) except as provided in paragraph (7) of this subsection (d), for a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offense of aggravated child pornography under Section 11-20.1B.,11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, 18 months;
(2) except as provided in paragraph (7) of this subsection (d), for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) this amendatory Act of the 94th General Assembly and except for the offenses of manufacture and dissemination of child pornography under clauses (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, 12 months 2 years;
(3) except as provided in paragraph (4), (6), or (7) of this subsection (d), a mandatory supervised release term shall not be imposed for a Class 3 felony or a Class 4 felony; unless:
(A) the Prisoner Review Board, based on a validated risk and needs assessment, determines it is necessary for an offender to serve a mandatory supervised release term;
(B) if the Prisoner Review Board determines a mandatory supervised release term is necessary pursuant to subparagraph (A) of this paragraph (3), the Prisoner Review Board shall specify the maximum number of months of mandatory supervised release the offender may serve, limited to a term of: (i) 12 months for a Class 3 felony; and (ii) 12 months for a Class 4 felony

for a Class 3 felony or a Class 4 felony, 1 year;
(4) for defendants who commit the offense of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault, on or after the effective date of this amendatory Act of the 94th General Assembly, or who commit the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, manufacture of child pornography, or dissemination of child pornography after January 1, 2009, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant;
(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic monitoring or home detention program under Article 8A of Chapter V of this Code;
(6) for a felony domestic battery, aggravated domestic battery, stalking, aggravated stalking, and a felony violation of an order of protection, 4 years; -
(7) for any felony described in paragraph (a) (2) (ii), (a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3), (a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section 3-6-3 of the Unified Code of Corrections requiring an inmate to serve a minimum of 85% of their court-imposed sentence, except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offense of aggravated child pornography under Section 11-20.1B., 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009 and except as provided in paragraph (4) or paragraph (6) of this subsection (d), the term of mandatory supervised release shall be as follows:
(A) Class X felony, 3 years;
(B) Class 1 or Class 2 felonies, 2 years;
(C) Class 3 or Class 4 felonies, 1 year.
(e) (Blank).
(f) (Blank).
(Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)
(730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6) Sec. 5-8-6. Place of confinement.
(a) Except as otherwise provided in this subsection (a),

~~offenders~~ ~~Offenders~~ sentenced to a term of imprisonment for a felony shall be committed to the penitentiary system of the Department of Corrections. However, such sentence shall not limit the powers of the Department of Children and Family Services in relation to any child under the age of one year in the sole custody of a person so sentenced, nor in relation to any child delivered by a female so sentenced while she is so confined as a consequence of such sentence. Except as otherwise provided in this subsection (a), a person sentenced for a felony may be assigned by the Department of Corrections to any of its institutions, facilities or programs. An offender sentenced to a term of imprisonment for a Class 3 or 4 felony, other than a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, in which the sentencing order indicates that the offender has less than 4 months remaining on his or her sentence accounting for time served may not be confined in the penitentiary system of the Department of Corrections but may be assigned to electronic home detention under Article 8A of this Chapter V, an adult transition center, or another facility or program within the Department of Corrections.

(b) Offenders sentenced to a term of imprisonment for less than one year shall be committed to the custody of the sheriff. A person committed to the Department of Corrections, prior to July 14, 1983, for less than one year may be assigned by the Department to any of its institutions, facilities or programs.

(c) All offenders under 18 years of age when sentenced to imprisonment shall be committed to the Department of Juvenile Justice and the court in its order of commitment shall set a definite term. The provisions of Section 3-3-3 shall be a part of such commitment as fully as though written in the order of commitment. The place of confinement for sentences imposed before the effective date of this amendatory Act of the 99th General Assembly are not affected or abated by this amendatory Act of the 99th General Assembly.

(d) No defendant shall be committed to the Department of Corrections for the recovery of a fine or costs.

(e) When a court sentences a defendant to a term of imprisonment concurrent with a previous and unexpired sentence of imprisonment imposed by any district court of the United States, it may commit the offender to the custody of the Attorney General of the United States. The Attorney General of the United States, or the authorized representative of the Attorney General of the United States, shall be furnished with the warrant of commitment from the court imposing sentence, which warrant of commitment shall provide that, when the offender is released from federal confinement, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Department of Corrections. The court shall cause the Department

to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.
(Source: P.A. 99-628, eff. 1-1-17.)
(730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)
Sec. 5-8A-2. Definitions. As used in this Article:
(A) "Approved electronic monitoring device" means a device approved by the supervising authority which is primarily intended to record or transmit information as to the defendant's presence or nonpresence in the home, consumption of alcohol, consumption of drugs, location as determined through GPS, cellular triangulation, Wi-Fi, or other electronic means.
An approved electronic monitoring device may record or transmit: oral or wire communications or an auditory sound; visual images; or information regarding the offender's activities while inside the offender's home. These devices are subject to the required consent as set forth in Section 5-8A-5 of this Article.
An approved electronic monitoring device may be used to record a conversation between the participant and the monitoring device, or the participant and the person supervising the participant solely for the purpose of identification and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.
(A-10) "Department" means the Department of Corrections or the Department of Juvenile Justice.
(A-20) "Electronic monitoring" means the monitoring of an inmate, person, or offender with an electronic device both within and outside of their home under the terms and conditions established by the supervising authority.
(B) "Excluded offenses" means first degree murder, escape, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section 12-3.05, bringing or possessing a firearm, ammunition or explosive in a penal institution, any "Super-X" drug offense or calculated criminal drug conspiracy or streetgang criminal drug conspiracy, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses.
(B-10) "GPS" means a device or system which utilizes the Global Positioning Satellite system for determining the location of a person, inmate or offender.
(C) "Home detention" means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority. Confinement need not be 24 hours per day to qualify as home detention, and significant restrictions on

liberty such as 7pm to 7am curfews shall qualify. Home confinement may or may not be accompanied by electronic monitoring, and electronic monitoring is not required for purposes of sentencing credit.
(D) "Participant" means an inmate or offender placed into an electronic monitoring program.
(E) "Supervising authority" means the Department of Corrections, the Department of Juvenile Justice, probation department, a Chief Judge's office, pretrial services division or department, sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising electronic monitoring and home detention.
(F) "Super-X drug offense" means a violation of Section 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D); Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B), (C), or (D) of the Illinois Controlled Substances Act.
(G) "Wi-Fi" or "WiFi" means a device or system which utilizes a wireless local area network for determining the location of a person, inmate or offender. (Source: P.A. 99-797, eff. 8-12-16.)
(730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)
Sec. 5-8A-4. Program description. The supervising authority may promulgate rules that prescribe reasonable guidelines under which an electronic monitoring and home detention program shall operate. When using electronic monitoring for home detention these rules <u>may</u> shall include but not be limited to the following:
(A) The participant may be instructed to shall remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the supervising authority. Such instances of approved absences from the home <u>shall</u> may include but are not limited to the following:
(1) working or employment approved by the court or traveling to or from approved employment;
(2) unemployed and seeking employment approved for the participant by the court;
(3) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the court;
(4) attending an educational institution or a program approved for the participant by the court;
(5) attending a regularly scheduled religious service at a place of worship;
(6) participating in community work release or community service programs approved for the participant by the supervising authority; or
(7) for another compelling reason consistent with

the public interest, as approved by the supervising authority.
(8) <u>purchasing groceries, food, or other basic necessities.</u>
(A-1) <u>At a minimum, any person ordered to pretrial home confinement with or without electronic monitoring must be provided with open movement spread out over no fewer than two days per week, to participate in basic activities such as those listed in paragraph (A).</u>
(B) The participant shall admit any person or agent designated by the supervising authority into his or her residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention.
(C) The participant shall make the necessary arrangements to allow for any person or agent designated by the supervising authority to visit the participant's place of education or employment at any time, based upon the approval of the educational institution employer or both, for the purpose of verifying the participant's compliance with the conditions of his or her detention.
(D) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the supervising authority at any time for the purpose of verifying the participant's compliance with the conditions of his or her detention.
(E) The participant shall maintain the following:
(1) access to a working telephone in the participant's home;
(2) a monitoring device in the participant's home, or on the participant's person, or both; and
(3) a monitoring device in the participant's home and on the participant's person in the absence of a telephone.
(F) The participant shall obtain approval from the supervising authority before the participant changes residence or the schedule described in subsection (A) of this Section. <u>Such approval shall not be unreasonably withheld.</u>
(G) The participant shall not commit another crime during the period of home detention ordered by the Court.
(H) Notice to the participant that violation of the order for home detention may subject the participant to prosecution for the crime of escape as described in Section 5-8A-4.1.
(I) The participant shall abide by other conditions as set by the supervising authority.
(Source: P.A. 99-797, eff. 8-12-16.)
(730 ILCS 5/5-8A-4.1)

Sec. 5-8A-4.1. Escape; failure to comply with a condition of the electronic monitoring or home detention program.
(a) A person charged with or convicted of a felony, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly violates a condition of the electronic monitoring or home detention program and remains in violation for at least 48 hours is guilty of a Class 3 felony.
(b) A person charged with or convicted of a misdemeanor, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a misdemeanor, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly violates a condition of the electronic monitoring or home detention program and remains in violation for at least 48 hours is guilty of a Class B misdemeanor.
(c) A person who violates this Section while armed with a dangerous weapon is guilty of a Class 1 felony. (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)
Section 10-285. The Probation and Probation Officers Act is amended by changing Section 18 as follows:
(730 ILCS 110/18)
Sec. 18. Probation and court services departments considered pretrial services agencies. For the purposes of administering the provisions of Public Act 95-773, known as the Cindy Bischof Law, all probation and court services departments are to be considered pretrial services agencies under the Pretrial Services Act and under the pretrial release bail bond provisions of the Code of Criminal Procedure of 1963. (Source: P.A. 96-341, eff. 8-11-09.)
Section 10-290. The County Jail Act is amended by changing Section 5 as follows:
(730 ILCS 125/5) (from Ch. 75, par. 105)
Sec. 5. Costs of maintaining prisoners.
(a) Except as provided in subsections (b) and (c), all costs of maintaining persons committed for violations of Illinois law, shall be the responsibility of the county. Except as provided in subsection (b), all costs of maintaining persons committed under any ordinance or resolution of a unit of local government, including medical costs, is the responsibility of the unit of local government enacting the ordinance or resolution, and arresting the person.
(b) If a person who is serving a term of mandatory supervised release for a felony is incarcerated in a county

jail, the Illinois Department of Corrections shall pay the county in which that jail is located one-half of the cost of incarceration, as calculated by the Governor's Office of Management and Budget and the county's chief financial officer, for each day that the person remains in the county jail after notice of the incarceration is given to the Illinois Department of Corrections by the county, provided that (i) the Illinois Department of Corrections has issued a warrant for an alleged violation of mandatory supervised release by the person; (ii) if the person is incarcerated on a new charge, unrelated to the offense for which he or she is on mandatory supervised release, there has been a court hearing at which the conditions of pretrial release have ~~bail has~~ been set on the new charge; (iii) the county has notified the Illinois Department of Corrections that the person is incarcerated in the county jail, which notice shall not be given until the ~~bail~~ hearing has concluded, if the person is incarcerated on a new charge; and (iv) the person remains incarcerated in the county jail for more than 48 hours after the notice has been given to the Department of Corrections by the county. Calculation of the per diem cost shall be agreed upon prior to the passage of the annual State budget.

(c) If a person who is serving a term of mandatory supervised release is incarcerated in a county jail, following an arrest on a warrant issued by the Illinois Department of Corrections, solely for violation of a condition of mandatory supervised release and not on any new charges for a new offense, then the Illinois Department of Corrections shall pay the medical costs incurred by the county in securing treatment for that person, for any injury or condition other than one arising out of or in conjunction with the arrest of the person or resulting from the conduct of county personnel, while he or she remains in the county jail on the warrant issued by the Illinois Department of Corrections.

(Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07.)

Section 10-295. The County Jail Good Behavior Allowance Act is amended by changing Section 3 as follows:

(730 ILCS 130/3) (from Ch. 75, par. 32)

Sec. 3. The good behavior of any person who commences a sentence of confinement in a county jail for a fixed term of imprisonment after January 1, 1987 shall entitle such person to a good behavior allowance, except that: (1) a person who inflicted physical harm upon another person in committing the offense for which he is confined shall receive no good behavior allowance; and (2) a person sentenced for an offense for which the law provides a mandatory minimum sentence shall not receive any portion of a good behavior allowance that would reduce the sentence below the mandatory minimum; and (3) a person

sentenced to a county impact incarceration program; and (4) a person who is convicted of criminal sexual assault under subdivision (a) (3) of Section 11-1.20 or paragraph (a) (3) of Section 12-13 of the Criminal Code of 1961 or the Criminal Code of 2012, criminal sexual abuse, or aggravated criminal sexual abuse shall receive no good behavior allowance. The good behavior allowance provided for in this Section shall not apply to individuals sentenced for a felony to probation or conditional discharge where a condition of such probation or conditional discharge is that the individual serve a sentence of periodic imprisonment or to individuals sentenced under an order of court for civil contempt.

Such good behavior allowance shall be cumulative and awarded as provided in this Section.

The good behavior allowance rate shall be cumulative and awarded on the following basis:

The prisoner shall receive one day of good behavior allowance for each day of service of sentence in the county jail, and one day of good behavior allowance for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to comply with the conditions of pretrial release ~~post bail~~ before sentencing, except that a prisoner serving a sentence of periodic imprisonment under Section 5-7-1 of the Unified Code of Corrections shall only be eligible to receive good behavior allowance if authorized by the sentencing judge. Each day of good behavior allowance shall reduce by one day the prisoner's period of incarceration set by the court. For the purpose of calculating a prisoner's good behavior allowance, a fractional part of a day shall not be calculated as a day of service of sentence in the county jail unless the fractional part of the day is over 12 hours in which case a whole day shall be credited on the good behavior allowance.

If consecutive sentences are served and the time served amounts to a total of one year or more, the good behavior allowance shall be calculated on a continuous basis throughout the entire time served beginning on the first date of sentence or incarceration, as the case may be.

(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

Section 10-296. The Veterans and Servicemembers Court Treatment Act is amended by changing Section 20 as follows:

(730 ILCS 167/20)

Sec. 20. Eligibility. Veterans and Servicemembers are eligible for Veterans and Servicemembers Courts, provided the following:

(a) A defendant, who is eligible for probation based on the nature of the crime convicted of and in consideration of his or her criminal background, if any, may be admitted into a

Veterans and Servicemembers Court program before adjudication
only upon the agreement of the defendant and with the approval
of the Court. A defendant may be admitted into a Veterans and
Servicemembers Court program post-adjudication only with the
approval of the court.
(b) A defendant shall be excluded from Veterans and
Servicemembers Court program if any of one of the following
applies:
(1) The crime is a crime of violence as set forth in
clause (3) of this subsection (b).
(2) The defendant does not demonstrate a willingness to
participate in a treatment program.
(3) The defendant has been convicted of a crime of
violence within the past 10 years excluding incarceration
time, including first degree murder, second degree murder,
predatory criminal sexual assault of a child, aggravated
criminal sexual assault, criminal sexual assault, armed
robbery, aggravated arson, arson, aggravated kidnapping
and kidnapping, aggravated battery resulting in great
bodily harm or permanent disability, stalking, aggravated
stalking, or any offense involving the discharge of a
firearm.
(4) (Blank).
(5) (Blank). The crime for which the defendant has been
convicted is non-probationable.
(6) The sentence imposed on the defendant, whether the
result of a plea or a finding of guilt, renders the
defendant ineligible for probation.
(Source: P.A. 99-480, eff. 9-9-15; 100-426, eff. 1-1-18.)
Section 10-297. The Mental Health Court Treatment Act is
amended by changing Section 20 as follows:
(730 ILCS 168/20)
Sec. 20. Eligibility.
(a) A defendant, who is eligible for probation based on the
nature of the crime convicted of and in consideration of his or
her criminal background, if any, may be admitted into a mental
health court program only upon the agreement of the defendant
and with the approval of the court.
(b) A defendant shall be excluded from a mental health
court program if any one of the following applies:
(1) The crime is a crime of violence as set forth in
clause (3) of this subsection (b).
(2) The defendant does not demonstrate a willingness to
participate in a treatment program.
(3) The defendant has been convicted of a crime of
violence within the past 10 years excluding incarceration
time. As used in this paragraph (3), "crime of violence"
means: first degree murder, second degree murder,

predatory criminal sexual assault of a child, aggravated
criminal sexual assault, criminal sexual assault, armed
robbery, aggravated arson, arson, aggravated kidnapping,
kidnapping, aggravated battery resulting in great bodily
harm or permanent disability, stalking, aggravated
stalking, or any offense involving the discharge of a
firearm.
(4) (Blank).
(5) (Blank). The crime for which the defendant has been
convicted is non-probationable.
(6) The sentence imposed on the defendant, whether the
result of a plea or a finding of guilt, renders the
defendant ineligible for probation.
(c) A defendant charged with prostitution under Section
11-14 of the Criminal Code of 2012 may be admitted into a
mental health court program, if available in the jurisdiction
and provided that the requirements in subsections (a) and (b)
are satisfied. Mental health court programs may include
specialized service programs specifically designed to address
the trauma associated with prostitution and human trafficking,
and may offer those specialized services to defendants admitted
to the mental health court program. Judicial circuits
establishing these specialized programs shall partner with
prostitution and human trafficking advocates, survivors, and
service providers in the development of the programs.
(Source: P.A. 100-426, eff. 1-1-18.)
Section 10-300. The Code of Civil Procedure is amended by
changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
21-103 as follows:
(735 ILCS 5/10-106) (from Ch. 110, par. 10-106)
Sec. 10-106. Grant of relief - Penalty. Unless it shall
appear from the complaint itself, or from the documents thereto
annexed, that the party can neither be discharged, admitted to
pretrial release bail nor otherwise relieved, the court shall
forthwith award relief by habeas corpus. Any judge empowered to
grant relief by habeas corpus who shall corruptly refuse to
grant the relief when legally applied for in a case where it
may lawfully be granted, or who shall for the purpose of
oppression unreasonably delay the granting of such relief
shall, for every such offense, forfeit to the prisoner or party
affected a sum not exceeding \$1,000.
(Source: P.A. 83-707.)
(735 ILCS 5/10-125) (from Ch. 110, par. 10-125)
Sec. 10-125. New commitment. In all cases where the
imprisonment is for a criminal, or supposed criminal matter, if
it appears to the court that there is sufficient legal cause
for the commitment of the prisoner, although such commitment

may have been informally made, or without due authority, or the process may have been executed by a person not duly authorized, the court shall make a new commitment in proper form, and direct it to the proper officer, or admit the party to pretrial release bail if the case is eligible for pretrial release ~~bailable~~. The court shall also, when necessary, take the recognizance of all material witnesses against the prisoner, as in other cases. The recognizances shall be in the form provided by law, and returned as other recognizances. If any judge shall neglect or refuse to bind any such prisoner or witness by recognizance, or to return a recognizance when taken as hereinabove stated, he or she shall be guilty of a Class A misdemeanor in office, and be proceeded against accordingly. (Source: P.A. 82-280.)

(735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

Sec. 10-127. Grant of habeas corpus. It is not lawful for any court, on a second order of habeas corpus obtained by such prisoner, to discharge the prisoner, if he or she is clearly and specifically charged in the warrant of commitment with a criminal offense; but the court shall, on the return of such second order, have power only to admit such prisoner to pretrial release bail where the offense is eligible for pretrial release ~~bailable~~ by law, or remand him or her to prison where the offense is not eligible for pretrial release ~~bailable~~, or being eligible for pretrial release ~~bailable~~, where such prisoner fails to comply with the terms of pretrial release ~~give the bail required~~.

(Source: P.A. 82-280.)

(735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

Sec. 10-135. Habeas corpus to testify. The several courts having authority to grant relief by habeas corpus, may enter orders, when necessary, to bring before them any prisoner to testify, or to be surrendered in discharge of pretrial release ~~bail~~, or for trial upon any criminal charge lawfully pending in the same court or to testify in a criminal proceeding in another state as provided for by Section 2 of the "Uniform Act to secure the attendance of witnesses from within or without a state in criminal proceedings", approved July 23, 1959, as heretofore or hereafter amended; and the order may be directed to any county in the State, and there be served and returned by any officer to whom it is directed.

(Source: P.A. 82-280.)

(735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

Sec. 10-136. Prisoner remanded or punished. After a prisoner has given his or her testimony, or been surrendered, or his or her pretrial release ~~bail~~ discharged, or he or she has been tried for the crime with which he or she is charged,

he or she shall be returned to the jail or other place of confinement from which he or she was taken for that purpose. If such prisoner is convicted of a crime punishable with death or imprisonment in the penitentiary, he or she may be punished accordingly; but in any case where the prisoner has been taken from the penitentiary, and his or her punishment is by imprisonment, the time of such imprisonment shall not commence to run until the expiration of the time of service under any former sentence.

(Source: P.A. 82-280.)

(735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

Sec. 21-103. Notice by publication.

(a) Previous notice shall be given of the intended application by publishing a notice thereof in some newspaper published in the municipality in which the person resides if the municipality is in a county with a population under 2,000,000, or if the person does not reside in a municipality in a county with a population under 2,000,000, or if no newspaper is published in the municipality or if the person resides in a county with a population of 2,000,000 or more, then in some newspaper published in the county where the person resides, or if no newspaper is published in that county, then in some convenient newspaper published in this State. The notice shall be inserted for 3 consecutive weeks after filing, the first insertion to be at least 6 weeks before the return day upon which the petition is to be heard, and shall be signed by the petitioner or, in case of a minor, the minor's parent or guardian, and shall set forth the return day of court on which the petition is to be heard and the name sought to be assumed.

(b) The publication requirement of subsection (a) shall not be required in any application for a change of name involving a minor if, before making judgment under this Article, reasonable notice and opportunity to be heard is given to any parent whose parental rights have not been previously terminated and to any person who has physical custody of the child. If any of these persons are outside this State, notice and opportunity to be heard shall be given under Section 21-104.

(b-3) The publication requirement of subsection (a) shall not be required in any application for a change of name involving a person who has received a judgment for dissolution of marriage or declaration of invalidity of marriage and wishes to change his or her name to resume the use of his or her former or maiden name.

(b-5) Upon motion, the court may issue an order directing that the notice and publication requirement be waived for a change of name involving a person who files with the court a written declaration that the person believes that publishing notice of the name change would put the person at risk of physical harm or discrimination. The person must provide

evidence to support the claim that publishing notice of the name change would put the person at risk of physical harm or discrimination.
(c) The Director of State Police or his or her designee may apply to the circuit court for an order directing that the notice and publication requirements of this Section be waived if the Director or his or her designee certifies that the name change being sought is intended to protect a witness during and following a criminal investigation or proceeding.
(c-1) The court may enter a written order waiving the publication requirement of subsection (a) if:
(i) the petitioner is 18 years of age or older; and
(ii) concurrent with the petition, the petitioner files with the court a statement, verified under oath as provided under Section 1-109 of this Code, attesting that the petitioner is or has been a person protected under the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, the Civil No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963, a condition of <u>pretrial release</u> bail under subsections (b) through (d) of Section 110-10 of the Code of Criminal Procedure of 1963, or a similar provision of a law in another state or jurisdiction.
The petitioner may attach to the statement any supporting documents, including relevant court orders.
(c-2) If the petitioner files a statement attesting that disclosure of the petitioner's address would put the petitioner or any member of the petitioner's family or household at risk or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with the court, and the petitioner may designate an alternative address for service.
(c-3) Court administrators may allow domestic abuse advocates, rape crisis advocates, and victim advocates to assist petitioners in the preparation of name changes under subsection (c-1).
(c-4) If the publication requirements of subsection (a) have been waived, the circuit court shall enter an order impounding the case.
(d) The maximum rate charged for publication of a notice under this Section may not exceed the lowest classified rate paid by commercial users for comparable space in the newspaper in which the notice appears and shall include all cash discounts, multiple insertion discounts, and similar benefits extended to the newspaper's regular customers.
(Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A. 100-565 for the effective date of P.A. 100-520); 100-788, eff. 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203, eff. 1-1-20.)

