



**INDEX OF HB 1095 (P.A. 102-1104)  
SAFE-T ACT TRAILER BILL**

*HB 1095 makes several changes to the SAFE-T Act. The bill was approved by the Senate on a vote of 38-17 and the House on a vote of 71-40 before being signed into law by Governor Pritzker as P.A. 102-1104 on December 6, 2022. This document is intended as a resource to assist with navigating the provisions of the Act and does not substitute for a complete and meticulous review of the Act.*

<b>Officer-Worn Body Cameras</b>	
<b>50 ILCS 706/10-15</b>	For counties with a population of at least 100,000 but not more than 500,000 that have ordered by October 1, 2022, or purchased by that date officer-worn body cameras for use by the law enforcement agency, the law enforcement agency may implement the use of body cameras by no later than July 1, 2023.
<b>50 ILCS 706/10-25</b>	Deletes language that required body camera recordings used in prosecution of conservation, criminal, or traffic offenses, or ordinance violations from having to record the time, date, location and precinct of the incident and the offense charged and the date charges were filed.
<b>50 ILCS 707/10</b>	Allows for grants from the Law Enforcement Camera Grant Fund to be used to offset data storage costs for officer-worn body cameras.
Effective on December 6, 2022	

<b>Criminal Code of 2012</b>	
<b>720 ILCS 5/32-10</b>	Persons having been released pretrial for appearance before any court for a felony, Class A misdemeanor or a criminal offense in which the victim is a family or household member, and is charged with any other felony, Class A misdemeanor, or a criminal offense in which the victim is a family or household member, may not be released by law enforcement under 109-1 of the Code of Criminal Procedure of 1963 prior to the court appearance.
Effective on January 1, 2023	

**Code of Criminal Procedure of 1963**

<p><b>725 ILCS 5/107-9</b></p>	<p>A criminal summons may be served in the same manner as the summons in a civil action, except that a law enforcement officer may serve a summons for a violation of an ordinance occurring within the jurisdiction of the officer.</p>
<p><b>725 ILCS 5/109-1</b></p>	<p>Law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of any offense that is not a felony or Class A misdemeanor unless (i) a law enforcement officer reasonably believes the accused poses a threat to the community or any person, (ii) a custodial arrest is necessary because the criminal activity persists after the issuance of a citation, or (iii) the accused has an obvious medical or mental health issue that poses a risk to the accused's own safety.</p>
<p><b>725 ILCS 5/109-2</b></p>	<p>If a person is taken before a judge in any county and a warrant for arrest issued by another county for that person, the court in the arresting county shall hold for that person a detention hearing under Section 110-6.1 or other hearing under Section 110-5 or Section 110-6.</p>
<p><b>725 ILCS 5/110-2</b></p>	<p>All persons charged with an offense shall be eligible for pretrial release before conviction.</p> <p>Pretrial release may be denied only if a person is charged with an offense listed in Section 110-6.1 and after the court has held a hearing under Section 110-6.1.</p>
<p><b>725 ILCS 5/110-3</b></p>	<p>Upon failure to comply with any condition of pretrial release, the court having jurisdiction at the time of such failure may, on its own motion or upon a motion from the State, issue a summons or warrant for the arrest of the person at liberty on pretrial release.</p>
<p><b>725 ILCS 5/110-5</b></p>	<p>Determines the amount of bail and conditions of release.</p> <p>Adds language that the court shall take into account when determining pretrial release the nature and seriousness of the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case.</p>

	<p>Sets forth additional criteria that the court may consider when a person is charged with a violation of a protective order, domestic battery, aggravated domestic battery, kidnapping, aggravated kidnapping, unlawful restraint, aggravated unlawful restraint, cyberstalking, harassment by telephone, harassment through electronic communications, or an attempt to commit first degree murder committed against a spouse or a current or former partner in cohabitation or dating relationship.</p> <p>Allows the court to use a regularly validated risk assessment tool to aid its determination of appropriate conditions of release.</p>
<p><b>725 ILCS 5/110-5.2</b></p>	<p>If a court reasonably believes that a pre-trial detainee will give birth while in custody, the court shall order an alternative to custody unless the court determines the pregnant detainee is charged with an offense for which pretrial release may be denied under Section 110-6.1; or,</p> <p>After a hearing under Section 110-6.1 that considers the circumstances of a detainee’s pregnancy, the court determines the only way to prevent a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, or prevent the defendant’s willful flight.</p>
<p><b>725 ILCS 5/110-6</b></p>	<p>When a defendant has previously been granted pretrial release under this Section for a felony or Class A misdemeanor, that pretrial release may be revoked only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant’s pretrial release.</p> <p>Pretrial release may not be revoked for defendants charged with a Class B or Class C misdemeanor offense, a petty business offense, or an ordinance violation, if the defendant is also subsequently charged with a felony that is alleged to have occurred during the pretrial release or a Class A misdemeanor offense that is alleged to have occurred during the pretrial release.</p>

	<p>At each appearance of the defendant before the court, the judge must find that continued detention is necessary to reasonably ensure the appearance of the defendant for later hearings or to prevent the defendant from being charged with subsequent felony or Class A misdemeanor.</p>
<p><b>725 ILCS 5/110—6.1</b></p>	<p>The court may deny pretrial release only if the defendant is charged with a felony offense other than a forcible felony for which, based on the charge or the defendant’s criminal history, also poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case.</p> <p>Pretrial release may be denied if the defendant poses a real a present threat to the safety of any person or persons or the community, and the defendant is charged with treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated robbery, robbery, burglary where there is use of force against another person, residential burglary, home invasion, vehicular invasion, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement or any other felony which involves the threat of or infliction of great bodily harm or permanent disability or disfigurement.</p> <p>Pretrial release may be denied if the defendant is charged with certain, identified non-probationable offenses.</p> <p>A hearing at which pre-trial release may be denied must be conducted in person unless the accused waives the right to be present physically in the court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through</p>

	<p>reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every six months.</p> <p>If a defendant is denied pretrial release, the court may impose a no contact provision with the victim or other interested party that shall be enforced while the defendant remains in custody.</p>
<b>725 ILCS 5/110-10</b>	<p>Additional conditions of release shall be set only when it is determined that they are necessary to ensure the defendant's appearance in court, ensure the defendant does not commit any criminal offense and ensure the defendant complies with all conditions of pretrial release.</p>
Effective January 1, 2023	