Section 10-305. The Civil No Contact Order Act is amended by changing Section 220 as follows:
(740 ILCS 22/220)
Sec. 220. Enforcement of a civil no contact order.
(a) Nothing in this Act shall preclude any Illinois court from enforcing a valid protective order issued in another state.
(b) Illinois courts may enforce civil no contact orders through both criminal proceedings and civil contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.
(b-1) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene.
(b-2) The court may hold the parents, guardian, or legal custodian of a minor respondent in civil or criminal contempt for a violation of any provision of any order entered under this Act for conduct of the minor respondent in violation of this Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the respondent minor in such conduct.
(c) Criminal prosecution. A violation of any civil no contact order, whether issued in a civil or criminal proceeding, shall be enforced by a criminal court when the respondent commits the crime of violation of a civil no contact order pursuant to Section 219 by having knowingly violated:
(1) remedies described in Section 213 and included in a civil no contact order; or
(2) a provision of an order, which is substantially similar to provisions of Section 213, in a valid civil no contact order which is authorized under the laws of another state, tribe, or United States territory.
Prosecution for a violation of a civil no contact order shall not bar a concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.
(d) Contempt of court. A violation of any valid Illinois civil no contact order, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless of where the act or acts which violated the civil no contact order were committed, to the extent consistent with the venue provisions of this Act.
(1) In a contempt proceeding where the petition for a rule to show cause or petition for adjudication of criminal contempt sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction or inflict physical abuse on the petitioner or minor children or on

dependent adults in the petitioner's care, the court may
order the attachment of the respondent without prior
service of the petition for a rule to show cause, the rule
to show cause, the petition for adjudication of criminal
contempt or the adjudication of criminal contempt.
Conditions of release Bond shall be set unless specifically
denied in writing.
(2) A petition for a rule to show cause or a petition
for adjudication of criminal contempt for violation of a
civil no contact order shall be treated as an expedited
proceeding.
(e) Actual knowledge. A civil no contact order may be
enforced pursuant to this Section if the respondent violates
the order after the respondent has actual knowledge of its
contents as shown through one of the following means:
(1) by service, delivery, or notice under Section 208;
(2) by notice under Section 218;
(3) by service of a civil no contact order under
Section 218; or
(4) by other means demonstrating actual knowledge of
the contents of the order.
(f) The enforcement of a civil no contact order in civil or
criminal court shall not be affected by either of the
following:
(1) the existence of a separate, correlative order,
entered under Section 202; or
(2) any finding or order entered in a conjoined
criminal proceeding.
(g) Circumstances. The court, when determining whether or
not a violation of a civil no contact order has occurred, shall
not require physical manifestations of abuse on the person of
the victim.
(h) Penalties.
(1) Except as provided in paragraph (3) of this
subsection, where the court finds the commission of a crime
or contempt of court under subsection (a) or (b) of this
Section, the penalty shall be the penalty that generally
applies in such criminal or contempt proceedings, and may
include one or more of the following: incarceration,
payment of restitution, a fine, payment of attorneys' fees
and costs, or community service.
(2) The court shall hear and take into account evidence
of any factors in aggravation or mitigation before deciding
an appropriate penalty under paragraph (1) of this
subsection.
(3) To the extent permitted by law, the court is
encouraged to:
(i) increase the penalty for the knowing violation
of any civil no contact order over any penalty
previously imposed by any court for respondent's

violation of any civil no contact order or penal
statute involving petitioner as victim and respondent
as defendant;
(ii) impose a minimum penalty of 24 hours
imprisonment for respondent's first violation of any
civil no contact order; and
(iii) impose a minimum penalty of 48 hours
imprisonment for respondent's second or subsequent
violation of a civil no contact order unless the court
explicitly finds that an increased penalty or that
period of imprisonment would be manifestly unjust.
(4) In addition to any other penalties imposed for a
violation of a civil no contact order, a criminal court may
consider evidence of any previous violations of a civil no
contact order:
(i) to increase, revoke or modify the conditions of
<u>pretrial release bail bond</u> on an underlying criminal
charge pursuant to Section 110-6 of the Code of
Criminal Procedure of 1963;
(ii) to revoke or modify an order of probation,
conditional discharge or supervision, pursuant to
Section 5-6-4 of the Unified Code of Corrections; or
(iii) to revoke or modify a sentence of periodic
imprisonment, pursuant to Section 5-7-2 of the Unified
Code of Corrections.
(Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)
Section 10-307. The Crime Victims Compensation Act is
amended by changing Sections 2, 2.5, 4.1, 6.1, and 7.1 as
follows:
(740 ILCS 45/2) (from Ch. 70, par. 72)
Sec. 2. Definitions. As used in this Act, unless the
context otherwise requires:
(a) "Applicant" means any person who applies for
compensation under this Act or any person the Court of Claims
or the Attorney General finds is entitled to compensation,
including the guardian of a minor or of a person under legal
disability. It includes any person who was a dependent of a
deceased victim of a crime of violence for his or her support
at the time of the death of that victim.
The changes made to this subsection by this amendatory Act
of the 101st General Assembly apply to actions commenced or
pending on or after January 1, 2021.
(b) "Court of Claims" means the Court of Claims created by
the Court of Claims Act.
(c) "Crime of violence" means and includes any offense
defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,

12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or subdivision (a) (4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501 of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or accident involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse, ~~or~~ parent, or child of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, or half sister, ~~child, or stepchild~~ of a person killed or injured in this State as a result of a crime of violence, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident

has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, or (8) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any parent, spouse, or child under the age of 18 of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle, ~~or~~ aunt, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child.

(g) "Child" means a ~~an unmarried~~ son or daughter ~~who is~~ under 18 years of age and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; transportation expenses to and from medical and counseling treatment facilities; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; replacement costs for clothing and bedding used as evidence; costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first month's rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and

accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of \$1,250 per month; dependents replacement services loss, to a maximum of \$1,250 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to ~~not exceed~~ a maximum of \$10,000 ~~\$7,500~~ and loss of support of the dependents of the victim; in the case of dismemberment or desecration of a body, expenses for funeral and burial, all of which may be awarded up to ~~not exceed~~ a maximum of \$10,000 ~~\$7,500~~. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on ~~\$2,400~~ ~~\$1,250~~ per month, whichever is less or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed ~~\$2,400~~ ~~\$1,250~~ per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

The changes made to this subsection by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2021.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu

of those the injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, stepfather, stepmother, child, brother, sister, or spouse.

(l) "Parent" means a natural parent, adopted parent, stepparent, or permanent legal guardian of another person.

(m) "Trafficking tattoo" is a tattoo which is applied to a victim in connection with the commission of a violation of Section 10-9 of the Criminal Code of 2012.

(Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19.)

(740 ILCS 45/2.5)

Sec. 2.5. Felon as victim. A victim's criminal history or felony status shall not automatically prevent compensation to that victim or the victim's family. However, no compensation may be granted to a victim or applicant under this Act while the applicant or victim is held in a correctional institution. Notwithstanding paragraph (d) of Section 2, "victim" does not include a person who is convicted of a felony until that person is discharged from probation or is released from a correctional institution and has been discharged from parole or mandatory supervised release, if any. For purposes of this Section, the death of a felon who is serving a term of parole, probation, or mandatory supervised release shall be considered a discharge from that sentence. No compensation may be granted to an applicant under this Act during a period of time that the applicant is held in a correctional institution.

A victim who has been convicted of a felony may apply for assistance under this Act at any time but no award of compensation may be considered until the applicant meets the requirements of this Section.

The changes made to this Section by this amendatory Act of the 96th General Assembly apply to actions commenced or pending on or after the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 96-267, eff. 8-11-09.)

(740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

Sec. 4.1. In addition to other powers and duties set forth in this Act and other powers exercised by the Attorney General, the Attorney General shall:

(1) investigate all claims and prepare and present an investigatory report and a draft award determination a

report of each applicant's claim to the Court of Claims for
a review period of 28 business days; prior to the issuance
of an order by the Court of Claims,
(2) upon conclusion of the review by the Court of
Claims, provide the applicant with a compensation
determination letter;
(3) prescribe and furnish all applications and other
forms required to be filed in the office of the Attorney
General by the terms of this Act; 7 and
(4) represent the interests of the State of Illinois in
any hearing before the Court of Claims.
The changes made to this Section by this amendatory Act of
the 101st General Assembly apply to actions commenced or
pending on or after January 1, 2021.
(Source: P.A. 97-817, eff. 1-1-13.)
(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)
Sec. 6.1. Right to compensation. A person is entitled to
compensation under this Act if:
(a) Within <u>5</u> 2 years of the occurrence of the crime, or
within one year after a criminal charge of a person for an
offense, upon which the claim is based, the applicant
<u>presents</u> he files an application, under oath, to the
<u>Attorney General that is filed</u> with the Court of Claims and
on a form prescribed in accordance with Section 7.1
furnished by the Attorney General. If the person entitled
to compensation is under 18 years of age or under other
legal disability at the time of the occurrence or is
determined by a court to be under a legal disability as a
result of the occurrence, <u>he or she may present</u> file the
application required by this subsection within <u>3</u> 2 years
after <u>he or she</u> attains the age of 18 years or the
disability is removed, as the case may be. Legal disability
includes a diagnosis of posttraumatic stress disorder.
(a-1) The Attorney General and the Court of Claims may
<u>accept an application presented after the period provided</u>
<u>in subsection (a) if the Attorney General determines that</u>
<u>the applicant had good cause for a delay.</u>
(b) For all crimes of violence, except those listed in
subsection (b-1) of this Section, the appropriate law
enforcement officials were notified within 72 hours of the
perpetration of the crime allegedly causing the death or
injury to the victim or, in the event such notification was
made more than 72 hours after the perpetration of the
crime, the applicant establishes that such notice was
timely under the circumstances.
(b-1) For victims of offenses defined in Sections 10-9,
11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
the Criminal Code of 2012, the appropriate law enforcement

officials were notified within 7 days of the perpetration
of the crime allegedly causing death or injury to the
victim or, in the event that the notification was made more
than 7 days after the perpetration of the crime, the
applicant establishes that the notice was timely under the
circumstances. If the applicant or victim has obtained an
order of protection, a civil no contact order, or a
stalking no contact order, has presented himself or herself
to a hospital for <u>medical care or sexual assault evidence</u>
<u>collection and medical care</u> , or is engaged in a legal
proceeding involving a claim that the applicant or victim
is a victim of human trafficking, such action shall
constitute appropriate notification under this subsection
(b-1) or subsection (b) of this Section.
(c) The applicant has cooperated with law enforcement
officials in the apprehension and prosecution of the
assailant. If the applicant or victim has obtained an order
of protection, a civil no contact order, or a stalking no
contact order, has presented himself or herself to a
hospital for <u>medical care or sexual assault evidence</u>
<u>collection and medical care</u> , or is engaged in a legal
proceeding involving a claim that the applicant or victim
is a victim of human trafficking, such action shall
constitute cooperation under this subsection (c). If the
victim is under 18 years of age at the time of the
commission of the offense, the following shall constitute
cooperation under this subsection (c):
(1) the applicant or the victim files a police
report with a law enforcement agency;
(2) a mandated reporter reports the crime to law
enforcement; or
(3) a person with firsthand knowledge of the crime
reports the crime to law enforcement.
(d) The applicant is not the offender or an accomplice
of the offender and the award would not unjustly benefit
the offender or his accomplice.
(e) (Blank). The injury to or death of the victim was
not substantially attributable to his own wrongful act and
was not substantially provoked by the victim.
(f) For victims of offenses defined in Section 10-9 of
the Criminal Code of 2012, the victim submits a statement
under oath on a form prescribed by the Attorney General
attesting that the removed tattoo was applied in connection
with the commission of the offense.
(g) <u>In determining whether cooperation has been</u>
<u>reasonable, the Attorney General and Court of Claims may</u>
<u>consider the victim's age, physical condition,</u>
<u>psychological state, cultural or linguistic barriers, and</u>
<u>compelling health and safety concerns, including, but not</u>
<u>limited to, a reasonable fear of retaliation or harm that</u>

would jeopardize the well-being of the victim or the
victim's family, and giving due consideration to the degree
of cooperation that the victim or derivative victim is
capable of in light of the presence of any of these
factors, or any other factor the Attorney General considers
relevant.
The changes made to this Section by this amendatory Act of
the 101st General Assembly apply to actions commenced or
pending on or after January 1, 2021.
(Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;
100-1037, eff. 1-1-19.)
(740 ILCS 45/7.1) (from Ch. 70, par. 77.1)
Sec. 7.1. (a) The application shall set out:
(1) the name and address of the victim;
(2) if the victim is deceased, the name and address of
the applicant and his <u>or her</u> relationship to the victim,
the names and addresses of other persons dependent on the
victim for their support and the extent to which each is so
dependent, and other persons who may be entitled to
compensation for a pecuniary loss;
(3) the date and nature of the crime on which the
application for compensation is based;
(4) the date and place where and the law enforcement
officials to whom notification of the crime was given;
(5) the nature and extent of the injuries sustained by
the victim, and the names and addresses of those giving
medical and hospitalization treatment to the victim;
(6) the pecuniary loss to the applicant and to such
other persons as are specified under item (2) resulting
from the injury or death;
(7) the amount of benefits, payments, or awards, if
any, payable under:
(a) the Workers' Compensation Act,
(b) the Dram Shop Act,
(c) any claim, demand, or cause of action based
upon the crime-related injury or death,
(d) the Federal Medicare program,
(e) the State Public Aid program,
(f) Social Security Administration burial
benefits,
(g) Veterans administration burial benefits,
(h) life, health, accident or liability insurance,
(i) the Criminal Victims' Escrow Account Act,
(j) the Sexual Assault Survivors Emergency
Treatment Act,
(k) restitution, or
(l) any other source;
(8) releases authorizing the surrender to the Court of
Claims or Attorney General of reports, documents and other

information relating to the matters specified under this Act and rules promulgated in accordance with the Act;
(9) such other information as the Court of Claims or the Attorney General reasonably requires.
(b) The Attorney General may require that materials substantiating the facts stated in the application be submitted with that application.
(c) An applicant, on his or her own motion, may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the original application has been disposed of by the Court of Claims or the Attorney General. In either case, the filing of additional information or of an amended application shall be considered for the purpose of this Act to have been filed at the same time as the original application.
For claims submitted on or after January 1, 2021, an amended application or additional substantiating materials to correct inadvertent errors or omissions may be filed at any time before the original application is disposed of by the Attorney General or the Court of Claims.
(d) Determinations submitted by the Attorney General to the Court of Claims shall be available to the Court of Claims for review. The Attorney General shall provide the sources and evidence relied upon as a basis for a compensation determination.
(e) The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2021. (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13.)
Section 10-310. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 223 and 301 as follows:
(750 ILCS 60/223) (from Ch. 40, par. 2312-23)
Sec. 223. Enforcement of orders of protection.
(a) When violation is crime. A violation of any order of protection, whether issued in a civil or criminal proceeding, shall be enforced by a criminal court when:
(1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:
(i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of this Act; or
(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), and (14.5) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or

United States territory; or
(iii) 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 an 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 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 214 of this Act; or
(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (5), (6), or (8) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory.
(b) When violation is contempt of court. A violation of any valid Illinois order of protection, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the order of protection were committed, to the extent consistent with the venue provisions of this Act. Nothing in this Act shall preclude any Illinois court from enforcing any valid order of protection issued in another state. Illinois courts may enforce orders of protection through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.
(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. <u>Conditions of release Bond</u> shall be set unless specifically denied in writing.
(2) A petition for a rule to show cause for violation of an order of protection shall be treated as an expedited proceeding.
(b-1) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene.
(b-2) The court may hold the parents, guardian, or legal

custodian of a minor respondent in civil or criminal contempt
for a violation of any provision of any order entered under
this Act for conduct of the minor respondent in violation of
this Act if the parents, guardian, or legal custodian directed,
encouraged, or assisted the respondent minor in such conduct.
(c) Violation of custody or support orders or temporary or
final judgments allocating parental responsibilities. A
violation of remedies described in paragraphs (5), (6), (8), or
(9) of subsection (b) of Section 214 of this Act may be
enforced by any remedy provided by Section 607.5 of the
Illinois Marriage and Dissolution of Marriage Act. The court
may enforce any order for support issued under paragraph (12)
of subsection (b) of Section 214 in the manner provided for
under Parts V and VII of the Illinois Marriage and Dissolution
of Marriage Act.
(d) Actual knowledge. An order of protection may be
enforced pursuant to this Section if the respondent violates
the order after the respondent has actual knowledge of its
contents as shown through one of the following means:
(1) By service, delivery, or notice under Section 210.
(2) By notice under Section 210.1 or 211.
(3) By service of an order of protection under Section
222.
(4) By other means demonstrating actual knowledge of
the contents of the order.
(e) The enforcement of an order of protection in civil or
criminal court shall not be affected by either of the
following:
(1) The existence of a separate, correlative order,
entered under Section 215.
(2) Any finding or order entered in a conjoined
criminal proceeding.
(f) Circumstances. The court, when determining whether or
not a violation of an order of protection has occurred, shall
not require physical manifestations of abuse on the person of
the victim.
(g) Penalties.
(1) Except as provided in paragraph (3) of this
subsection, where the court finds the commission of a crime
or contempt of court under subsections (a) or (b) of this
Section, the penalty shall be the penalty that generally
applies in such criminal or contempt proceedings, and may
include one or more of the following: incarceration,
payment of restitution, a fine, payment of attorneys' fees
and costs, or community service.
(2) The court shall hear and take into account evidence
of any factors in aggravation or mitigation before deciding
an appropriate penalty under paragraph (1) of this
subsection.
(3) To the extent permitted by law, the court is

encouraged to:
(i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent's violation of any order of protection or penal statute involving petitioner as victim and respondent as defendant;
(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any order of protection; and
(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of an order of protection unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.
(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:
(i) to increase, revoke or modify the conditions of pretrial release bail bond on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;
(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;
(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.
(5) In addition to any other penalties, the court shall impose an additional fine of \$20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of an order of protection. The additional fine shall be imposed for each violation of this Section.
(Source: P.A. 99-90, eff. 1-1-16.)
(750 ILCS 60/301) (from Ch. 40, par. 2313-1) Sec. 301. Arrest without warrant.
(a) Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing any crime, including but not limited to violation of an order of protection, under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, even if the crime was not committed in the presence of the officer.
(b) The law enforcement officer may verify the existence of an order of protection by telephone or radio communication with his or her law enforcement agency or by referring to the copy of the order provided by the petitioner or respondent.
(c) Any law enforcement officer may make an arrest without

warrant if the officer has reasonable grounds to believe a defendant at liberty under the provisions of subdivision (d) (1) or (d) (2) of Section 110-10 of the Code of Criminal Procedure of 1963 has violated a condition of his or her <u>pretrial release</u> bail bond or recognizance.
(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)
Section 10-315. The Industrial and Linen Supplies Marking Law is amended by changing Section 11 as follows:
(765 ILCS 1045/11) (from Ch. 140, par. 111)
Sec. 11. Search warrant.
Whenever the registrant, or officer, or authorized agent of any firm, partnership or corporation which is a registrant under this Act, takes an oath before any circuit court, that he has reason to believe that any supplies are being unlawfully used, sold, or secreted in any place, the court shall issue a search warrant to any police officer authorizing such officer to search the premises wherein it is alleged such articles may be found and take into custody any person in whose possession the articles are found. Any person so seized shall be taken without unnecessary delay before the court issuing the search warrant. The court is empowered to impose <u>conditions of pretrial release</u> bail on any such person to compel his attendance at any continued hearing.
(Source: P.A. 77-1273.)
Section 10-320. The Illinois Torture Inquiry and Relief Commission Act is amended by changing Section 50 as follows:
(775 ILCS 40/50)
Sec. 50. Post-commission judicial review.
(a) If the Commission concludes there is sufficient evidence of torture to merit judicial review, the Chair of the Commission shall request the Chief Judge of the Circuit Court of Cook County for assignment to a trial judge for consideration. The court may receive proof by affidavits, depositions, oral testimony, or other evidence. In its discretion the court may order the petitioner brought before the court for the hearing. Notwithstanding the status of any other postconviction proceedings relating to the petitioner, if the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to <u>rearraignment, retrial, custody, pretrial release</u> bail or discharge, or for such relief as may be granted under a petition for a certificate of innocence, as may be necessary and proper.
(b) The State's Attorney, or the State's Attorney's designee, shall represent the State at the hearing before the

assigned judge.
(Source: P.A. 96-223, eff. 8-10-09.)
Section 10-325. The Unemployment Insurance Act is amended by changing Section 602 as follows:
(820 ILCS 405/602) (from Ch. 48, par. 432)
Sec. 602. Discharge for misconduct - Felony.
A. An individual shall be ineligible for benefits for the week in which he has been discharged for misconduct connected with his work and, thereafter, until he has become reemployed and has had earnings equal to or in excess of his current weekly benefit amount in each of four calendar weeks which are either for services in employment, or have been or will be reported pursuant to the provisions of the Federal Insurance Contributions Act by each employing unit for which such services are performed and which submits a statement certifying to that fact. The requalification requirements of the preceding sentence shall be deemed to have been satisfied, as of the date of reinstatement, if, subsequent to his discharge by an
employing unit for misconduct connected with his work, such individual is reinstated by such employing unit. For purposes of this subsection, the term "misconduct" means the deliberate and willful violation of a reasonable rule or policy of the employing unit, governing the individual's behavior in performance of his work, provided such violation has harmed the employing unit or other employees or has been repeated by the individual despite a warning or other explicit instruction from the employing unit. The previous definition notwithstanding, "misconduct" shall include any of the following work-related circumstances:
1. Falsification of an employment application, or any other documentation provided to the employer, to obtain employment through subterfuge.
2. Failure to maintain licenses, registrations, and certifications reasonably required by the employer, or those that the individual is required to possess by law, to perform his or her regular job duties, unless the failure is not within the control of the individual.
3. Knowing, repeated violation of the attendance policies of the employer that are in compliance with State and federal law following a written warning for an attendance violation, unless the individual can demonstrate that he or she has made a reasonable effort to remedy the reason or reasons for the violations or that the reason or reasons for the violations were out of the individual's control. Attendance policies of the employer shall be reasonable and provided to the individual in writing, electronically, or via posting in the workplace.
4. Damaging the employer's property through conduct

that is grossly negligent.
5. Refusal to obey an employer's reasonable and lawful instruction, unless the refusal is due to the lack of ability, skills, or training for the individual required to obey the instruction or the instruction would result in an unsafe act.
6. Consuming alcohol or illegal or non-prescribed prescription drugs, or using an impairing substance in an off-label manner, on the employer's premises during working hours in violation of the employer's policies.
7. Reporting to work under the influence of alcohol, illegal or non-prescribed prescription drugs, or an impairing substance used in an off-label manner in violation of the employer's policies, unless the individual is compelled to report to work by the employer outside of scheduled and on-call working hours and informs the employer that he or she is under the influence of alcohol, illegal or non-prescribed prescription drugs, or an impairing substance used in an off-label manner in violation of the employer's policies.
8. Grossly negligent conduct endangering the safety of the individual or co-workers.
For purposes of paragraphs 4 and 8, conduct is "grossly negligent" when the individual is, or reasonably should be, aware of a substantial risk that the conduct will result in the harm sought to be prevented and the conduct constitutes a substantial deviation from the standard of care a reasonable person would exercise in the situation.
Nothing in paragraph 6 or 7 prohibits the lawful use of over-the-counter drug products as defined in Section 206 of the Illinois Controlled Substances Act, provided that the medication does not affect the safe performance of the employee's work duties.
B. Notwithstanding any other provision of this Act, no benefit rights shall accrue to any individual based upon wages from any employer for service rendered prior to the day upon which such individual was discharged because of the commission of a felony in connection with his work, or because of theft in connection with his work, for which the employer was in no way responsible; provided, that the employer notified the Director of such possible ineligibility within the time limits specified by regulations of the Director, and that the individual has admitted his commission of the felony or theft to a representative of the Director, or has signed a written admission of such act and such written admission has been presented to a representative of the Director, or such act has resulted in a conviction or order of supervision by a court of competent jurisdiction; and provided further, that if by reason of such act, he is in legal custody, held on pretrial release bail or is a fugitive from justice, the determination of his

benefit rights shall be held in abeyance pending the result of any legal proceedings arising therefrom.

(Source: P.A. 99-488, eff. 1-3-16.)

Article 15.

Pregnant Prisoner Rights

Section 15-5. The Counties Code is amended by changing 3-15003.6 and by adding Sections 3-15003.7, 3-15003.8, 3-15003.9, and 3-15003.10 as follows:

(55 ILCS 5/3-15003.6)

Sec. 3-15003.6. Pregnant female prisoners.

(a) Definitions. For the purpose of this Section and Sections 3-15003.7, 3-15003.8, 3-15003.9, and 3-15003.10:

(1) "Restraints" means any physical restraint or mechanical device used to control the movement of a prisoner's body or limbs, or both, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security (tether) chain, or a convex shield, or shackles of any kind.

(2) "Labor" means the period of time before a birth and shall include any medical condition in which a woman is sent or brought to the hospital for the purpose of delivering her baby. These situations include: induction of labor, prodromal labor, pre-term labor, prelabor rupture of membranes, the 3 stages of active labor, uterine hemorrhage during the third trimester of pregnancy, and caesarian delivery including pre-operative preparation.

(3) "Post-partum" means, as determined by her physician, advanced practice registered nurse, or physician assistant, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth.

(4) "Correctional institution" means any entity under the authority of a county law enforcement division of a county of more than 3,000,000 inhabitants that has the power to detain or restrain, or both, a person under the laws of the State.

(5) "Corrections official" means the official that is responsible for oversight of a correctional institution, or his or her designee.

(6) "Prisoner" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program, and any person detained under the immigration laws of the

United States at any correctional facility.
(7) "Extraordinary circumstance" means an extraordinary medical or security circumstance, including a substantial flight risk, that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.
(b) A county department of corrections shall not apply security restraints to a prisoner that has been determined by a qualified medical professional to be pregnant and is known by the county department of corrections to be pregnant or in postpartum recovery, which is the entire period a woman is in the medical facility after birth, unless the corrections official makes an individualized determination that the prisoner presents a substantial flight risk or some other extraordinary circumstance that dictates security restraints be used to ensure the safety and security of the prisoner, her child or unborn child, the staff of the county department of corrections or medical facility, other prisoners, or the public. The protections set out in clauses (b) (3) and (b) (4) of this Section shall apply to security restraints used pursuant to this subsection. The corrections official shall immediately remove all restraints upon the written or oral request of medical personnel. Oral requests made by medical personnel shall be verified in writing as promptly as reasonably possible.
(1) Qualified authorized health staff shall have the authority to order therapeutic restraints for a pregnant or postpartum prisoner who is a danger to herself, her child, unborn child, or other persons due to a psychiatric or medical disorder. Therapeutic restraints may only be initiated, monitored and discontinued by qualified and authorized health staff and used to safely limit a prisoner's mobility for psychiatric or medical reasons. No order for therapeutic restraints shall be written unless medical or mental health personnel, after personally observing and examining the prisoner, are clinically satisfied that the use of therapeutic restraints is justified and permitted in accordance with hospital policies and applicable State law. Metal handcuffs or shackles are not considered therapeutic restraints.
(2) Whenever therapeutic restraints are used by medical personnel, Section 2-108 of the Mental Health and Developmental Disabilities Code shall apply.
(3) Leg irons, shackles or waist shackles shall not be used on any pregnant or postpartum prisoner regardless of security classification. Except for therapeutic restraints under clause (b) (2), no restraints of any kind may be applied to prisoners during labor.
(4) When a pregnant or postpartum prisoner must be

restrained, restraints used shall be the least restrictive
restraints possible to ensure the safety and security of
the prisoner, her child, unborn child, the staff of the
county department of corrections or medical facility,
other prisoners, or the public, and in no case shall
include leg irons, shackles or waist shackles.
(5) Upon the pregnant prisoner's entry into a hospital
room, and completion of initial room inspection, a
corrections official shall be posted immediately outside
the hospital room, unless requested to be in the room by
medical personnel attending to the prisoner's medical
needs.
(6) The county department of corrections shall provide
adequate corrections personnel to monitor the pregnant
prisoner during her transport to and from the hospital and
during her stay at the hospital.
(7) Where the county department of corrections
requires prisoner safety assessments, a corrections
official may enter the hospital room to conduct periodic
prisoner safety assessments, except during a medical
examination or the delivery process.
(8) Upon discharge from a medical facility, postpartum
prisoners shall be restrained only with handcuffs in front
of the body during transport to the county department of
corrections. A corrections official shall immediately
remove all security restraints upon written or oral request
by medical personnel. Oral requests made by medical
personnel shall be verified in writing as promptly as
reasonably possible.
(c) Enforcement. No later than 30 days before the end of
each fiscal year, the county sheriff or corrections official of
the correctional institution where a pregnant prisoner has been
restrained during that previous fiscal year, shall submit a
written report to the Illinois General Assembly and the Office
of the Governor that includes an account of every instance of
prisoner restraint pursuant to this Section. The written report
shall state the date, time, location and rationale for each
instance in which restraints are used. The written report shall
not contain any individually identifying information of any
prisoner. Such reports shall be made available for public
inspection.
(Source: P.A. 99-581, eff. 1-1-17; 100-513, eff. 1-1-18.)
(55 ILCS 5/3-15003.7 new)
Sec. 3-15003.7. Corrections official training related to
pregnant prisoners.
(a) A county department of corrections shall provide
training relating to medical and mental health care issues
applicable to pregnant prisoners to:
(1) each corrections official employed by a county

department at a correctional institution in which female prisoners are confined; and
(2) any other county department of corrections employee whose duties involve contact with pregnant prisoners.
(b) The training must include information regarding:
(1) appropriate care for pregnant prisoners; and
(2) the impact on a pregnant prisoner and the prisoner's unborn child of:
(A) the use of restraints;
(B) placement in administrative segregation; and
(C) invasive searches.
(55 ILCS 5/3-15003.8 new)
Sec. 3-15003.8. Educational programing for pregnant prisoners. The Illinois Department of Public Health shall provide A county department of corrections with educational programing relating to pregnancy and parenting to shall develop and provide to each pregnant prisoner educational programming relating to pregnancy and parenting. The programming must include instruction regarding:
(1) appropriate prenatal care and hygiene;
(2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;
(3) parenting skills; and
(4) medical and mental health issues applicable to children.
(55 ILCS 5/3-15003.9 new)
Sec. 3-15003.9. Prisoner post-partum recovery requirements. A county department of corrections shall ensure that, for a period of 72 hours after the birth of an infant by a Prisoner and while in the care of the hospital:
(1) the infant is allowed to remain with the prisoner, unless a medical, law enforcement or child protection professional determines doing so would pose a health or safety risk to the prisoner or infant; and
(2) the prisoner has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.
(55 ILCS 5/3-15003.10 new)
Sec. 3-15003.10. Housing requirements applicable to pregnant prisoners.
(a) A county department of corrections may not place in administrative segregation a prisoner who is pregnant or who gave birth during the preceding 30 days unless the director of the county department of corrections or the director's designee determines that the placement is necessary based on a reasonable belief that the prisoner will harm herself, the

prisoner's infant, or any other person or will attempt escape, or if there are no other suitable facilities available.
(b) A county department of corrections may not assign a pregnant prisoner to any bed that is elevated more than 3 feet above the floor.
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Section 15-10. The Unified Code of Corrections is amended by adding Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4 as follows:
(730 ILCS 5/3-6-7.1 new)
Sec. 3-6-7.1. Correctional officer training related to pregnant committed persons.
(a) The Department shall provide training relating to medical and mental health care issues applicable to pregnant committed persons to:
(1) each correctional officer employed by the Department at a correctional institution or facility in which female committed persons are confined; and
(2) any other Department employee whose duties involve contact with pregnant committed persons.
(b) The training must include information regarding:
(1) appropriate care for pregnant committed persons; and
(2) the impact on a pregnant committed person and the committed person's unborn child of:
(A) the use of restraints;
(B) placement in administrative segregation; and
(C) invasive searches.
(730 ILCS 5/3-6-7.2 new)
Sec. 3-6-7.2. Educational programing for pregnant committed persons. The Department shall develop and provide to each pregnant committed person educational programming relating to pregnancy and parenting. The programming must include instruction regarding:
(1) appropriate prenatal care and hygiene;
(2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;
(3) parenting skills; and
(4) medical and mental health issues applicable to children.
(730 ILCS 5/3-6-7.3 new)
Sec. 3-6-7.3. Committed person post-partum recovery requirements. The Department shall ensure that, for a period of 72 hours after the birth of an infant by an committed person:
(1) the infant is allowed to remain with the committed person, unless a medical professional determines doing so would pose a health or safety risk to the committed person

or infant; and
(2) the committed person has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.
(730 ILCS 5/3-6-7.4 new)
Sec. 3-6-7.4. Housing requirements applicable to pregnant committed persons.
(a) The Department may not place in administrative segregation a committed person who is pregnant or who gave birth during the preceding 30 days unless the Director or the Director's designee determines that the placement is necessary based on a reasonable belief that the committed person will harm herself, the committed person's infant, or any other person or will attempt escape.
(b) The Department may not assign a pregnant committed person to any bed that is elevated more than 3 feet above the floor.
Section 15-15. The County Jail Act is amended by adding Sections 17.6, 17.7, 17.8, and 17.9 as follows:
(730 ILCS 125/17.6 new)
Sec. 17.6. Sheriff training related to pregnant prisoners.
(a) The sheriff shall provide training relating to medical and mental health care issues applicable to pregnant prisoners confined in the county jail to:
(1) each correctional officer employed by the sheriff at the county jail in which female committed persons are confined; and
(2) any other sheriff employee whose duties involve contact with pregnant prisoners.
(b) The training must include information regarding:
(1) appropriate care for pregnant prisoners; and
(2) the impact on a pregnant prisoner and the prisoner's unborn child of:
(A) the use of restraints;
(B) placement in administrative segregation; and
(C) invasive searches.
(730 ILCS 125/17.7 new)
Sec. 17.7. Educational programing for pregnant prisoners.
The <u>Illinois Department of Public Health shall provide the sheriff shall develop and with educational programing relating to pregnancy and parenting to provide to each pregnant prisoner educational programming relating to pregnancy and parenting.</u>
The programming must include instruction regarding:
(1) appropriate prenatal care and hygiene;
(2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;

(3) parenting skills; and
(4) medical and mental health issues applicable to children.
(730 ILCS 125/17.8 new)
Sec. 17.8. Prisoner post-partum recovery requirements. The sheriff shall ensure that, for a period of 72 hours after the birth of an infant by a prisoner:
(1) the infant is allowed to remain with the prisoner, unless a medical, law enforcement or child protection professional determines doing so would pose a health or safety risk to the prisoner or infant; and
(2) the prisoner has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.
(730 ILCS 125/17.9 new)
Sec. 17.9. Housing requirements applicable to pregnant prisoners.
(a) The sheriff may not place in administrative segregation a prisoner who is pregnant or who gave birth during the preceding 30 days unless the sheriff or the sheriff's designee determines that the placement is necessary based on a reasonable belief that the prisoner will harm herself, the prisoner's infant, or any other person or will attempt escape or there are no other suitable facilities available.
(b) The sheriff may not assign a pregnant committed person to any bed that is elevated more than 3 feet above the floor.
Article 20.
Mandatory Minimums
Section 20-5. The Unified Code of Corrections is amended by changing Section 5-4-1 as follows:
(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
Sec. 5-4-1. Sentencing hearing.
(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such

individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:

- (1) consider the evidence, if any, received upon the trial;
- (2) consider any presentence reports;
- (3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
- (4) consider evidence and information offered by the parties in aggravation and mitigation;
- (4.5) consider substance abuse treatment, eligibility screening, and an assessment, if any, of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
- (5) hear arguments as to sentencing alternatives;
- (6) afford the defendant the opportunity to make a statement in his own behalf;
- (7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, the opportunity to present an oral or written statement, as guaranteed by Article I, Section 8.1 of the Illinois Constitution and provided in Section 6 of the Rights of Crime Victims and Witnesses Act. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral or written statement. An oral or written statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. All statements offered under this paragraph (7) shall become part of the record of the court. In this paragraph (7), "victim of a violent crime" means a person who is a victim of a violent crime for which the defendant has been convicted after a bench or jury trial or a person who is the victim of a violent crime with which the defendant was charged and the defendant has been convicted under a plea agreement of a crime that is not a violent crime as defined in subsection (c) of 3 of the Rights of Crime Victims and Witnesses Act;

(7.5) afford a qualified person affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act; or (ii) a Class 4 felony violation of Section 11-14, 11-14.3 except as described in subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961 or the Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the qualified person and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation shall first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Sworn testimony offered by the qualified person is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7.5) shall become part of the record of the court. In this paragraph (7.5), "qualified person" means any person who: (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; or (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. "Qualified person" includes any peace officer or any member of any duly organized State, county, or municipal peace officer unit assigned to the territorial jurisdiction where the offense took place when the offense took place;
(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements;
(9) in cases involving a felony sex offense as defined under the Sex Offender Management Board Act, consider the results of the sex offender evaluation conducted pursuant to Section 5-3-2 of this Act; and
(10) make a finding of whether a motor vehicle was used in the commission of the offense for which the defendant is being sentenced.
(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(b-1) In imposing a sentence of imprisonment or periodic imprisonment for a Class 3 or Class 4 felony for which a sentence of probation or conditional discharge is an available sentence, if the defendant has no prior sentence of probation or conditional discharge and no prior conviction for a violent crime, the defendant shall not be sentenced to imprisonment before review and consideration of a presentence report and determination and explanation of why the particular evidence, information, factor in aggravation, factual finding, or other reasons support a sentencing determination that one or more of the factors under subsection (a) of Section 5-6-1 of this Code apply and that probation or conditional discharge is not an appropriate sentence.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-1.5) Notwithstanding any other provision of law to the contrary, in imposing a sentence for an offense that requires a mandatory minimum sentence of imprisonment, the court may instead sentence the offender to probation, conditional discharge, or a lesser term of imprisonment it deems appropriate if: (1) the offense involves the use or possession of drugs, retail theft, or driving on a revoked license due to unpaid financial obligations; (2) the court finds that the defendant does not pose a risk to public safety; and (3) the interest of justice requires imposing a term of probation, conditional discharge, or a lesser term of imprisonment. The court must state on the record its reasons for imposing probation, conditional discharge, or a lesser term of imprisonment.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period

of time the defendant will serve in custody according to the then current statutory rules and regulations for sentence credit found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(4) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her sentence credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional earned sentence credit. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day sentence credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in

prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to no more than 4 1/2 days of sentence credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to sentence credit. Therefore, this defendant will serve 100% of his or her sentence."

When the sentencing order recommends placement in a substance abuse program for any offense that results in incarceration in a Department of Corrections facility and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the judge's statement, in addition to any other judge's statement required under this Section, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no earned sentence credit under clause (3) of subsection (a) of Section 3-6-3 until he or she participates in and completes a substance abuse treatment program or receives a waiver from the Director of Corrections pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

(c-4) Before the sentencing hearing and as part of the presentence investigation under Section 5-3-1, the court shall inquire of the defendant whether the defendant is currently serving in or is a veteran of the Armed Forces of the United States. If the defendant is currently serving in the Armed

Forces of the United States or is a veteran of the Armed Forces of the United States and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

(1) order that the officer preparing the presentence

report consult with the United States Department of Veterans Affairs, Illinois Department of Veterans' Affairs, or another agency or person with suitable knowledge or experience for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, State, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

For the purposes of this subsection (c-4), "qualified psychiatrist" means a reputable physician licensed in Illinois to practice medicine in all its branches, who has specialized in the diagnosis and treatment of mental and nervous disorders for a period of not less than 5 years.

(c-6) In imposing a sentence, the trial judge shall specify, on the record, the particular evidence and other reasons which led to his or her determination that a motor vehicle was used in the commission of the offense.

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

(1) the sentence imposed;

(2) any statement by the court of the basis for imposing the sentence;

(3) any presentence reports;

(3.5) any sex offender evaluations;

(3.6) any substance abuse treatment eligibility screening and assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
(4) the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;
(4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);
(5) all statements filed under subsection (d) of this Section;
(6) any medical or mental health records or summaries of the defendant;
(7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;
(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and
(9) all additional matters which the court directs the clerk to transmit.
(f) In cases in which the court finds that a motor vehicle was used in the commission of the offense for which the defendant is being sentenced, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Secretary of State. (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18; 100-961, eff. 1-1-19; revised 10-3-18.)
Article 25.
Law Enforcement
Section 25-5. The Open Meetings Act is amended by changing Section 2 as follows:
(5 ILCS 120/2) (from Ch. 102, par. 42)
Sec. 2. Open meetings.
(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.
(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.
(c) Exceptions. A public body may hold closed meetings to

consider the following subjects:
(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.
(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.
(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.
(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.
(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.
(6) The setting of a price for sale or lease of property owned by the public body.
(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.
(8) Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.
(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.
(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.
(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.
(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.
(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.
(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.
(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.
(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care, that is operated by the public body.
(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.
(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.
(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.
(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.
(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.
(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.
(25) Meetings of an independent team of experts under Brian's Law.
(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.
(27) (Blank).
(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.
(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.
(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.
(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.
(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion

involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.
(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.
(34) Meetings of the Tax Increment Financing Reform Task Force under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.
(35) Meetings of the group established to discuss Medicaid capitation rates under Section 5-30.8 of the Illinois Public Aid Code.
(36) Those deliberations or portions of deliberations for decisions of the Illinois Gaming Board in which there is discussed any of the following: (i) personal, commercial, financial, or other information obtained from any source that is privileged, proprietary, confidential, or a trade secret; or (ii) information specifically exempted from the disclosure by federal or State law.
(37) Deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board regarding certification and decertification.
(d) Definitions. For purposes of this Section:
"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.
"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.
"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.
(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.
(Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;

100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff. 8-23-19; revised 9-27-19.)
Section 25-10. The Freedom of Information Act is amended by changing Sections 7 and 7.5 as follows:
(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:
(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.
(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.
(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.
(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.
(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:
(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;
(ii) interfere with active administrative enforcement proceedings conducted by the public body

that is the recipient of the request;
(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;
(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;
(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;
(vi) endanger the life or physical safety of law enforcement personnel or any other person; or
(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.
(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.
(d-6) <u>Records contained in the Officer Professional Conduct Database under Section 9.4 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.</u>
(e) Records that relate to or affect the security of correctional institutions and detention facilities.
(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.
(e-6) Records requested by persons committed to the

Department of Corrections, Department of Human Services
Division of Mental Health, or a county jail if those
materials include records from staff members' personnel
files, staff rosters, or other staffing assignment
information.
(e-7) Records requested by persons committed to the
Department of Corrections or Department of Human Services
Division of Mental Health if those materials are available
through an administrative request to the Department of
Corrections or Department of Human Services Division of
Mental Health.
(e-8) Records requested by a person committed to the
Department of Corrections, Department of Human Services
Division of Mental Health, or a county jail, the disclosure
of which would result in the risk of harm to any person or
the risk of an escape from a jail or correctional
institution or facility.
(e-9) Records requested by a person in a county jail or
committed to the Department of Corrections or Department of
Human Services Division of Mental Health, containing
personal information pertaining to the person's victim or
the victim's family, including, but not limited to, a
victim's home address, home telephone number, work or
school address, work telephone number, social security
number, or any other identifying information, except as may
be relevant to a requester's current or potential case or
claim.
(e-10) Law enforcement records of other persons
requested by a person committed to the Department of
Corrections, Department of Human Services Division of
Mental Health, or a county jail, including, but not limited
to, arrest and booking records, mug shots, and crime scene
photographs, except as these records may be relevant to the
requester's current or potential case or claim.
(f) Preliminary drafts, notes, recommendations,
memoranda and other records in which opinions are
expressed, or policies or actions are formulated, except
that a specific record or relevant portion of a record
shall not be exempt when the record is publicly cited and
identified by the head of the public body. The exemption
provided in this paragraph (f) extends to all those records
of officers and agencies of the General Assembly that
pertain to the preparation of legislative documents.
(g) Trade secrets and commercial or financial
information obtained from a person or business where the
trade secrets or commercial or financial information are
furnished under a claim that they are proprietary,
privileged, or confidential, and that disclosure of the
trade secrets or commercial or financial information would
cause competitive harm to the person or business, and only

insofar as the claim directly applies to the records requested.
The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.
Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.
(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.
(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.
(j) The following information pertaining to educational matters:
(i) test questions, scoring keys and other examination data used to administer an academic examination;
(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;
(iii) information concerning a school or university's adjudication of student disciplinary

cases, but only to the extent that disclosure would
unavoidably reveal the identity of the student; and
(iv) course materials or research materials used
by faculty members.
(k) Architects' plans, engineers' technical
submissions, and other construction related technical
documents for projects not constructed or developed in
whole or in part with public funds and the same for
projects constructed or developed with public funds,
including, but not limited to, power generating and
distribution stations and other transmission and
distribution facilities, water treatment facilities,
airport facilities, sport stadiums, convention centers,
and all government owned, operated, or occupied buildings,
but only to the extent that disclosure would compromise
security.
(l) Minutes of meetings of public bodies closed to the
public as provided in the Open Meetings Act until the
public body makes the minutes available to the public under
Section 2.06 of the Open Meetings Act.
(m) Communications between a public body and an
attorney or auditor representing the public body that would
not be subject to discovery in litigation, and materials
prepared or compiled by or for a public body in
anticipation of a criminal, civil, or administrative
proceeding upon the request of an attorney advising the
public body, and materials prepared or compiled with
respect to internal audits of public bodies.
(n) Records relating to a public body's adjudication of
employee grievances or disciplinary cases; however, this
exemption shall not extend to the final outcome of cases in
which discipline is imposed.
(o) Administrative or technical information associated
with automated data processing operations, including, but
not limited to, software, operating protocols, computer
program abstracts, file layouts, source listings, object
modules, load modules, user guides, documentation
pertaining to all logical and physical design of
computerized systems, employee manuals, and any other
information that, if disclosed, would jeopardize the
security of the system or its data or the security of
materials exempt under this Section.
(p) Records relating to collective negotiating matters
between public bodies and their employees or
representatives, except that any final contract or
agreement shall be subject to inspection and copying.
(q) Test questions, scoring keys, and other
examination data used to determine the qualifications of an
applicant for a license or employment.
(r) The records, documents, and information relating

to real estate purchase negotiations until those negotiations have been completed or otherwise terminated.
With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.
(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.
(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.
(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.
(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.
(w) (Blank).
(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals,
bids, or negotiations related to electric power
procurement under Section 1-75 of the Illinois Power Agency
Act and Section 16-111.5 of the Public Utilities Act that
is determined to be confidential and proprietary by the
Illinois Power Agency or by the Illinois Commerce
Commission.
(z) Information about students exempted from
disclosure under Sections 10-20.38 or 34-18.29 of the
School Code, and information about undergraduate students
enrolled at an institution of higher education exempted
from disclosure under Section 25 of the Illinois Credit
Card Marketing Act of 2009.
(aa) Information the disclosure of which is exempted
under the Viatical Settlements Act of 2009.
(bb) Records and information provided to a mortality
review team and records maintained by a mortality review
team appointed under the Department of Juvenile Justice
Mortality Review Team Act.
(cc) Information regarding interments, entombments, or
inurnments of human remains that are submitted to the
Cemetery Oversight Database under the Cemetery Care Act or
the Cemetery Oversight Act, whichever is applicable.
(dd) Correspondence and records (i) that may not be
disclosed under Section 11-9 of the Illinois Public Aid
Code or (ii) that pertain to appeals under Section 11-8 of
the Illinois Public Aid Code.
(ee) The names, addresses, or other personal
information of persons who are minors and are also
participants and registrants in programs of park
districts, forest preserve districts, conservation
districts, recreation agencies, and special recreation
associations.
(ff) The names, addresses, or other personal
information of participants and registrants in programs of
park districts, forest preserve districts, conservation
districts, recreation agencies, and special recreation
associations where such programs are targeted primarily to
minors.
(gg) Confidential information described in Section
1-100 of the Illinois Independent Tax Tribunal Act of 2012.
(hh) The report submitted to the State Board of
Education by the School Security and Standards Task Force
under item (8) of subsection (d) of Section 2-3.160 of the
School Code and any information contained in that report.
(ii) Records requested by persons committed to or
detained by the Department of Human Services under the
Sexually Violent Persons Commitment Act or committed to the
Department of Corrections under the Sexually Dangerous
Persons Act if those materials: (i) are available in the

library of the facility where the individual is confined;
(ii) include records from staff members' personnel files,
staff rosters, or other staffing assignment information;
or (iii) are available through an administrative request to
the Department of Human Services or the Department of
Corrections.
(jj) Confidential information described in Section
5-535 of the Civil Administrative Code of Illinois.
(kk) The public body's credit card numbers, debit card
numbers, bank account numbers, Federal Employer
Identification Number, security code numbers, passwords,
and similar account information, the disclosure of which
could result in identity theft or impersonation or defrauding
of a governmental entity or a person.
(ll) (kk) Records concerning the work of the threat
assessment team of a school district.
(1.5) Any information exempt from disclosure under the
Judicial Privacy Act shall be redacted from public records
prior to disclosure under this Act.
(2) A public record that is not in the possession of a
public body but is in the possession of a party with whom the
agency has contracted to perform a governmental function on
behalf of the public body, and that directly relates to the
governmental function and is not otherwise exempt under this
Act, shall be considered a public record of the public body,
for purposes of this Act.
(3) This Section does not authorize withholding of
information or limit the availability of records to the public,
except as stated in this Section or otherwise provided in this
Act.
(Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.
1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)
(5 ILCS 140/7.5)
Sec. 7.5. Statutory exemptions. To the extent provided for
by the statutes referenced below, the following shall be exempt
from inspection and copying:
(a) All information determined to be confidential
under Section 4002 of the Technology Advancement and
Development Act.
(b) Library circulation and order records identifying
library users with specific materials under the Library
Records Confidentiality Act.
(c) Applications, related documents, and medical
records received by the Experimental Organ Transplantation
Procedures Board and any and all documents or other records
prepared by the Experimental Organ Transplantation
Procedures Board or its staff relating to applications it
has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.
(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.
(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.
(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.
(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.
(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.
(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.
(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.
(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.
(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.
(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.
(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.
(p) Security portions of system safety program plans,

investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.
(q) Information prohibited from being disclosed by the Personnel Record Review Act.
(r) Information prohibited from being disclosed by the Illinois School Student Records Act.
(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.
(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Office due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.
(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).
(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.
(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.
(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.
(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated

decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.
(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.
(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.
(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.
(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.
(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.
(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.
(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.
(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.
(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.
(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.
(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.
(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.
(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.
(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.
(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.
(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.
(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide

Prevention Act.
(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.
(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.
(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.
(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.
(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.
(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.
(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.
(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.
(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.
(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.
(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.
(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the State Police Act.
(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649, eff. 7-7-20.)
(5 ILCS 140/7.1 rep.)
Section 25-15. The Freedom of Information Act is amended by repealing Section 7.1.
Section 25-20. The State Employee Indemnification Act is amended by changing Section 1 as follows:
(5 ILCS 350/1) (from Ch. 127, par. 1301)
Sec. 1. Definitions. For the purpose of this Act:

(a) The term "State" means the State of Illinois, the
General Assembly, the court, or any State office, department,
division, bureau, board, commission, or committee, the
governing boards of the public institutions of higher education
created by the State, the Illinois National Guard, the Illinois
State Guard, the Comprehensive Health Insurance Board, any
poison control center designated under the Poison Control
System Act that receives State funding, or any other agency or
instrumentality of the State. It does not mean any local public
entity as that term is defined in Section 1-206 of the Local
Governmental and Governmental Employees Tort Immunity Act or a
pension fund.
(b) The term "employee" means: any present or former
elected or appointed officer, trustee or employee of the State,
or of a pension fund; any present or former commissioner or
employee of the Executive Ethics Commission or of the
Legislative Ethics Commission; any present or former
Executive, Legislative, or Auditor General's Inspector
General; any present or former employee of an Office of an
Executive, Legislative, or Auditor General's Inspector
General; any present or former member of the Illinois National
Guard while on active duty; any present or former member of the
Illinois State Guard while on State active duty; individuals or
organizations who contract with the Department of Corrections,
the Department of Juvenile Justice, the Comprehensive Health
Insurance Board, or the Department of Veterans' Affairs to
provide services; individuals or organizations who contract
with the Department of Human Services (as successor to the
Department of Mental Health and Developmental Disabilities) to
provide services including but not limited to treatment and
other services for sexually violent persons; individuals or
organizations who contract with the Department of Military
Affairs for youth programs; individuals or organizations who
contract to perform carnival and amusement ride safety
inspections for the Department of Labor; individuals who
contract with the Office of the State's Attorneys Appellate
Prosecutor to provide legal services, but only when performing
duties within the scope of the Office's prosecutorial
activities; individual representatives of or designated
organizations authorized to represent the Office of State
Long-Term Ombudsman for the Department on Aging; individual
representatives of or organizations designated by the
Department on Aging in the performance of their duties as adult
protective services agencies or regional administrative
agencies under the Adult Protective Services Act; individuals
or organizations appointed as members of a review team or the
Advisory Council under the Adult Protective Services Act;
individuals or organizations who perform volunteer services
for the State where such volunteer relationship is reduced to
writing; individuals who serve on any public entity (whether

created by law or administrative action) described in paragraph (a) of this Section; individuals or not for profit organizations who, either as volunteers, where such volunteer relationship is reduced to writing, or pursuant to contract, furnish professional advice or consultation to any agency or instrumentality of the State; individuals who serve as foster parents for the Department of Children and Family Services when caring for youth in care as defined in Section 4d of the Children and Family Services Act; individuals who serve as members of an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law); and individuals who serve as arbitrators pursuant to Part 10A of Article II of the Code of Civil Procedure and the rules of the Supreme Court implementing Part 10A, each as now or hereafter amended; the members of the Certification Review Panel under the Illinois Police Training Act; the term "employee" does not mean an independent contractor except as provided in this Section. The term includes an individual appointed as an inspector by the Director of State Police when performing duties within the scope of the activities of a Metropolitan Enforcement Group or a law enforcement organization established under the Intergovernmental Cooperation Act. An individual who renders professional advice and consultation to the State through an organization which qualifies as an "employee" under the Act is also an employee. The term includes the estate or personal representative of an employee.

(c) The term "pension fund" means a retirement system or pension fund created under the Illinois Pension Code. (Source: P.A. 100-159, eff. 8-18-17; 100-1030, eff. 8-22-18; 101-81, eff. 7-12-19.)

Section 25-25. The Personnel Code is amended by changing Section 4c as follows:

(20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

Sec. 4c. General exemptions. The following positions in State service shall be exempt from jurisdictions A, B, and C, unless the jurisdictions shall be extended as provided in this Act:

- (1) All officers elected by the people.
- (2) All positions under the Lieutenant Governor, Secretary of State, State Treasurer, State Comptroller, State Board of Education, Clerk of the Supreme Court, Attorney General, and State Board of Elections.
- (3) Judges, and officers and employees of the courts, and notaries public.
- (4) All officers and employees of the Illinois General Assembly, all employees of legislative commissions, all officers and employees of the Illinois Legislative

Reference Bureau and the Legislative Printing Unit.
(5) All positions in the Illinois National Guard and Illinois State Guard, paid from federal funds or positions in the State Military Service filled by enlistment and paid from State funds.
(6) All employees of the Governor at the executive mansion and on his immediate personal staff.
(7) Directors of Departments, the Adjutant General, the Assistant Adjutant General, the Director of the Illinois Emergency Management Agency, members of boards and commissions, and all other positions appointed by the Governor by and with the consent of the Senate.
(8) The presidents, other principal administrative officers, and teaching, research and extension faculties of Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, and the administrative officers and scientific and technical staff of the Illinois State Museum.
(9) All other employees except the presidents, other principal administrative officers, and teaching, research and extension faculties of the universities under the jurisdiction of the Board of Regents and the colleges and universities under the jurisdiction of the Board of Governors of State Colleges and Universities, Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, Board of Governors of State Colleges and Universities, the Board of Regents, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, so long as these are subject to the provisions of the State Universities Civil Service Act.
(10) The State Police so long as they are subject to the merit provisions of the State Police Act. <u>Employees of the Illinois State Police Merit Board are subject to the provisions of this Code.</u>
(11) (Blank).
(12) The technical and engineering staffs of the Department of Transportation, the Department of Nuclear Safety, the Pollution Control Board, and the Illinois Commerce Commission, and the technical and engineering staff providing architectural and engineering services in the Department of Central Management Services.
(13) All employees of the Illinois State Toll Highway Authority.

(14) The Secretary of the Illinois Workers' Compensation Commission.
(15) All persons who are appointed or employed by the Director of Insurance under authority of Section 202 of the Illinois Insurance Code to assist the Director of Insurance in discharging his responsibilities relating to the rehabilitation, liquidation, conservation, and dissolution of companies that are subject to the jurisdiction of the Illinois Insurance Code.
(16) All employees of the St. Louis Metropolitan Area Airport Authority.
(17) All investment officers employed by the Illinois State Board of Investment.
(18) Employees of the Illinois Young Adult Conservation Corps program, administered by the Illinois Department of Natural Resources, authorized grantee under Title VIII of the Comprehensive Employment and Training Act of 1973, 29 USC 993.
(19) Seasonal employees of the Department of Agriculture for the operation of the Illinois State Fair and the DuQuoin State Fair, no one person receiving more than 29 days of such employment in any calendar year.
(20) All "temporary" employees hired under the Department of Natural Resources' Illinois Conservation Service, a youth employment program that hires young people to work in State parks for a period of one year or less.
(21) All hearing officers of the Human Rights Commission.
(22) All employees of the Illinois Mathematics and Science Academy.
(23) All employees of the Kankakee River Valley Area Airport Authority.
(24) The commissioners and employees of the Executive Ethics Commission.
(25) The Executive Inspectors General, including special Executive Inspectors General, and employees of each Office of an Executive Inspector General.
(26) The commissioners and employees of the Legislative Ethics Commission.
(27) The Legislative Inspector General, including special Legislative Inspectors General, and employees of the Office of the Legislative Inspector General.
(28) The Auditor General's Inspector General and employees of the Office of the Auditor General's Inspector General.
(29) All employees of the Illinois Power Agency.
(30) Employees having demonstrable, defined advanced skills in accounting, financial reporting, or technical expertise who are employed within executive branch agencies and whose duties are directly related to the

submission to the Office of the Comptroller of financial information for the publication of the Comprehensive Annual Financial Report (CAFR).
(31) All employees of the Illinois Sentencing Policy Advisory Council.
(Source: P.A. 100-1148, eff. 12-10-18.)
Section 25-30. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-50 as follows:
(20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)
Sec. 2605-50. Division of Internal Investigation. The Division of Internal Investigation shall initiate internal departmental investigations and, at the direction of the Governor, investigate complaints and initiate investigations of official misconduct by State officers and State employees under the jurisdiction of the Governor. Notwithstanding any other provisions of law, the Division shall serve as the investigative body for the Illinois State Police for purposes of compliance with the provisions of Sections 12.6 and 12.7 of this Act.
(Source: P.A. 91-239, eff. 1-1-00.)
Section 25-35. The State Police Act is amended by changing Sections 3, 6, 8, and 9 and by adding Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46 as follows:
(20 ILCS 2610/3) (from Ch. 121, par. 307.3)
Sec. 3. The Governor shall appoint, by and with the advice and consent of the Senate, a Department of State Police Merit Board, hereinafter called the Board, consisting of <u>7</u> 5 members to hold office. The Governor shall appoint new board members within 30 days for the vacancies created under this amendatory Act. Board members shall be appointed to four-year terms. No member shall be appointed to more than 2 terms. In making the appointments, the Governor shall make a good faith effort to appoint members reflecting the geographic, ethnic, and cultural diversity of this State. In making the appointments, the Governor should also consider appointing: persons with professional backgrounds, possessing legal, management, personnel, or labor experience; at least one member with at least 10 years of experience as a licensed physician or clinical psychologist with expertise in mental health; and at least one member affiliated with an organization commitment to social and economic rights and to eliminating discrimination. One until the third Monday in March, 1951, one until the third Monday in March, 1953, and one until the third Monday in March, 1955, and until their respective successors are appointed and qualified. One of the members added by this amendatory Act of

~~1977 shall serve a term expiring on the third Monday in March, 1980, and until his successor is appointed and qualified, and one shall serve a term expiring on the third Monday in March, 1982, and until his successor is appointed and qualified. Upon the expiration of the terms of office of those first appointed, their respective successors shall be appointed to hold office from the third Monday in March of the year of their respective appointments for a term of six years and until their successors are appointed and qualified for a like term. No more than 4 3 members of the Board shall be affiliated with the same political party. If the Senate is not in session at the time initial appointments are made pursuant to this section, the Governor shall make temporary appointments as in the case of a vacancy. In order to avoid actual conflicts of interest, or the appearance of conflicts of interest, no board member shall be a retired or former employee of the Illinois State Police. When a Board member may have an actual, perceived, or potential conflict of interest that could prevent the Board member from making a fair and impartial decision on a complaint or formal complaint against an Illinois State Police officer, the Board member shall recuse himself or herself; or If the Board member fails to recuse himself or herself, then the Board may, by a simple majority, vote to recuse the Board member.~~

~~(Source: P.A. 87-284.)~~

~~(20 ILCS 2610/6) (from Ch. 121, par. 307.6)~~

~~Sec. 6. The Board is authorized to employ such clerical and technical staff assistants, not to exceed fifteen, as may be necessary to enable the Board to transact its business and, if the rate of compensation is not otherwise fixed by law, to fix their compensation. In order to avoid actual conflicts of interest, or the appearance of conflicts of interest, no employee, contractor, clerical or technical staff shall be a retired or former employee of the Illinois State Police. All employees shall be subject to the Personnel Code.~~

~~(Source: Laws 1949, p. 1357.)~~

~~(20 ILCS 2610/6.5 new)~~

~~Sec. 6.5. Badges. No badge, star, or shield shall be issued to Board members, employees, contractors, clerical or technical staff.~~

~~(20 ILCS 2610/8) (from Ch. 121, par. 307.8)~~

~~Sec. 8. Board jurisdiction.~~

~~(a) The Board shall exercise jurisdiction over the certification for appointment and promotion, and over the discipline, removal, demotion and suspension of Department of State Police officers. The Board and the Illinois State Police should also ensure Illinois State Police cadets and officers represent the utmost integrity and professionalism and~~

represent the geographic, ethnic, and cultural diversity of
this State. The Board shall also exercise jurisdiction to
certify and terminate Illinois State Police Officers in
compliance with certification standards consistent with
Sections 9, 11.5, and 12.6 of this Act. Pursuant to recognized
merit principles of public employment, the Board shall
formulate, adopt, and put into effect rules, regulations and
procedures for its operation and the transaction of its
business. The Board shall establish a classification of ranks
of persons subject to its jurisdiction and shall set standards
and qualifications for each rank. Each Department of State
Police officer appointed by the Director shall be classified as
a State Police officer as follows: trooper, sergeant, master
sergeant, lieutenant, captain, major, or Special Agent.
(b) The Board shall publish all standards and
qualifications for each rank, including Cadet, on its website.
This shall include, but not be limited to, all physical
fitness, medical, visual, and hearing standards. The Illinois
State Police shall cooperate with the Board by providing any
necessary information to complete this requirement.
(Source: P.A. 100-49, eff. 1-1-18.)
(20 ILCS 2610/9) (from Ch. 121, par. 307.9)
Sec. 9. Appointment; qualifications.
(a) Except as otherwise provided in this Section, the
appointment of Department of State Police officers shall be
made from those applicants who have been certified by the Board
as being qualified for appointment. All persons so appointed
shall, at the time of their appointment, be not less than 21
years of age, or 20 years of age and have successfully
completed an associate's degree or 60 credit hours at an
accredited college or university. Any person appointed
subsequent to successful completion of an associate's degree or
60 credit hours at an accredited college or university shall
not have power of arrest, nor shall he or she be permitted to
carry firearms, until he or she reaches 21 years of age. In
addition, all persons so certified for appointment shall be of
sound mind and body, be of good moral character, be citizens of
the United States, have no criminal records, possess such
prerequisites of training, education, and experience as the
Board may from time to time prescribe so long as persons who
have an associate's degree or 60 credit hours at an accredited
college or university are not disqualified, and shall be
required to pass successfully such mental and physical tests
and examinations as may be prescribed by the Board. All persons
who meet one of the following requirements are deemed to have
met the collegiate educational requirements:
(i) have been honorably discharged and who have been
awarded a Southwest Asia Service Medal, Kosovo Campaign
Medal, Korean Defense Service Medal, Afghanistan Campaign

Medal, Iraq Campaign Medal, or Global War on Terrorism Expeditionary Medal by the United States Armed Forces;
(ii) are active members of the Illinois National Guard or a reserve component of the United States Armed Forces
and who have been awarded a Southwest Asia Service Medal, Kosovo Campaign Medal, Korean Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, or Global War on Terrorism Expeditionary Medal as a result of honorable service during deployment on active duty;
(iii) have been honorably discharged who served in a combat mission by proof of hostile fire pay or imminent danger pay during deployment on active duty; or
(iv) have at least 3 years of full active and continuous military duty and received an honorable discharge before hiring.
Preference shall be given in such appointments to persons who have honorably served in the military or naval services of the United States. All appointees shall serve a probationary period of 12 months from the date of appointment and during that period may be discharged at the will of the Director. However, the Director may in his or her sole discretion extend the probationary period of an officer up to an additional 6 months when to do so is deemed in the best interest of the Department. Nothing in this subsection (a) limits the Board's ability to prescribe education prerequisites or requirements to certify Department of State Police officers for promotion as provided in Section 10 of this Act.
(b) Notwithstanding the other provisions of this Act, after July 1, 1977 and before July 1, 1980, the Director of State Police may appoint and promote not more than 20 persons having special qualifications as special agents as he or she deems necessary to carry out the Department's objectives. Any such appointment or promotion shall be ratified by the Board.
(c) During the 90 days following the effective date of this amendatory Act of 1995, the Director of State Police may appoint up to 25 persons as State Police officers. These appointments shall be made in accordance with the requirements of this subsection (c) and any additional criteria that may be established by the Director, but are not subject to any other requirements of this Act. The Director may specify the initial rank for each person appointed under this subsection.
All appointments under this subsection (c) shall be made from personnel certified by the Board. A person certified by the Board and appointed by the Director under this subsection must have been employed by the Illinois Commerce Commission on November 30, 1994 in a job title subject to the Personnel Code and in a position for which the person was eligible to earn "eligible creditable service" as a "noncovered employee", as those terms are defined in Article 14 of the Illinois Pension Code.

Persons appointed under this subsection (c) shall thereafter be subject to the same requirements and procedures as other State police officers. A person appointed under this subsection must serve a probationary period of 12 months from the date of appointment, during which he or she may be discharged at the will of the Director.

This subsection (c) does not affect or limit the Director's authority to appoint other State Police officers under subsection (a) of this Section.

(d) During the 180 days following the effective date of this amendatory Act of the 101st General Assembly, the Director of the Illinois State Police may appoint current Illinois State Police Employees serving in law enforcement officer positions previously within Central Management Services as State Police Officers. These appointments shall be made in accordance with the requirements of this subsection (d) and any institutional criteria that may be established by the Director, but are not subject to any other requirements of this Act. All appointments under this subsection (d) shall be made from personnel certified by the Board. A person certified by the Board and appointed by the Director under this subsection must have been employed by the a state agency, board, or commission on January 1, 2021, in a job title subject to the Personnel Code and in a position for which the person was eligible to earn "eligible creditable service" as a "noncovered employee", as those terms are defined in Article 14 of the Illinois Pension Code. Persons appointed under this subsection (d) shall thereafter be subject to the same requirements, and subject to the same contractual benefits and obligations, as other State police officers. This subsection (d) does not affect or limit the Director's authority to appoint other State Police officers under subsection (a) of this Section.

(e) The Merit Board shall review Illinois State Police Cadet applicants. The Illinois State Police may provide background check and investigation material to the Board for their review 10 pursuant to this section. The Board shall approve and ensure that no cadet applicant is certified unless the applicant is a person of good character and has not been convicted of, or entered a plea of guilty to, a felony offense, any of the misdemeanors in Section or if committed in any other state would be an offense similar to 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12- 3.2, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis Control Act, or any felony or misdemeanor in violation of federal law or the law of any state

that is the equivalent of any of the offenses specified therein. The Officer Misconduct Database, provided in Section 9.2 of the Illinois Police Training Act, shall be searched as part of this process. For purposes of this Section "convicted of, or entered a plea of guilty" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.

(f) The Board shall by rule establish an application fee waiver program for any person who meets one or more of the following criteria:

(1) his or her available personal income is 200% or less of the current poverty level; or

(2) he or she is, in the discretion of the Board, unable to proceed in an action with payment of application fee and payment of that fee would result in substantial hardship to the person or the person's family.

(Source: P.A. 100-11, eff. 7-1-17; 101-374, eff. 1-1-20.)

(20 ILCS 2610/11.5 new)

Sec. 11.5. Merit Board annual report.

(a) The Illinois State Police Merit Board shall report annually to the Governor and General Assembly the following information:

(1) the number of state police officers terminated in the preceding calendar year;

(2) the number of cadet written tests administered and the pass and fail rate;

(3) cadet physical fitness testing and locations;

(4) the number of cadet applicants who administered a physical fitness test and the pass and fail rate;

(5) the number of cadet applicants who failed the background investigation and general categories for

failure; and

(6) the number of cadet applicants certified for each cadet class.

(b) The Board shall also report the number of promotional tests and assessments administered and the number of persons who were certified for promotion. All reported categories and data shall contain a gender and ethnic breakdown for those individuals. The Illinois State Police shall cooperate with the Board by providing any necessary information to complete this annual report. The report shall also identify strategies for promoting diversity and inclusion in all testing, including promotional testing, and cadet recruitment, and barriers to advancement of these goals. The first report shall be filed no later than March 31, 2022.

(20 ILCS 2610/11.6 new)

Sec. 11.6. Illinois State Police annual disciplinary data report.
(a) The Illinois State Police shall report annually to the Governor and General Assembly the following statistical information, which may be part of its annual report, pursuant to Section 5-650 of the Civil Administrative Code of Illinois:
(1) the number of complaints received in the preceding calendar year against an Illinois State Police officer, including but not limited to the race, gender, and type of complaints received;
(2) the number of internal investigations initiated in the preceding calendar year since the date of the last report;
(3) the number of internal investigations concluded in the preceding calendar year;
(4) the number of investigations pending as of the reporting date;
(5) the number of Merit Board referrals;
(6) the number of officers decertified in the preceding calendar year; and
(7) the number of investigations that led to a determination of: administratively closed, exonerated, not sustained, sustained, and unfounded.
(b) This report shall not contain any personal identifiable information or case specific information.
(c) This report shall be filed beginning March 1, 2023, or whenever the agency files its annual report.
(20 ILCS 2610/12.6 new)
Sec. 12.6. Automatic termination of Illinois State Police officers. The Board shall terminate a state police officer convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also terminate Illinois State Police officers who were convicted of, or entered a plea of guilty to, on or after the effective date of this amendatory Act of the 101st General Assembly, any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis Control Act, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein. The Illinois State Police Merit Board shall report terminations under this Section

to the Officer Misconduct Database, provided in Section 9.2 of the Illinois Police Training Act. For purposes of this section "convicted of, or entered a plea of guilty" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.
(20 ILCS 2610/12.7 new)
Sec. 12.7. Discretionary termination of Illinois State Police officers.
(a) Definitions. For purposes of this Section 6.3:
"Duty to Intervene" means an obligation to intervene to prevent harm from occurring that arises when an officer is present and has reason to know:
(1) that excessive force is being used; or
(2) that any constitutional violation has been committed by a law enforcement official; and the officer has a realistic opportunity to intervene.
This duty applies equally to supervisory and nonsupervisory officers. If aid is required, the officer shall not, when reasonable to administer aid, knowingly and willingly refuse to render aid as defined by State or federal law. An officer does not violate this duty if the failure to render aid is due to circumstances such as lack of appropriate specialized training, lack of resources or equipment, or both, or if it is unsafe or impracticable to render aid.
"Excessive use of force" means using force in violation of State or federal law.
"False statement" means:
(1) any knowingly false statement provided on a form or report;
(2) that the writer does not believe to be true; and
(3) that the writer includes to mislead a public servant in performing that public servant's official functions.
"Perjury" has the meaning as defined under Sections 32-2 and 32-3 of the Criminal Code of 2012.
"Tampers with or fabricates evidence" means if a law enforcement officer:
(1) has reason to believe that an official proceeding is pending or may be instituted; and
(2) alters, destroys, conceals, or removes any record, document, data, video or thing to impair its validity or availability in the proceeding.
(b) Discretionary termination conduct. The Board may terminate an Illinois State Police officer upon a determination by the Board that the Illinois State Police officer has:
(1) committed an act that would constitute a felony or

<p>misdemeanor which could serve as basis for automatic decertification, whether or not the law enforcement officer was criminally prosecuted, and whether or not the law enforcement officer's employment was terminated;</p>
<p>(2) exercised excessive use of force;</p>
<p>(3) failed to comply with the officer's duty to intervene, including through acts or omission;</p>
<p>(4) tampered with a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera or directed another to tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying or altering potential evidence;</p>
<p>(5) engaged in the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence;</p>
<p>(6) engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer.</p>
<p>(b) If an officer enters a plea of guilty, nolo contendere, stipulates to the facts or is found guilty of a violation of any law, or if there is any other Board or judicial determination that will support any punitive measure taken against the officer, such action by the officer or judicial entity may be considered for the purposes of this Section. Termination under this Section shall be by clear and convincing evidence. If the Board votes to terminate, the Board shall put its decision in writing, setting forth the specific reasons for its decision. Final decisions under this Section are reviewable under the Administrative Review Law.</p>
<p>(c) The Illinois State Police Merit Board shall report all terminations under this Section to the Officer Misconduct Database, provided in Section 9.2 of the Illinois Police Training Act.</p>
<p>(d) Nothing in this Act shall require an Illinois State Police officer to waive any applicable constitutional rights.</p>
<p>(e) Nothing in this Section shall prohibit the Merit Board from administering discipline up to and including termination for violations of Illinois State Police policies and procedures pursuant to other sections of this Act.</p>
<p>(20 ILCS 2610/40.1 new)</p>
<p>Sec. 40.1. Mandated training compliance. The Director of the Illinois State Police and the Illinois State Police Academy</p>

shall ensure all Illinois State Police cadets and officers comply with all statutory, regulatory, and department mandated training.

(20 ILCS 2610/46 new)

Sec. 46. Officer Professional Conduct Database; reporting, transparency.

(a) The Illinois State Police Merit Board shall be responsible for reporting all required information contained in the Officer Misconduct Database, provided in Section 9.2 of the Illinois Police Training Act.

(b) Before the Illinois State Police Merit Board certifies any Illinois State Police Cadet the Board shall conduct a search of all Illinois State Police Cadet applicants in the Officer Professional Conduct Database.

(c) The database, documents, materials, or other information in the possession or control of the Board that are obtained by or disclosed to the Board pursuant to this subsection shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Board is authorized to use such documents, materials, or other information in furtherance of any regulatory or legal action brought as part of the Board's official duties. Unless otherwise required by law, the Board shall not disclose the database or make such documents, materials, or other information public without the prior written consent of the governmental agency and the law enforcement officer. The Board nor any person who received documents, materials or other information shared pursuant to this subsection shall be required to testify in any private civil action concerning the database or any confidential documents, materials, or information subject to this subsection.

Nothing in this Section shall exempt a governmental agency from disclosing public records in accordance with the Freedom of Information Act.

Section 25-40. The Illinois Police Training Act is amended by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10, 10.1, 10.2, 10.3, 10.7, 10.11, 10.12, 10.13, 10.16, 10.18, 10.19, 10.20, and 10.22 and by adding Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and 13 as follows:

(50 ILCS 705/2) (from Ch. 85, par. 502)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

"Board" means the Illinois Law Enforcement Training Standards Board.

"Full-time law enforcement officer" means a law

enforcement officer who has completed the officer's probationary period and is employed on a full-time basis as a law enforcement officer by a local government agency, State government agency, or as a campus police officer by a participating State-controlled university, college, or public community college.
"Governmental agency" means any local governmental agency and any State governmental agency.
"Local governmental agency" means any local governmental unit or municipal corporation in this State. It does not include the State of Illinois or any office, officer, department, division, bureau, board, commission, or agency of the State, except that it does include a State-controlled university, college or public community college.
"State governmental agency" means any governmental unit of this State. This includes any office, officer, department, division, bureau, board, commission, or agency of the State. It does not include the Illinois State Police as defined in the State Police Act.
"Panel" means the Certification Review Panel.
"Police training school" means any school located within the State of Illinois whether privately or publicly owned which offers a course in police or county corrections training and has been approved by the Board.
"Probationary police officer" means a recruit law enforcement officer required to successfully complete initial minimum basic training requirements at a police training school to be eligible for permanent full-time employment as a local law enforcement officer.
"Probationary part-time police officer" means a recruit part-time law enforcement officer required to successfully complete initial minimum part-time training requirements to be eligible for employment on a part-time basis as a local law enforcement officer.
"Permanent law enforcement police officer" means a law enforcement officer who has completed the officer's his or her probationary period and is permanently employed on a full-time basis as a local law enforcement officer by a participating local governmental unit or as a security officer or campus police officer policeman permanently employed by a participating State-controlled university, college, or public community college.
"Part-time law enforcement police officer" means a law enforcement officer who has completed the officer's his or her probationary period and is employed on a part-time basis as a law enforcement officer by a participating unit of local government or as a campus police officer policeman by a participating State-controlled university, college, or public community college.
"Law enforcement officer" means (i) any police officer of a

local governmental agency who is primarily responsible for prevention or detection of crime and the enforcement of the criminal code, traffic, or highway laws of this State or any political subdivision of this State or (ii) any member of a police force appointed and maintained as provided in Section 2 of the Railroad Police Act.
"Recruit" means any full-time or part-time law enforcement officer or full-time county corrections officer who is enrolled in an approved training course.
"Probationary county corrections officer" means a recruit county corrections officer required to successfully complete initial minimum basic training requirements at a police training school to be eligible for permanent employment on a full-time basis as a county corrections officer.
"Permanent county corrections officer" means a county corrections officer who has completed the officer's his probationary period and is permanently employed on a full-time basis as a county corrections officer by a participating local governmental unit.
"County corrections officer" means any sworn officer of the sheriff who is primarily responsible for the control and custody of offenders, detainees or inmates.
"Probationary court security officer" means a recruit court security officer required to successfully complete initial minimum basic training requirements at a designated training school to be eligible for employment as a court security officer.
"Permanent court security officer" means a court security officer who has completed the officer's his or her probationary period and is employed as a court security officer by a participating local governmental unit.
"Court security officer" has the meaning ascribed to it in Section 3-6012.1 of the Counties Code. (Source: P.A. 94-846, eff. 1-1-07.)
(50 ILCS 705/3) (from Ch. 85, par. 503)
Sec. 3. Board - composition - appointments - tenure - vacancies.
(a) The Board shall be composed of 18 members selected as follows: The Attorney General of the State of Illinois, the Director of State Police, the Director of Corrections, the Superintendent of the Chicago Police Department, the Sheriff of Cook County, the Clerk of the Circuit Court of Cook County, <u>who shall serve as ex officio members</u> , and the following to be appointed by the Governor: 2 mayors or village presidents of Illinois municipalities, 2 Illinois county sheriffs from counties other than Cook County, 2 managers of Illinois municipalities, 2 chiefs of municipal police departments in Illinois having no Superintendent of the Police Department on the Board, 2 citizens of Illinois who shall be members of an

organized enforcement officers' association, one active member of a statewide association representing sheriffs, and one active member of a statewide association representing municipal police chiefs. The appointments of the Governor shall be made on the first Monday of August in 1965 with 3 of the appointments to be for a period of one year, 3 for 2 years, and 3 for 3 years. Their successors shall be appointed in like manner for terms to expire the first Monday of August each 3 years thereafter. All members shall serve until their respective successors are appointed and qualify. Vacancies shall be filled by the Governor for the unexpired terms. Any ex officio member may appoint a designee to the Board who shall have the same powers and immunities otherwise conferred to the member of the Board, including the power to vote and be counted toward quorum, so long as the member is not in attendance.

(b) When a Board member may have an actual, perceived, or potential conflict of interest or appearance of bias that could prevent the Board member from making a fair and impartial decision regarding decertification:

(1) The Board member shall recuse himself or herself.

(2) If the Board member fails to recuse himself or herself, then the Board may, by a simple majority of the

remaining members, vote to recuse the Board member. Board members who are found to have voted on a matter in which they should have recused themselves may be removed from the Board by the Governor.

A conflict of interest or appearance of bias may include, but is not limited to, matters where one of the following is a party to a decision on a decertification or formal complaint: someone with whom the member has an employment relationship; any of the following relatives: spouse, parents, children, adopted children, legal wards, stepchildren, step parents, step siblings, half siblings, siblings, parents-in-law, siblings-in-law, children-in-law, aunts, uncles, nieces, and nephews; a friend; or a member of a professional organization, association, or a union in which the member now actively serves.

(c) A vacancy in members does not prevent a quorum of the remaining sitting members from exercising all rights and performing all duties of the Board.

(d) An individual serving on the Board shall not also serve on the Panel.

(Source: P.A. 99-651, eff. 7-28-16; 100-995, eff. 8-20-18.)

(50 ILCS 705/3.1 new)

Sec. 3.1. Illinois Law Enforcement Certification Review Panel.

(a) There is hereby created the Illinois Law Enforcement Certification Review Panel. The Panel shall be composed of the following members, to be appointed in accordance with this

Section no later than 30 days after the effective date of this amendatory Act of the 101st General Assembly. An individual serving on the Panel shall not also serve on the Board.

(1) The Governor shall appoint 3 members as prescribed in this paragraph (1): one person who shall be an active member from a statewide association representing State's Attorneys; and 2 persons who shall be Illinois residents who are from communities with disproportionately high instances of interaction with law enforcement, as indicated by a high need, underserved community with high rates of gun violence, unemployment, child poverty, and commitments to Illinois Department of Corrections, but who are not themselves law enforcement officers. The initial appointments of the Governor shall be for a period of 3 years. Their successors shall be appointed in like manner for terms to expire the first Monday of June each 3 years thereafter. All members shall serve until their respective successors are appointed and qualify. Vacancies shall be filled by the Governor for the unexpired terms. Terms shall run regardless of whether the position is vacant.

(2) The Attorney General shall appoint 8 members as prescribed in this paragraph (2): two persons who shall be active members of statewide organization representing more than 20,000 active and retired law enforcement officers; one person who shall be an active member of a statewide association representing a minimum of 75 sheriffs; one person who shall be an active member of a statewide association representing at least 200 municipal police chiefs; two persons who shall be active members of a minority law enforcement association; one person who shall be a representative of the victims' advocacy community but shall not be a member of law enforcement; and one person who shall be a resident of Illinois and shall not be an employee of the Office of the Illinois Attorney General. The members shall serve for a 3-year term and until their respective successors are appointed and qualify. The members' successors shall be appointed in like manner for terms to expire the first Monday of June each 3 years thereafter. Any vacancy of these positions shall be filled by the Attorney General for the unexpired term. The term shall run regardless of whether the position is vacant.

(b) The Panel shall annually elect by a simple majority vote one of its members as chairperson and one of its members as vice-chairperson. The vice-chairperson shall serve in the place of the chairperson at any meeting of the Panel in which the chairperson is not present. If both the chairperson and the vice-chairperson are absent at any meeting, the members present shall elect by a simple majority vote another member to serve as a temporary chairperson for the limited purpose of that meeting. No member shall be elected more than twice in

<p>succession to the same office. Each member shall serve until that member's successor has been elected and qualified.</p>
<p>(c) The Board shall provide administrative assistance to the Panel.</p>
<p>(d) The members of the Panel shall serve without compensation but shall be entitled to reimbursement for their actual and necessary expenses in attending meetings and in the performance of their duties hereunder.</p>
<p>(e) Members of the Panel will receive initial and annual training that is adequate in quality, quantity, scope, and type, and will cover, at minimum the following topics:</p>
<p>(1) constitutional and other relevant law on police-community encounters, including the law on the use of force and stops, searches, and arrests;</p>
<p>(2) police tactics;</p>
<p>(3) investigations of police conduct;</p>
<p>(4) impartial policing;</p>
<p>(5) policing individuals in crisis;</p>
<p>(6) Illinois police policies, procedures, and disciplinary rules;</p>
<p>(7) procedural justice; and</p>
<p>(8) community outreach.</p>
<p>(f) The State shall indemnify and hold harmless members of the Panel for all of their acts, omissions, decisions, or other conduct arising out of the scope of their service on the Panel, except those involving willful or wanton misconduct. The method of providing indemnification shall be as provided in the State Employee Indemnification Act.</p>
<p>(g) When a Panel member may have an actual, perceived, or potential conflict of interest or appearance of bias that could prevent the Panel member from making a fair and impartial decision on a complaint or formal complaint:</p>
<p>(1) The Panel member shall recuse himself or herself.</p>
<p>(2) If the Panel member fails to recuse himself or herself, then the remaining members of the Panel may, by a simple majority, vote to recuse the Panel member. Any Panel member who is found to have voted on a matter in which they should have recused themselves may be removed from the Panel by the State official who initially appointed the Panel member. A conflict of interest or appearance of bias may include, but is not limited to, matters where one of the following is a party to a certification decision for formal complaint: someone with whom the member has an employment relationship; any of the following relatives: spouse, parents, children, adopted children, legal wards, stepchildren, stepparents, step siblings, half siblings, siblings, parents-in-law, siblings-in-law, children-in-law, aunts, uncles, nieces, and nephews; a friend; or a member of a professional organization, association, or a union in which the member now actively</p>

<p>serves.</p>
<p>(h) A vacancy in membership does not impair the ability of</p>
<p>a quorum to exercise all rights and perform all duties of the</p>
<p>Panel.</p>
<p>(50 ILCS 705/6) (from Ch. 85, par. 506)</p>
<p>Sec. 6. Powers and duties of the Board; selection and</p>
<p>certification of schools. The Board shall select and certify</p>
<p>schools within the State of Illinois for the purpose of</p>
<p>providing basic training for probationary <u>law enforcement</u></p>
<p>police officers, probationary county corrections officers, and</p>
<p>court security officers and of providing advanced or in-service</p>
<p>training for permanent <u>law enforcement</u> police officers or</p>
<p>permanent county corrections officers, which schools may be</p>
<p>either publicly or privately owned and operated. In addition,</p>
<p>the Board has the following power and duties:</p>
<p>a. To require local governmental units, to furnish such</p>
<p>reports and information as the Board deems necessary to</p>
<p>fully implement this Act.</p>
<p>b. To establish appropriate mandatory minimum</p>
<p>standards relating to the training of probationary local</p>
<p>law enforcement officers or probationary county</p>
<p>corrections officers, and in-service training of permanent</p>
<p><u>law enforcement</u> police officers.</p>
<p>c. To provide appropriate certification to those</p>
<p>probationary officers who successfully complete the</p>
<p>prescribed minimum standard basic training course.</p>
<p>d. To review and approve annual training curriculum for</p>
<p>county sheriffs.</p>
<p>e. To review and approve applicants to ensure that no</p>
<p>applicant is admitted to a certified academy unless the</p>
<p>applicant is a person of good character and has not been</p>
<p>convicted of, found guilty of, or entered a plea of guilty</p>
<p>to, or entered a plea of nolo contendere to a felony</p>
<p>offense, any of the misdemeanors in Sections 11-1.50, 11-6,</p>
<p><u>11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, 11-17, 11-19,</u></p>
<p><u>11-30, 12-2, 12-3.2, 12-3.5, 12-15, 16-1, 17-1, 17-2,</u></p>
<p><u>26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in</u></p>
<p><u>violation of any Section of Part E of Title III of the</u></p>
<p><u>Criminal Code of 1961 or the Criminal Code of 2012, 31-1,</u></p>
<p><u>31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or</u></p>
<p><u>the Criminal Code of 2012, subdivision (a)(1) or (a)(2)(C)</u></p>
<p><u>of Section 11-14.3 of the Criminal Code of 1961 or the</u></p>
<p><u>Criminal Code of 2012, or subsection (a) of Section 17-32</u></p>
<p><u>of the Criminal Code of 1961 or the Criminal Code of 2012,</u></p>
<p><u>or Section 5 or 5.2 of the Cannabis Control Act, or a crime</u></p>
<p><u>involving moral turpitude under the laws of this State or</u></p>
<p><u>any other state which if committed in this State would be</u></p>
<p><u>punishable as a felony or a crime of moral turpitude, or</u></p>
<p><u>any felony or misdemeanor in violation of federal law or</u></p>

the law of any state that is the equivalent of any of the offenses specified therein. The Board may appoint investigators who shall enforce the duties conferred upon the Board by this Act.
f. For purposes of this paragraph (e), a person is considered to have been "convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.
g. To review and ensure all law enforcement officers remain in compliance with this Act, and any administrative rules adopted under this Act.
h. To suspend any certificate for a definite period, limit or restrict any certificate, or revoke any certificate.
i. The Board and the Panel shall have power to secure by its subpoena and bring before it any person or entity in this State and to take testimony either orally or by deposition or both with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Board and the Panel shall also have the power to subpoena the production of documents, papers, files, books, documents, and records, whether in physical or electronic form, in support of the charges and for defense, and in connection with a hearing or investigation.
j. The Executive Director, the administrative law judge designated by the Executive Director, and each member of the Board and the Panel shall have the power to administer oaths to witnesses at any hearing that the Board is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Board under this Act.
k. In case of the neglect or refusal of any person to obey a subpoena issued by the Board and the Panel, any circuit court, upon application of the Board and the Panel, through the Illinois Attorney General, may order such person to appear before the Board and the Panel give testimony or produce evidence, and any failure to obey such order is punishable by the court as a contempt thereof. This order may be served by personal delivery, by email, or by mail to the address of record or email address of record.
l. The Board shall have the power to administer state certification examinations. Any and all records related to these examinations, including but not limited to test questions, test formats, digital files, answer responses, answer keys, and scoring information shall be exempt from

disclosure.
(Source: P.A. 101-187, eff. 1-1-20.)
(50 ILCS 705/6.1)
Sec. 6.1. <u>Automatic Decertification of full-time and part-time law enforcement police officers.</u>
(a) The Board must review law enforcement police officer conduct and records to ensure that no law enforcement police officer is certified or provided a valid waiver if that law enforcement police officer has been convicted of, <u>found guilty of, or entered a plea of guilty to, or entered a plea of nolo contendere to,</u> a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also ensure that no law enforcement police officer is certified or provided a valid waiver if that law enforcement police officer has been convicted of, <u>found guilty of, or entered a plea of guilty to,</u> on or after the effective date of this amendatory Act of <u>the 101st General Assembly 1999</u> of any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, 11-17, 11-19, 11-30, 12-2, 12-3.2, 12-3.5, 12-15, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, <u>any misdemeanor in violation of any section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, to subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012,</u> or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or to Section 5 or 5.2 of the Cannabis Control Act, <u>or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein.</u> The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.
(a-1) For purposes of this Section, a person is "convicted of, or entered a plea of guilty to, plea of nolo contendere to, found guilty of" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.
(b) It is the responsibility of the sheriff or the chief executive officer of every <u>governmental local law enforcement</u> agency or department within this State to report to the Board any arrest, conviction, <u>finding of guilt, or</u> or plea of guilty, or plea of nolo contendere to, of any officer for an offense identified in this Section, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon, this includes sentences of supervision, conditional

discharge, or first offender probation.

(c) It is the duty and responsibility of every full-time and part-time law enforcement ~~police~~ officer in this State to report to the Board within 14 ~~30~~ days, and the officer's sheriff or chief executive officer, of the officer's ~~his or her~~ arrest, conviction, found guilty of, or plea of guilty for an offense identified in this Section. Any full-time or part-time law enforcement ~~police~~ officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have the officer's ~~his or her~~ certificate or waiver immediately decertified or revoked.

(d) Any person, or a local or State agency, or the Board is immune from liability for submitting, disclosing, or releasing information of arrests, convictions, or pleas of guilty in this Section as long as the information is submitted, disclosed, or released in good faith and without malice. The Board has qualified immunity for the release of the information.

(e) Any full-time or part-time law enforcement ~~police~~ officer with a certificate or waiver issued by the Board who is convicted of, found guilty of, or entered a plea of guilty to, or entered a plea of nolo contendere to any offense described in this Section immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board ~~the officer's his or her~~ conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.

For purposes of this Section, a person is considered to have been "convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon, including sentences of supervision, conditional discharge, first offender probation, or any similar disposition as provided for by law.

(f) The Board's investigators shall be law enforcement officers as defined in Section 2 of this Act ~~are peace officers~~ and have all the powers possessed by policemen in cities and by sheriff's, and these investigators may exercise those powers anywhere in the State. An investigator shall not have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Board or the Board waives the training requirement by reason of the investigator's prior law enforcement experience, training, or both. The Board shall not waive the training requirement unless the investigator has had a minimum of 5 years experience as a sworn officer of a local, State, or federal law enforcement agency. An investigator shall not have been terminated for good cause, decertified, had his or her law enforcement license or certificate revoked in this

or any other jurisdiction, or been convicted of any of the conduct listed in subsection (a). Any complaint filed against the Board's investigators shall be investigated by the Illinois State Police.

(g) The Board must request and receive information and assistance from any federal, state, or local governmental agency as part of the authorized criminal background investigation. The Department of State Police must process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed before, on, or after the effective date of this amendatory Act of the 91st General Assembly against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Department of State Police. The Federal Bureau of Investigation must provide the Board any criminal history record information contained in its files pertaining to law enforcement officers or any applicant to a Board certified basic law enforcement academy as described in this Act based on fingerprint identification. The Board must make payment of fees to the Department of State Police for each fingerprint card submission in conformance with the requirements of paragraph 22 of Section 55a of the Civil Administrative Code of Illinois.

(h) ~~(Blank). A police officer who has been certified or granted a valid waiver shall also be decertified or have his or her waiver revoked upon a determination by the Illinois Labor Relations Board State Panel that he or she, while under oath, has knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. If an appeal is filed, the determination shall be stayed.~~

~~(1) In the case of an acquittal on a charge of murder, a verified complaint may be filed:~~

~~(A) by the defendant; or~~

~~(B) by a police officer with personal knowledge of perjured testimony.~~

~~The complaint must allege that a police officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. The verified complaint must be filed with the Executive Director of the Illinois Law Enforcement Training Standards Board within 2 years of the judgment of acquittal.~~

~~(2) Within 30 days, the Executive Director of the Illinois Law Enforcement Training Standards Board shall review the verified complaint and determine whether the verified complaint is frivolous and without merit, or whether further investigation is warranted. The Illinois Law Enforcement Training Standards Board shall notify the officer and the Executive Director of the Illinois Labor~~

<p>Relations Board State Panel of the filing of the complaint and any action taken thereon. If the Executive Director of the Illinois Law Enforcement Training Standards Board determines that the verified complaint is frivolous and without merit, it shall be dismissed. The Executive Director of the Illinois Law Enforcement Training Standards Board has sole discretion to make this determination and this decision is not subject to appeal.</p> <p>(i) (Blank). If the Executive Director of the Illinois Law Enforcement Training Standards Board determines that the verified complaint warrants further investigation, he or she shall refer the matter to a task force of investigators created for this purpose. This task force shall consist of 8 sworn police officers: 2 from the Illinois State Police, 2 from the City of Chicago Police Department, 2 from county police departments, and 2 from municipal police departments. These investigators shall have a minimum of 5 years of experience in conducting criminal investigations. The investigators shall be appointed by the Executive Director of the Illinois Law Enforcement Training Standards Board. Any officer or officers acting in this capacity pursuant to this statutory provision will have statewide police authority while acting in this investigative capacity. Their salaries and expenses for the time spent conducting investigations under this paragraph shall be reimbursed by the Illinois Law Enforcement Training Standards Board.</p> <p>(j) (Blank). Once the Executive Director of the Illinois Law Enforcement Training Standards Board has determined that an investigation is warranted, the verified complaint shall be assigned to an investigator or investigators. The investigator or investigators shall conduct an investigation of the verified complaint and shall write a report of his or her findings. This report shall be submitted to the Executive Director of the Illinois Labor Relations Board State Panel.</p> <p>Within 30 days, the Executive Director of the Illinois Labor Relations Board State Panel shall review the investigative report and determine whether sufficient evidence exists to conduct an evidentiary hearing on the verified complaint. If the Executive Director of the Illinois Labor Relations Board State Panel determines upon his or her review of the investigatory report that a hearing should not be conducted, the complaint shall be dismissed. This decision is in the Executive Director's sole discretion, and this dismissal may not be appealed.</p> <p>If the Executive Director of the Illinois Labor Relations Board State Panel determines that there is sufficient evidence to warrant a hearing, a hearing shall be ordered on the verified complaint, to be conducted by an administrative law judge employed by the Illinois Labor Relations Board State Panel. The Executive Director of the Illinois Labor Relations</p>

Board State Panel shall inform the Executive Director of the Illinois Law Enforcement Training Standards Board and the person who filed the complaint of either the dismissal of the complaint or the issuance of the complaint for hearing. The Executive Director shall assign the complaint to the administrative law judge within 30 days of the decision granting a hearing.

(k) (Blank). In the case of a finding of guilt on the offense of murder, if a new trial is granted on direct appeal, or a state post conviction evidentiary hearing is ordered, based on a claim that a police officer, under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, the Illinois Labor Relations Board State Panel shall hold a hearing to determine whether the officer should be decertified if an interested party requests such a hearing within 2 years of the court's decision. The complaint shall be assigned to an administrative law judge within 30 days so that a hearing can be scheduled.

At the hearing, the accused officer shall be afforded the opportunity to:

(1) Be represented by counsel of his or her own choosing;

(2) Be heard in his or her own defense;

(3) Produce evidence in his or her defense;

(4) Request that the Illinois Labor Relations Board State Panel compel the attendance of witnesses and production of related documents including but not limited to court documents and records.

Once a case has been set for hearing, the verified complaint shall be referred to the Department of Professional Regulation. That office shall prosecute the verified complaint at the hearing before the administrative law judge. The Department of Professional Regulation shall have the opportunity to produce evidence to support the verified complaint and to request the Illinois Labor Relations Board State Panel to compel the attendance of witnesses and the production of related documents, including, but not limited to, court documents and records. The Illinois Labor Relations Board State Panel shall have the power to issue subpoenas requiring the attendance of and testimony of witnesses and the production of related documents including, but not limited to, court documents and records and shall have the power to administer oaths.

The administrative law judge shall have the responsibility of receiving into evidence relevant testimony and documents, including court records, to support or disprove the allegations made by the person filing the verified complaint and, at the close of the case, hear arguments. If the administrative law judge finds that there is not clear and convincing evidence to support the verified complaint that the police officer has,

while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, the administrative law judge shall make a written recommendation of dismissal to the Illinois Labor Relations Board State Panel. If the administrative law judge finds that there is clear and convincing evidence that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact that goes to an element of the offense of murder, the administrative law judge shall make a written recommendation so concluding to the Illinois Labor Relations Board State Panel. The hearings shall be transcribed. The Executive Director of the Illinois Law Enforcement Training Standards Board shall be informed of the administrative law judge's recommended findings and decision and the Illinois Labor Relations Board State Panel's subsequent review of the recommendation.

(l) (Blank). An officer named in any complaint filed pursuant to this Act shall be indemnified for his or her reasonable attorney's fees and costs by his or her employer. These fees shall be paid in a regular and timely manner. The State, upon application by the public employer, shall reimburse the public employer for the accused officer's reasonable attorney's fees and costs. At no time and under no circumstances will the accused officer be required to pay his or her own reasonable attorney's fees or costs.

(m) (Blank). The accused officer shall not be placed on unpaid status because of the filing or processing of the verified complaint until there is a final non-appealable order sustaining his or her guilt and his or her certification is revoked. Nothing in this Act, however, restricts the public employer from pursuing discipline against the officer in the normal course and under procedures then in place.

(n) (Blank). The Illinois Labor Relations Board State Panel shall review the administrative law judge's recommended 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 State Panel's findings or determinations shall set any precedent in any of its decisions decided pursuant to the Illinois Public Labor Relations Act by the Illinois Labor Relations Board State Panel or the courts.

(p) (Blank). A party aggrieved by the final order of the Illinois Labor Relations Board State Panel may apply for and obtain judicial review of an order of the Illinois Labor Relations Board State Panel, in accordance with the provisions of the Administrative Review Law, except that such judicial review shall be afforded directly in the Appellate Court for the district in which the accused officer resides. Any direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.

(q) (Blank). Interested parties. Only interested parties to the criminal prosecution in which the police officer allegedly, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder may file a verified complaint pursuant to this Section. For purposes of this Section, "interested parties" shall be limited to the defendant and any police officer who has personal knowledge that the police officer who is the subject of the complaint has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

(r) (Blank). Semi-annual reports. The Executive Director of the Illinois Labor Relations Board shall submit semi-annual reports to the Governor, President, and Minority Leader of the Senate, and to the Speaker and Minority Leader of the House of Representatives beginning on June 30, 2004, indicating:

- (1) the number of verified complaints received since the date of the last report;
- (2) the number of investigations initiated since the date of the last report;
- (3) the number of investigations concluded since the date of the last report;
- (4) the number of investigations pending as of the reporting date;
- (5) the number of hearings held since the date of the

last report; and
(6) the number of officers decertified since the date of the last report.
(Source: P.A. 101-187, eff. 1-1-20.)
(50 ILCS 705/6.3 new)
Sec. 6.3. Discretionary decertification of full-time and part-time law enforcement officers.
(a) Definitions. For purposes of this Section 6.3:
"Duty to Intervene" means an obligation to intervene to prevent harm from occurring that arises when: an officer is present, and has reason to know (1) that excessive force is being used or that any constitutional violation has been committed by a law enforcement official; and (2) the officer has a realistic opportunity to intervene. This duty applies equally to supervisory and nonsupervisory officers. If aid is required, the officer shall not, when reasonable to administer aid, knowingly and willingly refuse to render aid as defined by State or federal law. An officer does not violate this duty if the failure to render aid is due to circumstances such as lack of appropriate specialized training, lack of resources or equipment, or if it is unsafe or impracticable to render aid.
"Excessive use of force" means using force in violation of State or federal law.
"False statement" means (1) any knowingly false statement provided on a form or report, (2) that the writer does not believe to be true, and (3) that the writer includes to mislead a public servant in performing the public servant's official functions.
"Perjury" means that as defined under Sections 32-2 and 32-3 of the Criminal Code of 2012.
"Tampers with or fabricates evidence" means if a law enforcement officer (1) has reason to believe that an official proceeding is pending or may be instituted, and (2) alters, destroys, conceals, or removes any record, document, data, video or thing to impair its validity or availability in the proceeding.
(b) Decertification conduct. The Board has the authority to decertify a full-time or a part-time law enforcement officer upon a determination by the Board that the law enforcement officer has:
(1) committed an act that would constitute a felony or misdemeanor which could serve as basis for automatic decertification, whether or not the law enforcement officer was criminally prosecuted, and whether or not the law enforcement officer's employment was terminated;
(2) exercised excessive use of force;
(3) failed to comply with the officer's duty to intervene, including through acts or omissions;
(4) tampered with a dash camera or body-worn camera or

data recorded by a dash camera or body-worn camera or directed another to tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying or altering potential evidence;

(5) engaged in the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence; and

(6) engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer.

(c) Notice of Alleged Violation.

(1) The following individuals and agencies shall notify the Board within 7 days of becoming aware of any violation described in subsection (b):

(A) A governmental agency as defined in Section 2 or any law enforcement officer of this State. For this subsection (c), governmental agency includes, but is not limited to, a civilian review board established prior to the effective date of this act, an inspector general, and legal counsel for a government agency.

(B) The Executive Director of the Board;

(C) A State's Attorney's Office of this State.

"Becoming aware" does not include confidential communications between agency lawyers and agencies regarding legal advice or union officials covered by the union-agent privilege. For purposes of this subsection, "governmental agency" does not include the Illinois Attorney General when providing legal representation to a law enforcement officer under the State Employee Indemnification Act.

(2) Any person may also notify the Board of any conduct the person believes a law enforcement officer has committed as described in subsection (b). Such notifications may be made confidentially. Notwithstanding any other provision in state law or any collective bargaining agreement, the Board shall accept notice and investigate any allegations from individuals who remain confidential.

(3) Upon written request, the Board shall disclose to the individual or entity who filed a notice of violation the status of the Board's review.

(d) Form. The notice of violation reported under subsection (c) shall be on a form prescribed by the Board in its rules. The form shall be publicly available by paper and electronic

means. The form shall include fields for the following information, at a minimum:
(1) the full name, address, and telephone number of the person submitting the notice;
(2) if submitted under subsection (c)(1), the agency name and title of the person submitting the notice;
(3) the full name, badge number, governmental agency, and physical description of the officer, if known;
(4) the full name or names, address or addresses, telephone number or numbers, and physical description or descriptions of any witnesses, if known;
(5) a concise statement of facts that describe the alleged violation and any copies of supporting evidence including but not limited to any photographic, video, or audio recordings of the incident;
(6) whether the person submitting the notice has notified any other agency; and
(7) an option for an individual, who submits directly to the Board, to consent to have the individual's identity disclosed.
(a) The identity of any individual providing information or reporting any possible or alleged violation to the Board shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of the individual's name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.
Nothing in this subsection (d) shall preclude the Board from receiving, investigating, or acting upon allegations made confidentially or in a format different from the form provided for in this subsection; however, if after a preliminary review, the Board determines there is sufficient information to warrant an investigation, absent a finding of good cause, the identity of the complainant shall be disclosed to the investigating agency. A finding of good cause must be in writing and verified by the Board, and must be included in the file. Under no circumstances shall the identity of the complainant remain confidential once a formal complaint is issued.
(e) Preliminary review.
(1) The Board shall complete a preliminary review of the allegations to determine whether there is sufficient information to warrant a further investigation of any violations of the Act. Upon initiating a preliminary review of the allegations, the Board shall notify the head of the governmental agency that employs the law enforcement officer who is the subject of the allegations. At the request of the Board, the governmental agency must submit

any copies of investigative findings, evidence, or
documentation to the Board in accordance with rules adopted
by the Board to facilitate the Board's preliminary review.
The Board may correspond with the governmental agency,
official records clerks or any investigative agencies in
conducting its preliminary review.
(2) During the preliminary review, the Board will take
all reasonable steps to discover any and all objective
verifiable evidence relevant to the alleged violation
through the identification, retention, review, and
analysis of all currently available evidence, including,
but not limited to: all time-sensitive evidence, audio and
video evidence, physical evidence, arrest reports,
photographic evidence, GPS records, computer data, lab
reports, medical documents, and witness interviews. All
reasonable steps will be taken to preserve relevant
evidence identified during the preliminary investigation.
(3) If after a preliminary review of the alleged
violation or violations, the Board believes there is
sufficient information to warrant further investigation of
any violations of this Act, the alleged violation or
violations shall be assigned for investigation in
accordance with subsection (f).
(4) If after a review of the allegations, the Board
believes there is insufficient information supporting the
allegations to warrant further investigation, it may close
a notice. Notification of the Board's decision to close a
notice shall be sent to all relevant individuals, agencies,
and any entities that received notice of the violation
under subsection (c) within 30 days of the notice being
closed, except in cases where the notice is submitted
anonymously if the complainant is unknown.
(5) Except when the Board has received notice under
subparagraph (A) of paragraph (1) of subsection (c), no
later than 30 days after receiving notice, the Board shall
report any notice of violation it receives to the relevant
governmental agency, unless reporting the notice would
jeopardize any subsequent investigation. The Board shall
also record any notice of violation it receives to the
Officer Professional Conduct Database in accordance with
Section 9.2. The Board shall report to the appropriate
State's Attorney any alleged violations that contain
allegations, claims, or factual assertions that, if true,
would constitute a violation of Illinois law. The Board
shall inform the law enforcement officer via certified mail
that it has received a notice of violation against the law
enforcement officer.
If the Board determines that due to the circumstances
and the nature of the allegation that it would not be
prudent to notify the law enforcement officer and the

officer's governmental agency unless and until the filing of a Formal Complaint, the Board shall document in the file the reason or reasons a notification was not made. ~~Absent a finding of good cause, the notice of violation shall include the identity of the complainant. A finding of good cause must be in writing and verified by the Board, and must be included in the file.~~

(6) If a criminal proceeding has been initiated against the law enforcement officer, the Board is responsible for maintaining a current status report including court dates, hearings, pleas, adjudication status and sentencing. A State's Attorney's Office is responsible for notifying the Board of any criminal charges filed against a law enforcement officer.

(f) Investigations; requirements. Investigations are to be assigned after a preliminary review, unless the investigations were closed under paragraph (4) of subsection (e), as follows in paragraphs (1), (2), and (3) of this subsection (f).

(1) A governmental agency that submits a notice of violation to the Board under subparagraph (A) of paragraph (1) of subsection (c) shall be responsible for conducting an investigation of the underlying allegations except when: (i) the governmental agency refers the notice to another governmental agency or the Board for investigation and such other agency or the Board agrees to conduct the investigation; (ii) ~~an external, independent, or civilian oversight agency conducts the investigation in accordance with local ordinance or other applicable law; or (iii)~~ the Board has determined that it will conduct the investigation based upon the facts and circumstances of the alleged violation, including but not limited to, investigations regarding the Chief or Sheriff of a governmental agency, familial conflict of interests, complaints involving a substantial portion of a governmental agency, or complaints involving a policy of a governmental agency. Any agency or entity conducting an investigation under this paragraph (1) shall, within 7 days of completing an investigation, deliver an Investigative Summary Report and copies of any administrative evidence to the Board. If the Board finds an investigation conducted under this

paragraph (1) is incomplete, unsatisfactory, or deficient in any way, the Board may direct the investigating entity or agency to take any additional investigative steps deemed necessary to thoroughly and satisfactorily complete the investigation, or the Board may take any steps necessary to complete the investigation. The investigating entity or agency or, when necessary, the Board will then amend and re-submit the Investigative Summary Report to the Board for approval.

(2) The Board shall investigate and complete an

Investigative Summary Report when a State's Attorney's Office submits a notice of violation to the Board under (c) (1) (C) .
(3) When a person submits a notice to the Board under paragraph (2) of subsection (c), The Board shall assign the investigation to the governmental agency that employs the law enforcement officer, except when: (i) the governmental agency requests to refer the notice to another governmental agency or the Board for investigation and such other agency or the Board agrees to conduct the investigation; (ii) an external, independent, or civilian oversight agency conducts the investigation in accordance with local ordinance or other applicable law; or (iii) the Board has determined that it will conduct the investigation based upon the facts and circumstances of the alleged violation, including but not limited to, investigations regarding the Chief or Sheriff of a governmental agency, familial conflict of interests, complaints involving a substantial portion of a governmental agency, or complaints involving a policy of a governmental agency. The investigating entity or agency shall, within 7 days of completing an investigation, deliver an Investigative Summary Report and copies of any evidence to the Board. If the Board finds an investigation conducted under this subsection (f) (3) is incomplete, unsatisfactory, or deficient in any way, the Board may direct the investigating entity to take any additional investigative steps deemed necessary to thoroughly and satisfactorily complete the investigation, or the Board may take any steps necessary to complete the investigation. The investigating entity or agency or, when necessary, the Board will then amend and re-submit The Investigative Summary Report to the Board for approval. The investigating entity shall cooperate with and assist the Board, as necessary, in any subsequent investigation.
(4) Concurrent Investigations. The Board may, at any point, initiate a concurrent investigation under this section. The original investigating entity shall timely communicate, coordinate, and cooperate with the Board to the fullest extent. The Board shall promulgate rules that shall address, at a minimum, the sharing of information and investigative means such as subpoenas and interviewing witnesses. A Hearing before the Illinois State Police Merit Board, police boards, merit commissions or an arbitration panel on the issue of officer discipline shall proceed as an independent hearing prior to any proceeding on decertification. Nothin in this Act shall prevent the Illinois State Police Merit Board from conducting a disciplinary hearing involving an Illinois State Trooper and the Illinois State Police Merit Board shall be required to comply with the provisions of the applicable collective bargaining agreement.
(5) Investigative Summary Report. An Investigative

Summary Report shall contain, at a minimum, the allegations and elements within each allegation followed by the testimonial, documentary, or physical evidence that is relevant to each such allegation or element listed and discussed in association with it. All persons who have been interviewed and listed in the Investigative Summary Report will be identified as a complainant, witness, person with specialized knowledge, or law enforcement employee.
(6) Each governmental agency shall adopt a written policy regarding the investigation of conduct under subsection (a) that involves a law enforcement officer employed by that governmental agency. The written policy adopted must include the following, at a minimum:
(a) Each law enforcement officer shall immediately report any conduct under subsection (b) to the appropriate supervising officer.
(b) The written policy under this Section shall be available for inspection and copying under the Freedom of Information Act, and not subject to any exemption of that Act.
(7) Nothing in this Act shall prohibit a governmental agency from conducting an investigation for the purpose of internal discipline. However, any such investigation shall be conducted in a manner that avoids interference with, and preserves the integrity of, any separate investigation being conducted.
(8) Nothing in this Act shall be construed as limiting any rights an officer under investigation has under State or Federal law, including but not limited to rights under UPODA and rights under the State and Federal Constitutions. Those rights shall apply to investigations conducted pursuant to this Act.
(g) Formal complaints. Upon receipt of an Investigative Summary Report, the Board shall review the Report and any relevant evidence obtained and determine whether there is reasonable basis to believe that the law enforcement officer committed any conduct that would be deemed a violation of this Act. If after reviewing the Report and any other relevant evidence obtained, the Board determines that a reasonable basis does exist, the Board shall file a formal complaint with the Certification Review Panel.
(h) Formal Complaint Hearing.
(1) Upon issuance of a formal complaint, the Panel shall set the matter for an initial hearing in front of an administrative law judge. At least 30 days before the date set for an initial hearing, the Panel must, in writing, notify the law enforcement officer subject to the complaint of the following:
(i) the allegations against the law enforcement officer, the time and place for the hearing, and whether the law enforcement officer's certification

has been temporarily suspended under Section 8.3;
(ii) the name of the complainant and the right to file a written answer to the complaint with the Panel within 30 days after service of the notice;
(iii) if the law enforcement officer fails to comply with the notice of the default order in paragraph (2), the Panel shall enter a default order against the law enforcement officer along with a finding that the allegations in the complaint are deemed admitted, and that the law enforcement officer's certification may be revoked as a result; and
(iv) the law enforcement officer may request an informal conference to surrender the officer's certification.
(2) The Board shall send the law enforcement officer notice of the default order. The notice shall state that the officer has 30 days to notify the Board in writing of their desire to have the order vacated and to appear before the Board. If the law enforcement officer does not notify the Board within 30 days, the Board may set the matter for hearing. If the matter is set for hearing, the Board shall send the law enforcement officer the notice of the date, time and location of the hearing. If the law enforcement officer or counsel for the officer does appear, at the Board's discretion, the hearing may proceed or may be continued to a date and time agreed upon by all parties. If on the date of the hearing, neither the law enforcement officer nor counsel for the officer appears, the Board may proceed with the hearing for default in their absence.
(3) If the law enforcement officer fails to comply with paragraph (2), all of the allegations contained in the complaint shall be deemed admitted and the law enforcement officer shall be decertified if, by a majority vote of the panel, the conduct charged in the complaint is found to constitute sufficient grounds for decertification under this Act. Notice of the decertification decision may be served by personal delivery, by mail, or, at the discretion of the Board, by electronic means as adopted by rule to the address or email address specified by the law enforcement officer in the officer's last communication with the Board. Notice shall also be provided to the law enforcement officer's governmental agency.
(4) The Board, at the request of the law enforcement officer subject to the Formal Complaint, may suspend a hearing on a Formal Complaint for no more than one year if a concurrent criminal matter is pending. If the law enforcement officer requests to have the hearing suspended, the law enforcement officer's certification shall be deemed inactive until the law enforcement

officer's Formal Complaint hearing concludes.
(5) Surrender of certification or waiver. Upon the Board's issuance of a complaint, and prior to hearing on the matter, a law enforcement officer may choose to surrender the officer's certification or waiver by notifying the Board in writing of the officer's decision to do so. Upon receipt of such notification from the law enforcement officer, the Board shall immediately decertify the officer, or revoke any waiver previously granted. In the case of a surrender of certification or waiver, the Board's proceeding shall terminate.
(6) Appointment of administrative law judges. The Board shall retain any attorney licensed to practice law in the State of Illinois to serve as an administrative law judge in any action initiated against a law enforcement officer under this Act. The administrative law judge shall be retained to a term of no greater than 4 years. If more than one judge is retained, the terms shall be staggered. The administrative law judge has full authority to conduct the hearings.
Administrative law judges will receive initial and annual training that is adequate in quality, quantity, scope, and type, and will cover, at minimum the following topics:
(i) constitutional and other relevant law on police- community encounters, including the law on the use of force and stops, searches, and arrests;
(ii) police tactics;
(iii) investigations of police conduct;
(iv) impartial policing;
(v) policing individuals in crisis;
(vi) Illinois police policies, procedures, and disciplinary rules;
(vii) procedural justice; and
(viii) community outreach.
(7) Hearing. At the hearing, the administrative law judge will hear the allegations alleged in the complaint. The law enforcement officer, the counsel of the officer's choosing, and the Board, or the officer's counsel, shall be afforded the opportunity to present any pertinent statements, testimony, evidence, and arguments. The law enforcement officer shall be afforded the opportunity to request that the Board compel the attendance of witnesses and production of related documents. After the conclusion of the hearing, the administrative law judge shall report his or her findings of fact, conclusions of law, and recommended disposition to the Panel. <u>If the complainant or any individual who has provided evidence to the board concerning the officer does not testify at the hearing, the administrative law judge and the board may not consider or otherwise allow</u>

hearsay evidence to be admitted to support the charges against the officer.

(8) Certification Review Meeting. Upon receipt of the administrative law judge's findings of fact, conclusions of law, and recommended disposition, the Panel shall call for a certification review meeting.

In such a meeting, the Panel may adjourn into a closed conference for the purposes of deliberating on the evidence presented during the hearing. In closed conference, the Panel shall consider the hearing officer's findings of fact, conclusions of law, and recommended disposition and may deliberate on all evidence and testimony received and may consider the weight and credibility to be given to the evidence received. No new or additional evidence may be presented to the Panel. After concluding its deliberations, the Panel shall convene in open session for its consideration of the matter. If a simple majority of the Panel finds that no allegations in the complaint supporting one or more charges of misconduct are proven by clear and convincing evidence, then the Panel shall recommend to the Board that the complaint be dismissed. If a simple majority of the Panel finds that the allegations in the complaint supporting one or more charges of misconduct are proven by clear and convincing evidence, then the Panel shall recommend to the Board to decertify the officer. In doing so, the Panel may adopt, in whole or in part, the hearing officer's findings of fact, conclusions of law, and recommended disposition.

(9) Final action by the Board. After receiving the Panel's recommendations, and after due consideration of the Panel's recommendations, the Board, by majority vote, shall issue a final decision to decertify the law enforcement officer or take no action in regard to the law enforcement officer. No new or additional evidence may be presented to the Board. If the Board makes a final decision contrary to the recommendations of the Panel, the Board shall set forth in its final written decision the specific written reasons for not following the Panel's recommendations. A copy of the Board's final decision shall be served upon the law enforcement officer by the Board, either personally or as provided in this Act for the service of a notice of hearing. A copy of the Board's final decision also shall be delivered to the employing governmental agency, the complainant, and the Panel.

(10) Reconsideration of the Board's Decision. Within 30 days after service of the Board's final decision, the Panel or the law enforcement officer may file a written motion for reconsideration with the Board. The motion for reconsideration shall specify the particular grounds for reconsideration. The non-moving party may respond to the

<p>motion for reconsideration. The Board may deny the motion for reconsideration, or it may grant the motion in whole or in part and issue a new final decision in the matter. The Board must notify the law enforcement officer within 14 days of a denial and state the reasons for denial the decision.</p>
<p>(50 ILCS 705/6.6 new)</p>
<p>Sec. 6.6. Administrative Review Law; application.</p>
<p>(a) All final administrative decisions regarding discretionary decertification of the Board are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.</p>
<p>(b) Proceedings for judicial review shall be commenced in Sangamon County or Cook County.</p>
<p>(50 ILCS 705/6.7 new)</p>
<p>Sec. 6.7. Certification and decertification procedures under Act exclusive. Notwithstanding any other law, the certification and decertification procedures, including the conduct of any investigation or hearing, under this Act are the sole and exclusive procedures for certification as law enforcement officers in Illinois and are not subject to collective bargaining under the Illinois Public Labor Relations Act or appealable except as set forth herein. The provisions of any collective bargaining agreement adopted by a governmental agency and covering the law enforcement officer or officers under investigation shall be inapplicable to any investigation or hearing conducted under this Act.</p>
<p>— An individual has no property interest in employment or otherwise resulting from law enforcement officer certification at the time of initial certification or at any time thereafter, including, but not limited to, after decertification or the officer's certification has been deemed inactive. Nothing in this Act shall be construed to create a requirement that a governmental agency shall continue to employ a law enforcement officer who has been decertified.</p>
<p>(50 ILCS 705/7) (from Ch. 85, par. 507)</p>
<p>Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following:</p>
<p>a. The curriculum for probationary law enforcement police officers which shall be offered by all certified schools shall include, but not be limited to, courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic</p>

sensitivity, criminal law, law of criminal procedure,
constitutional and proper use of law enforcement
authority, vehicle and traffic law including uniform and
non-discriminatory enforcement of the Illinois Vehicle
Code, traffic control and accident investigation,
techniques of obtaining physical evidence, court
testimonies, statements, reports, firearms training,
training in the use of electronic control devices,
including the psychological and physiological effects of
the use of those devices on humans, first-aid (including
cardiopulmonary resuscitation), training in the
administration of opioid antagonists as defined in
paragraph (1) of subsection (e) of Section 5-23 of the
Substance Use Disorder Act, handling of juvenile
offenders, recognition of mental conditions and crises,
including, but not limited to, the disease of addiction,
which require immediate assistance and response and
methods to safeguard and provide assistance to a person in
need of mental treatment, recognition of abuse, neglect,
financial exploitation, and self-neglect of adults with
disabilities and older adults, as defined in Section 2 of
the Adult Protective Services Act, crimes against the
elderly, law of evidence, the hazards of high-speed police
vehicle chases with an emphasis on alternatives to the
high-speed chase, and physical training. The curriculum
shall include specific training in techniques for
immediate response to and investigation of cases of
domestic violence and of sexual assault of adults and
children, including cultural perceptions and common myths
of sexual assault and sexual abuse as well as interview
techniques that are age sensitive and are trauma informed,
victim centered, and victim sensitive. The curriculum
shall include training in techniques designed to promote
effective communication at the initial contact with crime
victims and ways to comprehensively explain to victims and
witnesses their rights under the Rights of Crime Victims
and Witnesses Act and the Crime Victims Compensation Act.
The curriculum shall also include training in effective
recognition of and responses to stress, trauma, and
post-traumatic stress experienced by <u>law enforcement</u>
police officers that is consistent with Section 25 of the
Illinois Mental Health First Aid Training Act in a peer
setting, including recognizing signs and symptoms of
work-related cumulative stress, issues that may lead to
suicide, and solutions for intervention with peer support
resources. The curriculum shall include a block of
instruction addressing the mandatory reporting
requirements under the Abused and Neglected Child
Reporting Act. The curriculum shall also include a block of
instruction aimed at identifying and 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 permanent <u>law</u>
<u>enforcement</u> police officers shall include, but not be
limited to: (1) refresher and in-service training in any of
the courses listed above in this subparagraph, (2) advanced
courses in any of the subjects listed above in this
subparagraph, (3) training for supervisory personnel, and
(4) specialized training in subjects and fields to be
selected by the board. The training in the use of
electronic control devices shall be conducted for
probationary <u>law enforcement</u> police officers, including
University police officers.
b. Minimum courses of study, attendance requirements
and equipment requirements.
c. Minimum requirements for instructors.
d. Minimum basic training requirements, which a
probationary <u>law enforcement</u> police officer must
satisfactorily complete before being eligible for
permanent employment as a local law enforcement officer for
a participating local governmental or state governmental
agency. Those requirements shall include training in first
aid (including cardiopulmonary resuscitation).
e. Minimum basic training requirements, which a
probationary county corrections officer must
satisfactorily complete before being eligible for
permanent employment as a county corrections officer for a
participating local governmental agency.
f. Minimum basic training requirements which a
probationary court security officer must satisfactorily
complete before being eligible for permanent employment as
a court security officer for a participating local
governmental agency. The Board shall establish those
training requirements which it considers appropriate for
court security officers and shall certify schools to

conduct that training.
A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to the officer's his or her successful completion of the training course; (ii) attesting to the officer's his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.
Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685). Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.
All individuals hired as court security officers on or after June 1, 1997 (the effective date of Public Act 89-685) shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.
The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.
g. Minimum in-service training requirements, which a law enforcement police officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, mental health awareness and response, officer wellness, reporting child abuse and neglect, and cultural competency.
h. Minimum in-service training requirements, which a law enforcement police officer must satisfactorily complete at least annually. Those requirements shall include law updates and use of force training which shall include scenario based training, or similar training approved by the Board.
(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 705/7.5)
Sec. 7.5. <u>Law enforcement</u> Police pursuit guidelines. The Board shall annually review police pursuit procedures and make available suggested law enforcement police pursuit guidelines for law enforcement agencies. This Section does not alter the effect of previously existing law, including the immunities established under the Local Governmental and Governmental Employees Tort Immunity Act. (Source: P.A. 88-637, eff. 9-9-94.)
(50 ILCS 705/8) (from Ch. 85, par. 508)
Sec. 8. Participation required. All home rule local governmental units shall comply with Sections <u>6.3, 8.1, and 8.2</u> and any other mandatory provisions of this Act. This Act is a limitation on home rule powers under subsection (i) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 89-170, eff. 1-1-96.)
(50 ILCS 705/8.1) (from Ch. 85, par. 508.1)
Sec. 8.1. Full-time <u>law enforcement</u> police and county corrections officers.
(a) No After January 1, 1976, no person shall receive a permanent appointment as a law enforcement officer or as defined in this Act nor shall any person receive, after the effective date of this amendatory Act of 1984, a permanent appointment as a county corrections officer unless that person has been awarded, within 6 months of the officer's his or her initial full-time employment, a certificate attesting to the officer's his or her successful completion of the Minimum Standards Basic Law Enforcement or and County Correctional Training Course as prescribed by the Board; or has been awarded a certificate attesting to the officer's his or her satisfactory completion of a training program of similar content and number of hours and which course has been found acceptable by the Board under the provisions of this Act; or a <u>training waiver</u> by reason of extensive prior law enforcement or county corrections experience the basic training requirement is determined by the Board to be illogical and unreasonable.
If such training is required and not completed within the applicable 6 months, then the officer must forfeit the officer's his or her position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waiver shall be issued only for good and justifiable reasons, and in no case shall extend more than 90 days beyond the initial 6 months. Any hiring agency that fails to train a law enforcement officer within this period shall be prohibited from employing this individual in a law enforcement

capacity for one year from the date training was to be completed. If an agency again fails to train the individual a second time, the agency shall be permanently barred from employing this individual in a law enforcement capacity.

An individual who is not certified by the Board or whose certified status is inactive shall not function as a law enforcement officer, be assigned the duties of a law enforcement officer by an employing agency, or be authorized to carry firearms under the authority of the employer, except as otherwise authorized to carry a firearm under State or federal law. Sheriffs who are elected as of the effective date of this Amendatory Act of the 101st General Assembly, are exempt from the requirement of certified status. Failure to be certified in accordance with this Act shall cause the officer to forfeit the officer's position.

An employing agency may not grant a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Board.

(b) Inactive status. A person who has an inactive law enforcement officer certification has no law enforcement authority.

(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the officer's employing governmental agency for any reason. The Board shall re-activate a certification upon written application from the law enforcement officer's governmental agency that shows the law enforcement officer: (i) has accepted a full-time law enforcement position with that governmental agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board. The Board may also establish special training requirements to be completed as a condition for re-activation.

A law enforcement officer who is refused reactivation under this Section may request a hearing in accordance with the hearing procedures as outlined in subsection (h) of Section 6.3 of this Act.

The Board may refuse to re-activate the certification of a law enforcement officer who was involuntarily terminated for good cause by his or her governmental agency for conduct subject to decertification under this Act or resigned or retired after receiving notice of a governmental agency's investigation for conduct otherwise subject to decertification under this Act.

(2) A law enforcement officer who is currently certified can place his or her certificate on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement

officer until the officer has completed any requirements for reactivating the certificate as required by the Board. A request for inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board with a copy to the chief administrator of the law enforcement officer's governmental agency.

(3) Certification that has become inactive under paragraph (2) of this subsection (b), shall be reactivated by written notice from the law enforcement officer's agency upon a showing that the law enforcement officer is: (i) employed in a full-time law enforcement position with the same governmental agency (ii) not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board.

(4) Notwithstanding paragraph (3) of this subsection (b), a law enforcement officer whose certification has become inactive under paragraph (2) may have the officer's governmental agency submit a request for a waiver of training requirements to the Board. A grant of a waiver is within the discretion of the Board. Within 7 days of receiving a request for a waiver under this section, the Board shall notify the law enforcement officer and the chief administrator of the law enforcement officer's governmental agency, whether the request has been granted, denied, or if the Board will take additional time for information. A law enforcement officer, or the officer's governmental agency, whose request for a waiver under this subsection is denied is entitled to appeal the denial to the Board within 20 days of the waiver being denied.

(c) ~~(b)~~ No provision of this Section shall be construed to mean that a law enforcement officer employed by a local governmental agency at the time of the effective date of this amendatory Act, either as a probationary police officer or as a permanent police officer, shall require certification under the provisions of this Section. No provision of this Section shall be construed to mean that a county corrections officer employed by a local governmental agency at the time of the effective date of this amendatory Act of 1984, either as a probationary county corrections or as a permanent county corrections officer, shall require certification under the provisions of this Section. No provision of this Section shall be construed to apply to certification of elected county sheriffs.

(d) Within 14 days, a law enforcement officer shall report to the Board: (1) any name change; (2) any change in employment; or (3) the filing of any criminal indictment or charges against the officer alleging that the officer committed

any offense as enumerated in section 6.1 of this Act.
(e) All law enforcement officers must report the completion of the training requirements required in this Act in compliance with Section 8.4 of this Act.
(e-1) Each employing governmental agency shall allow and provide an opportunity for a law enforcement officer to complete the mandated requirements in this Act.
(f) (e) This Section does not apply to part-time law enforcement police officers or probationary part-time law enforcement police officers.
(Source: P.A. 101-187, eff. 1-1-20.)
(50 ILCS 705/8.2)
Sec. 8.2. Part-time law enforcement police officers.
(a) A person hired to serve as a part-time law enforcement police officer must obtain from the Board a certificate (i) attesting to the officer's his or her successful completion of the part-time police training course; (ii) attesting to the officer's his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) a training waiver attesting to the Board's determination that the part-time police training course is unnecessary because of the person's extensive prior law enforcement experience. A person hired on or after the effective date of this amendatory Act of the 92nd General Assembly must obtain this certificate within 18 months after the initial date of hire as a probationary part-time law enforcement police officer in the State of Illinois. The probationary part-time law enforcement police officer must be enrolled and accepted into a Board-approved course within 6 months after active employment by any department in the State. A person hired on or after January 1, 1996 and before the effective date of this amendatory Act of the 92nd General Assembly must obtain this certificate within 18 months after the date of hire. A person hired before January 1, 1996 must obtain this certificate within 24 months after the effective date of this amendatory Act of 1995.
The employing agency may seek an extension a waiver from the Board extending the period for compliance. An extension A waiver shall be issued only for good and justifiable reasons, and the probationary part-time law enforcement police officer may not practice as a part-time law enforcement police officer during the <u>extension</u> waiver period. If training is required and not completed within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit the officer's his or her position.
An individual who is not certified by the Board or whose certified status is inactive shall not function as a law enforcement officer, be assigned the duties of a law

enforcement officer by an agency, or be authorized to carry firearms under the authority of the employer, except that sheriffs who are elected are exempt from the requirement of certified status. Failure to be in accordance with this Act shall cause the officer to forfeit the officer's position.

A part-time probationary officer shall be allowed to complete six months of a part-time police training course and function as a law enforcement officer with a waiver from the Board, provided the part-time law enforcement officer is still enrolled in the training course. If the part-time probationary officer withdraws from the course for any reason or does not complete the course within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit the officer's position.

A governmental agency may not grant a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Board.

(b) Inactive status. A person who has an inactive law enforcement officer certification has no law enforcement authority. ~~(Blank)~~.

(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the governmental agency for any reason. The

Board shall re-activate a certification upon written application from the law enforcement officer's governmental agency that shows the law enforcement officer: (i) has accepted a part-time law enforcement position with that a governmental agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board.

The Board may refuse to re-activate the certification of a law enforcement officer who was involuntarily terminated for good cause by the officer's governmental agency for conduct, subject to the exhaustion of any applicable appeal rights, subject to decertification under this Act or resigned or retired after receiving notice of a governmental agency's investigation.

(2) A law enforcement officer who is currently certified can place his or her certificate on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement officer until the officer has completed any requirements for reactivating the certificate as required by the Board. A request for inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board by the law enforcement officer's governmental agency.

(3) Certification that has become inactive under

paragraph (2) of this subsection (b), shall be reactivated
by written notice from the law enforcement officer's agency
upon a showing that the law enforcement officer is: (i)
employed in a full-time law enforcement position with the
same governmental agency, (ii) not the subject of a
decertification proceeding, and (iii) meets all other
criteria for re-activation required by the Board. The Board
may also establish special training requirements to be
completed as a condition for re-activation.
A law enforcement officer who is refused reactivation
under this Section may request a hearing in accordance with
the hearing procedures as outlined in subsection (h) of
Section 6.3 of this Act.
(4) Notwithstanding paragraph (3) of this Section, a
law enforcement officer whose certification has become
inactive under paragraph (2) may have the officer's
governmental agency submit a request for a waiver of
training requirements to the Board. A grant of a waiver is
within the discretion of the Board. Within 7 days of
receiving a request for a waiver under this section, the
Board shall notify the law enforcement officer and the
chief administrator of the law enforcement officer's
governmental agency, whether the request has been granted,
denied, or if the Board will take additional time for
information. A law enforcement officer whose request for a
waiver under this subsection is denied is entitled to
appeal the denial to the Board within 20 days of the waiver
being denied.
(c) The part-time police training course referred to in
this Section shall be of similar content and the same number of
hours as the courses for full-time officers and shall be
provided by Mobile Team In-Service Training Units under the
Intergovernmental Law Enforcement Officer's In-Service
Training Act or by another approved program or facility in a
manner prescribed by the Board.
(d) Within 14 days, a law enforcement officer shall report
to the Board: (1) any name change; (2) any change in
employment; or (3) the filing of any criminal indictment or
charges against the officer alleging that the officer committed
any offense as enumerated in section 6.1 of this Act.
(e) All law enforcement officers must report the completion
of the training requirements required in this Act in compliance
with Section 8.4 of this Act.
(e-1) Each employing agency shall allow and provide an
opportunity for a law enforcement officer to complete the
requirements in this Act.
(f) (d) For the purposes of this Section, the Board shall
adopt rules defining what constitutes employment on a part-time
basis.

(Source: P.A. 92-533, eff. 3-14-02.)

(50 ILCS 705/8.3 new)

Sec. 8.3. Emergency order of suspension.

(a) The Board, upon being notified that a law enforcement officer has been arrested or indicted on any felony charge or charges, may immediately suspend the law enforcement officer's certification. The Board shall also notify the chief administrator of any governmental agency currently employing the officer. The Board shall have authority to dissolve an emergency order of suspension at any time for any reason.

(b) Notice of the immediate suspension shall be served on the law enforcement officer, the governmental agency, the chief executive of the municipality, and state the reason for suspension within seven days.

(c) Upon service of the notice, the law enforcement officer shall have 30 days to request to be heard by the Panel. The hearing, if requested by the licensee, shall follow the hearing procedures as outlined in subsection (h) of Section 6.3 of this Act.

(d) At the meeting, the law enforcement officer may present evidence, witnesses and argument as to why the officer's certification should not be suspended. The Panel shall review the suspension, and if the Panel finds that the proof is evident or the presumption great that the officer has committed the offense charged, the Panel can sustain or reduce the length of the suspension. If the Panel does not find that the proof is evident or the presumption great that the officer has committed the offense charged, the Panel can reverse the suspension.

If the law enforcement officer does not request to be heard or does not appear, the Panel may hold the hearing in the officer's absence. The law enforcement officer and the governmental agency shall be notified of the decision of the Panel within 7 days. The law enforcement officer may request to suspend the hearing until after the officer's criminal trial has occurred, however the suspension will remain intact until the hearing.

(e) Findings and conclusions made in hearing for an emergency suspension shall not be binding on any party in any subsequent proceeding under this Act.

(f) A Panel member acting in good faith, and not in a willful and wanton manner, in accordance with this Section, shall not, as a result of such actions, be subject to criminal prosecution or civil damages, including but not limited to lost wages.

(50 ILCS 705/8.4 new)

Sec. 8.4. Law Enforcement Compliance Verification.

(a) (1) Unless on inactive status under subsection (b) of Section 8.1 or subsection (b) of Section 8.2, every law

enforcement officer subject to this Act shall submit a verification form that confirms compliance with this Act. The verification shall apply to the 3 calendar years preceding the date of verification. Law enforcement officers shall submit the officer's first report by January 30 during the initial three-year reporting period, as determined on the basis of the law enforcement officer's last name under paragraph (2) of this subsection then every third year of the officer's applicable three-year report period as determined by the Board. At the conclusion of each law enforcement officer's applicable reporting period, the chief administrative officer of the officer's governmental agency is to determine the compliance of each officer under this Section. An officer may verify their successful completion of training requirements with their governmental agency. Each law enforcement officer is responsible for reporting and demonstrating compliance to the officer's chief administrative officer.

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

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

(b) (1) On October 1 of each year, the Board shall send notice to all certified law enforcement officers, unless exempted in (a), of the upcoming deadline to submit the compliance verification form. No later than March 1 of each year, the Board shall send notice to all certified law enforcement officers who have failed to submit the compliance verification form, as well as the officer's governmental agencies. The Board shall not send a notice of noncompliance to law enforcement officers whom the Board knows, based on the status of the law enforcement officer's certification status, are inactive or retired. The Board may accept compliance verification forms until April 1 of the year in which a law enforcement officer is required to submit the form.

(2) No earlier than April 1 of the year in which a law enforcement officer is required to submit a verification form, the Board may determine a law enforcement officer's certification to be inactive if the law enforcement officer failed to either: (1) submit a compliance verification in

accordance with this Section; or (2) report an exemption from the requirements of this Section. The Board shall then send notice, by mail or email, to any such law enforcement officer and the officer's governmental agency that the officer's certificate will be deemed inactive on the date specified in the notice, which shall be no sooner than 21 days from the date of the notice, because of the officer's failure to comply or report compliance, or failure to report an exemption. The Board shall deem inactive the certificate of such law enforcement officers on the date specified in the notice unless the Board determines before that date that the law enforcement officer has complied. A determination that a certificate is inactive under this section is not a disciplinary sanction.

(3) A law enforcement officer who was on voluntary inactive status shall, upon return to active status, be required to complete the deferred training programs within 1 year.

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

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

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

(c) Recordkeeping and Audits.

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

(2) Notwithstanding any other provision in state law, for four years after the end of each reporting period, each governmental agency shall maintain sufficient documentation necessary to corroborate compliance with the

mandatory training requirements under this Act of each officer it employs or employed within the relevant time period.
(3) The Board may audit compliance verification forms submitted to determine the accuracy of the submissions. The audit may include but is not limited to, training verification and a law enforcement officer background check.
(d) Audits that Reveal an Inaccurate Verification.
(1) If an audit conducted under paragraph (3) of subsection (c) of this Section reveals inaccurate information, the Board shall provide the law enforcement officer and employing governmental agency with written notice containing: (i) the results of the audit, specifying each alleged inaccuracy; (ii) a summary of the basis of that determination; and (iii) a deadline, which shall be at least 30 days from the date of the notice, for the law enforcement officer to file a written response if the law enforcement officer objects to any of the contents of the notice.
(2) After considering any response from the law enforcement officer, if the Board determines that the law enforcement officer filed an inaccurate verification, the law enforcement officer shall be given 60 days in which to file an amended verification form, together with all documentation specified in paragraph (e)(1), demonstrating full compliance with the applicable requirements.
(3) If the results of the audit suggest that the law enforcement officer willfully filed a false verification form, the Board shall submit a formal complaint to the Panel for decertification. An officer who has been decertified for willfully filing a false verification form shall not be eligible for reactivation under subsection (e).
(e) Reactivation. A law enforcement officer who has been deemed inactive due to noncompliance with the reporting requirements under paragraph (a)(1) may request to have the Board re-activate his or her certification upon submitting a compliance verification form that shows full compliance for the period in which the law enforcement officer was deemed inactive due to noncompliance. The Board shall make a determination regarding a submission under this subsection active no later than 7 days after the Board determines full compliance or continued noncompliance.
(50 ILCS 705/9) (from Ch. 85, par. 509)
Sec. 9. A special fund is hereby established in the State Treasury to be known as the Traffic and Criminal Conviction Surcharge Fund. Moneys in this Fund shall be expended as follows:

(1) a portion of the total amount deposited in the Fund may be used, as appropriated by the General Assembly, for the ordinary and contingent expenses of the Illinois Law Enforcement Training Standards Board;
(2) a portion of the total amount deposited in the Fund shall be appropriated for the reimbursement of local governmental agencies participating in training programs certified by the Board, in an amount equaling 1/2 of the total sum paid by such agencies during the State's previous fiscal year for mandated training for probationary <u>law enforcement</u> police officers or probationary county corrections officers and for optional advanced and specialized law enforcement or county corrections training; these reimbursements may include the costs for tuition at training schools, the salaries of trainees while in schools, and the necessary travel and room and board expenses for each trainee; if the appropriations under this paragraph (2) are not sufficient to fully reimburse the participating local governmental agencies, the available funds shall be apportioned among such agencies, with priority first given to repayment of the costs of mandatory training given to law enforcement officer or county corrections officer recruits, then to repayment of costs of advanced or specialized training for permanent <u>law enforcement</u> police officers or permanent county corrections officers;
(3) a portion of the total amount deposited in the Fund may be used to fund the Intergovernmental Law Enforcement Officer's In-Service Training Act, veto overridden October 29, 1981, as now or hereafter amended, at a rate and method to be determined by the board;
(4) a portion of the Fund also may be used by the Illinois Department of State Police for expenses incurred in the training of employees from any State, county or municipal agency whose function includes enforcement of criminal or traffic law;
(5) a portion of the Fund may be used by the Board to fund grant-in-aid programs and services for the training of employees from any county or municipal agency whose functions include corrections or the enforcement of criminal or traffic law;
(6) for fiscal years 2013 through 2017 only, a portion of the Fund also may be used by the Department of State Police to finance any of its lawful purposes or functions;
(7) a portion of the Fund may be used by the Board, subject to appropriation, to administer grants to local law enforcement agencies for the purpose of purchasing bulletproof vests under the Law Enforcement Officer Bulletproof Vest Act; and
(8) a portion of the Fund may be used by the Board to

create a law enforcement grant program available for units
of local government to fund crime prevention programs,
training, and interdiction efforts, including enforcement
and prevention efforts, relating to the illegal cannabis
market and driving under the influence of cannabis.
All payments from the Traffic and Criminal Conviction
Surcharge Fund shall be made each year from moneys appropriated
for the purposes specified in this Section. No more than 50% of
any appropriation under this Act shall be spent in any city
having a population of more than 500,000. The State Comptroller
and the State Treasurer shall from time to time, at the
direction of the Governor, transfer from the Traffic and
Criminal Conviction Surcharge Fund to the General Revenue Fund
in the State Treasury such amounts as the Governor determines
are in excess of the amounts required to meet the obligations
of the Traffic and Criminal Conviction Surcharge Fund.
(Source: P.A. 100-987, eff. 7-1-19; 101-27, eff. 6-25-19.)
(50 ILCS 705/9.2 new)
Sec. 9.2. Officer professional conduct database;
Transparency.
(a) All governmental agencies and the Illinois State Police
shall notify the Board of any final determination of a willful
violation of department, agency, or the Illinois State Police
policy, official misconduct, or violation of law within 10 days
when:
(1) the determination leads to a suspension of at least
10 days;
(2) any infraction that would trigger an official or
formal investigation under a governmental agency or the
Illinois State Police policy;
(3) there is an allegation of misconduct or regarding
truthfulness as to a material fact, bias, or integrity; or
(4) the officer resigns or retires during the course of
an investigation and the officer has been served notice
that the officer is under investigation.
Agencies and the Illinois State Police may report to the
Board any conduct they deem appropriate to disseminate to
another governmental agency regarding a law enforcement
officer.
The agency or the Illinois State Police shall report to the
Board within 10 days of a final determination and final
exhaustion of any administrative appeal, or the law enforcement
officer's resignation or retirement, and shall provide
information regarding the nature of the violation. This
notification shall not necessarily trigger certification
review.
A governmental agency and the Illinois State Police shall
be immune from liability for a disclosure made as described in
this subsection, unless the disclosure would constitute

intentional misrepresentation or gross negligence.
(b) Upon receiving notification from a governmental agency or the Illinois State Police, the Board must notify the law enforcement officer of the report and the officer's right to provide a statement regarding the reported violation.
(c) The Board shall maintain a database readily available to any chief administrative officer, or the officer's designee, of a governmental agency and the Illinois State Police that shall show for each law enforcement officer: (i) dates of certification, decertification, and inactive status; (ii) each sustained instance of departmental misconduct that lead to a suspension at least 10 days or any infraction that would trigger an official or formal investigation under the governmental agency policy, any allegation of misconduct regarding truthfulness as to a material fact, bias, or integrity, or any other reported violation, the nature of the violation, the reason for the final decision of discharge or dismissal, and any statement provided by the officer; (iii) date of separation from employment from any local or state governmental agency; (iv) the reason for separation from employment, including, but not limited to: whether the separation was based on misconduct or occurred while the local or State governmental agency was conducting an investigation of the certified individual for a violation of an employing agency's rules, policy or procedure or other misconduct or improper action.
(1) This database shall also be accessible to the State's Attorney of any county in this State and the Attorney General for the purpose of complying with obligations under Brady v. Maryland (373 U.S. 83) or Giglio v. United States (405 U.S. 150). This database shall also be accessible to the chief administrative officer of any governmental agency for the purposes of hiring law enforcement officers. This database shall not be accessible to anyone not listed in this subsection.
(2) Before a governmental agency may appoint a law enforcement officer or a person seeking a certification as a law enforcement officer in this State, the chief administrative officer or designee must check the Officer Professional Conduct Database, contact each person's previous law enforcement employers, and document the contact. This documentation must be available for review by the Board for a minimum of five years after the law enforcement officer's termination, retirement, resignation or separation with that agency.
(3) The database, documents, materials, or other information in the possession or control of the Board that are obtained by or disclosed to the Board under this subsection shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject

to discovery or admissible in evidence in any private civil
action. However, the Board is authorized to use such
documents, materials, or other information in furtherance
of any regulatory or legal action brought as part of the
Board's official duties. Unless otherwise required by law,
the Board shall not disclose the database or make such
documents, materials, or other information public without
the prior written consent of the governmental agency and
the law enforcement officer. Neither the Board nor any
person who received documents, materials or other
information shared under this subsection shall be required
to testify in any private civil action concerning the
database or any confidential documents, materials, or
information subject to this subsection.
Nothing in this Section shall exempt a governmental agency
from disclosing public records in accordance with the Freedom
of Information Act.
(d) The Board shall maintain a searchable database of law
enforcement officers accessible to the public that shall
include: (i) the law enforcement officer's local or state
governmental agency; (ii) the date of the officer's initial
certification and the officer's current certification status;
and (iii) any sustained complaint of misconduct that resulted
in decertification and the date thereof; provided, however,
that information shall not be included in the database that
would allow the public to ascertain the home address of an
officer or another person; provided further, that information
regarding an officer's or another person's family member shall
not be included in the database. The Board shall make the
database publicly available on its website.
(e) The Board shall maintain a searchable database of all
completed investigations against law enforcement officers
related to decertification. The database shall identify each
law enforcement officer by a confidential and anonymous number
and include: (i) the law enforcement officer's local or state
governmental agency; (ii) the date of the incident referenced
in the complaint; (iii) the location of the incident; (iv) the
race and ethnicity of each officer involved in the incident;
(v) the age, gender, race and ethnicity of each person involved
in the incident, if known; (vi) whether a person in the
complaint, including a law enforcement officer, was injured,
received emergency medical care, was hospitalized or died as a
result of the incident; (vii) the governmental agency or other
entity assigned to conduct an investigation of the incident;
(viii) when the investigation was completed; (ix) whether the
complaint was sustained; and (x) the type of misconduct
investigated; provided, however, that the Board shall redact or
withhold such information as necessary to prevent the
disclosure of the identity of an officer. The Board shall make
the database publicly available on its website.

(e-1) An investigation is complete when the investigation has either been terminated or the decertification action, including the administrative review process, has been completed, whichever is later.

(f) Annual report. The Board shall submit an annual report to the Governor, Attorney General, President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives beginning on March 1, 2023, and every year thereafter indicating:

(1) the number of complaints received in the preceding calendar year, including but not limited to the race, gender, and type of complaints received;

(2) the number of investigations initiated in the preceding calendar year since the date of the last report;

(3) the number of investigations concluded in the preceding calendar year;

(4) the number of investigations pending as of the reporting date;

(5) the number of hearings held in the preceding calendar year; and

(6) the number of officers decertified in the preceding calendar year.

(50 ILCS 705/10) (from Ch. 85, par. 510)

Sec. 10. The Board may make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this Act, including those relating to the annual certification of retired law enforcement officers qualified under federal law to carry a concealed weapon. A copy of all rules and regulations and amendments or rescissions thereof shall be filed with the Secretary of State within a reasonable time after their adoption. The schools certified by the Board and participating in the training program may dismiss from the school any trainee prior to the officer's ~~his~~ completion of the course, if in the opinion of the person in charge of the training school, the trainee is unable or unwilling to satisfactorily complete the prescribed course of training.

The Board shall adopt emergency rules to administer this Act in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For the purposes of the Illinois Administrative Procedure Act, the General Assembly finds that the adoption of rules to implement this Act is deemed an emergency and necessary to the public interest, safety, and welfare.

(Source: P.A. 94-103, eff. 7-1-05.)

(50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

Sec. 10.1. Additional training programs. The Board shall initiate, administer, and conduct training programs for permanent law enforcement ~~police~~ officers and permanent county

corrections officers in addition to the basic recruit training program. The Board may initiate, administer, and conduct training programs for part-time law enforcement police officers in addition to the basic part-time law enforcement police training course. The training for permanent and part-time law enforcement police officers and permanent county corrections officers may be given in any schools selected by the Board. Such training may include all or any part of the subjects enumerated in Section 7 of this Act.

The corporate authorities of all participating local governmental agencies may elect to participate in the advanced training for permanent and part-time law enforcement police officers and permanent county corrections officers but nonparticipation in this program shall not in any way affect the mandatory responsibility of governmental units to participate in the basic recruit training programs for probationary full-time and part-time law enforcement police and permanent county corrections officers. The failure of any permanent or part-time law enforcement police officer or permanent county corrections officer to successfully complete any course authorized under this Section shall not affect the officer's status as a member of the police department or county sheriff's office of any local governmental agency.

The Board may initiate, administer, and conduct training programs for clerks of circuit courts. Those training programs, at the Board's discretion, may be the same or variations of training programs for law enforcement officers.

The Board shall initiate, administer, and conduct a training program regarding the set up and operation of portable scales for all municipal and county police officers, technicians, and employees who set up and operate portable scales. This training program must include classroom and field training.

(Source: P.A. 90-271, eff. 7-30-97, 91-129, eff. 7-16-99.)

(50 ILCS 705/10.2)

Sec. 10.2. Criminal background investigations.

(a) On and after March 14, 2002 (the effective date of Public Act 92-533) ~~this amendatory Act of the 92nd General Assembly,~~ an applicant for employment as a peace officer, or for annual certification as a retired law enforcement officer qualified under federal law to carry a concealed weapon, shall authorize an investigation to determine if the applicant has been convicted of, ~~or entered a plea of guilty to,~~ any criminal offense that disqualifies the person as a peace officer.

(b) No governmental law enforcement agency may knowingly employ a person, or certify a retired law enforcement officer qualified under federal law to carry a concealed weapon, unless (i) a criminal background investigation of that person has been completed and (ii) that investigation reveals no convictions of

or pleas of guilty to of offenses specified in subsection (a) of Section 6.1 of this Act.
(Source: P.A. 101-187, eff. 1-1-20; revised 9-23-19.)
(50 ILCS 705/10.3)
Sec. 10.3. Training of <u>law enforcement</u> police officers to conduct electronic interrogations.
(a) From appropriations made to it for that purpose, the Board shall initiate, administer, and conduct training programs for <u>permanent law enforcement</u> police officers, <u>part-time law enforcement</u> police officers, and recruits on the methods and technical aspects of conducting electronic recordings of interrogations.
(b) Subject to appropriation, the Board shall develop technical guidelines for the mandated recording of custodial interrogations in all homicide investigations by law enforcement agencies. These guidelines shall be developed in conjunction with law enforcement agencies and technology accreditation groups to provide guidance for law enforcement agencies in implementing the mandated recording of custodial interrogations in all homicide investigations.
(Source: P.A. 95-688, eff. 10-23-07.)
(50 ILCS 705/10.7)
Sec. 10.7. Mandatory training; police chief and deputy police chief. Each police chief and deputy police chief shall obtain at least 20 hours of training each year. The training must be approved by the Illinois Law Enforcement Training and Standards Board and must be related to law enforcement, management or executive development, or ethics. This requirement may be satisfied by attending any training portion of a conference held by an association that represents chiefs of police that has been approved by the Illinois Law Enforcement Training and Standards Board. Any police chief and any deputy police chief, upon presentation of a certificate of completion from the person or entity conducting the training, shall be reimbursed by the municipality in accordance with the municipal policy regulating the terms of reimbursement, for <u>the officer's</u> his or her reasonable expenses in obtaining the training required under this Section. No police chief or deputy police chief may attend any recognized training offering without the prior approval of the officer's his or her municipal mayor, manager, or immediate supervisor.
This Section does not apply to the City of Chicago or the Sheriff's Police Department in Cook County.
(Source: P.A. 94-354, eff. 1-1-06; revised 11-16-20.)
(50 ILCS 705/10.11)
Sec. 10.11. Training; death and homicide investigation. The Illinois Law Enforcement Training and Standards Board shall

conduct or approve a training program in death and homicide investigation for the training of law enforcement officers of local government agencies. Only law enforcement officers who successfully complete the training program may be assigned as lead investigators in death and homicide investigations. Satisfactory completion of the training program shall be evidenced by a certificate issued to the law enforcement officer by the Illinois Law Enforcement Training and Standards Board.
The Illinois Law Enforcement Training and Standards Board shall develop a process for waiver applications sent by a local governmental <u>law enforcement</u> agency administrator for those law enforcement officers whose prior training and experience as homicide investigators may qualify them for a waiver. The Board may issue a waiver at its discretion, based solely on the prior training and experience of an officer as a homicide
investigator. This Section does not affect or impede the powers of the office of the coroner to investigate all deaths as provided in Division 3-3 of the Counties Code and the Coroner Training Board Act.
(Source: P.A. 99-408, eff. 1-1-16; revised 11-16-20.)
(50 ILCS 705/10.12)
Sec. 10.12. Police dog training standards. All police dogs used by State and local <u>governmental</u> law enforcement agencies for drug enforcement purposes pursuant to the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall be trained by programs that meet the minimum certification requirements set by the Board.
(Source: P.A. 101-27, eff. 6-25-19.)
(50 ILCS 705/10.13)
Sec. 10.13. Training; Post-Traumatic Stress Disorder (PTSD). The Illinois Law Enforcement Training Standards Board shall conduct or approve a training program in Post-Traumatic Stress Disorder (PTSD) for law enforcement officers of local <u>governmental</u> government agencies. The purpose of that training shall be to equip law enforcement officers of local <u>governmental</u> government agencies to identify the symptoms of PTSD and to respond appropriately to individuals exhibiting those symptoms.
(Source: P.A. 97-1040, eff. 1-1-13.)
(50 ILCS 705/10.16)
Sec. 10.16. Veterans' awareness. The Illinois Law Enforcement Training Standards Board may conduct or approve a training program in veterans' awareness for law enforcement officers of local government agencies. The program shall train

law enforcement officers to identify issues relating to veterans and provide guidelines dictating how law enforcement officers should respond to and address such issues. Each local governmental government agency is encouraged to designate an individual to respond to veterans' issues. (Source: P.A. 98-960, eff. 1-1-15.)
(50 ILCS 705/10.18)
Sec. 10.18. Training; administration of opioid antagonists. The Board shall conduct or approve an in-service training program for <u>law enforcement</u> police officers in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Substance Use Disorder Act that is in accordance with that Section. As used in this Section, the term " <u>law enforcement</u> police officers" includes full-time or part-time probationary <u>law enforcement</u> police officers, permanent or part-time <u>law enforcement</u> police officers, law enforcement officers, recruits, permanent or probationary county corrections officers, permanent or probationary county security officers, and court security officers. The term does not include auxiliary police officers as defined in Section 3.1-30-20 of the Illinois Municipal Code. (Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 100-759, eff. 1-1-19.)
(50 ILCS 705/10.19)
Sec. 10.19. Training; administration of epinephrine.
(a) This Section, along with Section 40 of the State Police Act, may be referred to as the Annie LeGere Law.
(b) For purposes of this Section, "epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body prescribed in the name of a local governmental agency.
(c) The Board shall conduct or approve an optional advanced training program for <u>law enforcement</u> police officers to recognize and respond to anaphylaxis, including the administration of an epinephrine auto-injector. The training must include, but is not limited to:
(1) how to recognize symptoms of an allergic reaction;
(2) how to respond to an emergency involving an allergic reaction;
(3) how to administer an epinephrine auto-injector;
(4) how to respond to an individual with a known allergy as well as an individual with a previously unknown allergy;
(5) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector; and
(6) other criteria as determined in rules adopted by the Board.

(d) A local governmental agency may authorize a law enforcement police officer who has completed an optional advanced training program under subsection (c) to carry, administer, or assist with the administration of epinephrine auto-injectors provided by the local governmental agency whenever <u>the officer</u> he or she is performing official duties.
(e) A local governmental agency that authorizes its officers to carry and administer epinephrine auto-injectors under subsection (d) must establish a policy to control the acquisition, storage, transportation, administration, and disposal of epinephrine auto-injectors and to provide continued training in the administration of epinephrine auto-injectors.
(f) A physician, physician's assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority may provide a standing protocol or prescription for epinephrine auto-injectors in the name of a local governmental agency to be maintained for use when necessary.
(g) When a law enforcement police officer administers an epinephrine auto-injector in good faith, the law enforcement police officer and local governmental agency, and its employees and agents, including a physician, physician's assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority who provides a standing order or prescription for an epinephrine auto-injector, incur no civil or professional liability, except for willful and wanton conduct, <u>or</u> as a result of any injury or death arising from the use of an epinephrine auto-injector. (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17; 100-648, eff. 7-31-18.)
(50 ILCS 705/10.20)
Sec. 10.20. Disposal of medications. The Board shall develop rules and minimum standards for local governmental agencies that authorize law enforcement police officers to dispose of unused medications under Section 18 of the Safe Pharmaceutical Disposal Act. (Source: P.A. 99-648, eff. 1-1-17; 100-201, eff. 8-18-17.)
(50 ILCS 705/10.22)
Sec. 10.22. School resource officers.
(a) The Board shall develop or approve a course for school resource officers as defined in Section 10-20.68 of the School Code.
(b) The school resource officer course shall be developed within one year after January 1, 2019 (the effective date of Public Act 100-984) and shall be created in consultation with organizations demonstrating expertise and or experience in the areas of youth and adolescent developmental issues,

educational administrative issues, prevention of child abuse and exploitation, youth mental health treatment, and juvenile advocacy.
(c) The Board shall develop a process allowing law enforcement agencies to request a waiver of this training requirement for any specific individual assigned as a school resource officer. Applications for these waivers may be submitted by a local governmental law enforcement agency chief administrator for any officer whose prior training and experience may qualify for a waiver of the training requirement of this subsection (c). The Board may issue a waiver at its discretion, based solely on the prior training and experience of an officer.
(d) Upon completion, the employing agency shall be issued a certificate attesting to a specific officer's completion of the school resource officer training. Additionally, a letter of approval shall be issued to the employing agency for any officer who is approved for a training waiver under this subsection (d). (Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19.)
(50 ILCS 705/13 new)
Sec. 13. Admissibility. Notwithstanding any other law or rule of evidence, the fact that a certificate was issued, denied, or revoked by the Board, is admissible in a judicial or administrative proceeding as prima facie evidence of any facts stated.
(50 ILCS 705/6.2 rep.)
(50 ILCS 705/9.1 rep.)
(50 ILCS 705/10.5 rep.)
Section 25-45. The Illinois Police Training Act is amended by repealing Sections 6.2, 9.1, and 10.5.
Section 25-50. The Counties Code is amended by changing Section 3-6001.5 as follows:
(55 ILCS 5/3-6001.5)
Sec. 3-6001.5. Sheriff qualifications. A On or after the effective date of this amendatory Act of the 98th General Assembly, except as otherwise provided in this Section, a person is not eligible to be elected or appointed to the office of sheriff, unless that person meets all of the following requirements:
(1) Is a United States citizen.
(2) Has been a resident of the county for at least one year.
(3) Is not a convicted felon.
(4) Has a certificate attesting to his or her successful completion of the Minimum Standards Basic Law

Enforcement Officers Training Course as prescribed by the
Illinois Law Enforcement Training Standards Board or a
substantially similar training program of another state or
the federal government. This paragraph does not apply to any
individual previously elected or appointed sheriff or is
serving as the sheriff at any time prior to sheriff currently
serving on the effective date of this amendatory Act. of the
101st General Assembly.
(Source: P.A. 98-115, eff. 7-29-13.)
Article 99.
General Provisions
Section 99-995. No acceleration or delay. Where this Act
makes changes in a statute that is represented in this Act by
text that is not yet or no longer in effect (for example, a
Section represented by multiple versions), the use of that text
does not accelerate or delay the taking effect of (i) the
changes made by this Act or (ii) provisions derived from any
other Public Act.
Section 99-997. Severability. The provisions of this Act
are severable under Section 1.31 of the Statute on Statutes.
Section 99-999. Effective date. This Act takes effect July
1, 2021, except that Article 25 takes effect January 1, 2022,
Sections 10-105, 10-110, 10-115, 10-120, 10-140, 10-155,
10-160, 10-175, 10-180, 10-185, 10-190, 10-195, 10-200,
10-205, 10-210, 10-215, 10-255, 10-265, 10-270, 10-275,
10-280, 10-285, 10-290, 10-295, 10-300, 10-305, 10-310,
10-315, 10-320, and 10-325 take effect January 1, 2023, and
Article 2 takes effect January 1, 2025.

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