

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered February 6, 2020.

(Deleted material is struck through, and new material is underscored.)

Effective March 1, 2020, Illinois Supreme Court Rules 501, 526, and 528 are amended, as follows.

Amended Rule 501

Rule 501. Definitions

(a) Bond Certificates. Bail security documents which also guarantee payment of judgments for fines, penalties, assessments and costs, not to exceed the amount specified in Schedule 12, as provided in section 15-60 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-60) for any single offense or \$500 for multiple offenses arising out of the same occurrence (auto bond certificates), or not to exceed \$500 for any single offense covered by Rule 526(b)(1) (truck bond certificates), which are issued or guaranteed, in counties other than Cook, by companies or membership associations authorized to do so by the Director of Insurance, State of Illinois, under regulations issued by this court. (Note: Copies of these regulations may be obtained by writing to: Director, Administrative Office of the Illinois Courts, 3101 Old Jacksonville Road, Springfield, IL 62704-6488.) The privilege of issuing bond certificates for use in Cook County shall be governed by rule of the Circuit Court of Cook County. (Note: Copies of the Cook County rule may be obtained by writing to: Office of the Chief Judge, Richard J. Daley Center, 50 W. Washington St., Chicago, IL 60602.)

(b) Cash or Cash Bail. United States currency; transfer of United States currency by means of credit cards, debit cards, or electronic fund transfer; traveler's checks issued by major banks or express companies which, alone or in combination with currency, total the exact amount required to be deposited as bail; and negotiable drafts on major credit card companies, under conditions approved by the Administrative Director.

(c) Conservation Offense. Any case charging a violation listed below, except any charge punishable upon conviction by imprisonment in the penitentiary:

- (1) The Fish and Aquatic Life Code, as amended (515 ILCS 5/1-1 *et seq.*);
- (2) The Wildlife Code, as amended (520 ILCS 5/1.1 *et seq.*);
- (3) The Boat Registration and Safety Act, as amended (625 ILCS 45/1-1 *et seq.*);
- (4) The Park District Code, as amended (70 ILCS 1205/1-1 *et seq.*);
- (5) The Chicago Park District Act, as amended (70 ILCS 1505/ 0.01 *et seq.*);
- (6) The State Parks Act, as amended (20 ILCS 835/ 0.01 *et seq.*);

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- (7) The State Forest Act, as amended (525 ILCS 40/ 0.01 *et seq.*);
- (8) The Forest Fire Protection District Act, as amended (425 ILCS 40/ 0.01 *et seq.*);
- (9) The Snowmobile Registration and Safety Act, as amended (625 ILCS 40/1-1 *et seq.*);
- (10) The Endangered Species Protection Act, as amended (520 ILCS 10/1 *et seq.*);
- (11) The Forest Products Transportation Act, as amended (225 ILCS 740/1 *et seq.*);
- (12) The Timber Buyers Licensing Act, as amended (225 ILCS 735/1 *et seq.*);
- (13) The Downstate Forest Preserve District Act, as amended (70 ILCS 805/ 0.001 *et seq.*);
- (14) The Exotic Weed Act, as amended (525 ILCS 10/1 *et seq.*);
- (15) The Ginseng Harvesting Act, as amended (525 ILCS 20/ 0.01 *et seq.*);
- (16) The Cave Protection Act, as amended (525 ILCS 5/1 *et seq.*);
- (17) Any regulations, proclamations or ordinances adopted pursuant to any code or act named in this Rule 501(c);
- (18) Ordinances adopted pursuant to the Counties Code for the acquisition of property for parks or recreational areas (55 ILCS 5/5-1005(18));
- (19) The Recreational Trails of Illinois Act, as amended (20 ILCS 862/1 *et seq.*);
- (20) The Herptiles-Herps Act, as amended (510 ILCS 68/1-1 *et seq.*).

(d) Driver's License. A current driver's license or temporary visitor's driver's license issued by the Secretary of State of Illinois. However, restricted driving permits, monitoring device driving permits, instruction permits, probationary licenses or temporary licenses issued under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-100 *et seq.*) shall not be accepted in lieu of or in addition to bail amounts established in Rule 526.

(e) Unit of Local Government. Any county, municipality, township, special district, or unit designated as a unit of local government by law.

(f) Traffic Offense.

(1) Any case which charges a violation of any statute, ordinance or regulation relating to the operation or use of motor vehicles, the use of streets and highways by pedestrians or the operation of any other wheeled or tracked vehicle, ~~including cases charging violations under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-100 *et seq.*).~~ Traffic cases are classified as follows:

(i) "Major Traffic Offense" means a traffic offense under the Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*) or a similar provision of a local ordinance, other than a petty offense or business offense, that is punishable by a term of imprisonment of less than one year.

(ii) "Minor Traffic Offense" means a petty offense or business offense under the Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*), Child Passenger Protection Act (625 ILCS 25/1 *et seq.*), or a similar provision of a local ordinance.

(2) A traffic offense does not include a case in which a ticket was served by "tie-on," "hang-on," or "appended" methods and cases charging violations of:

- ~~(i) Section 9-3(b) of the Criminal Code of 1961, as amended (reckless homicide) (720~~

ILCS 5/9-3(b));

~~—(ii) Section 12-5 of the Criminal Code of 1961, as amended (reckless conduct) (720 ILCS 5/12-5);~~

(iii) Article I of chapter 4 of the Illinois Vehicle Code, as amended (anti-theft laws) (625 ILCS 5/4-100 *et seq.*);

(ii~~v~~) Any charge punishable upon conviction by imprisonment in the penitentiary;

(iii~~iv~~) “Jay walking” ordinances of any unit of local government;

(iv~~6~~) Any conservation offense (see Rule 501(c)).

(g) Promise to Comply. ~~An option available to Illinois residents and residents of member jurisdictions of the Nonresident Violator Compact of 1977 (625 ILCS 5/6-800 *et seq.*), allowing release from custody without bail following arrests on view for petty traffic offenses, subject to the terms of the Uniform Citation and Complaint (see 625 ILCS 5/6-308). Residents of other states that are not member jurisdictions of the Nonresident Violator Compact of 1977 shall not be released on a promise to comply, but must post bail or secure release in accordance with these rules.~~

(h) Individual Bond. Bonds authorized without security for persons arrested for or charged with offenses covered by Rules 526, 527 and 528 who are unable to secure release from custody under these rules (see Rule 553(d)).

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended June 11, 2014, eff. July 1, 2014; amended December 30, 2014, eff. Jan. 1, 2015; amended Oct. 15, 2015, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018; amended Dec. 10, 2018, eff. Jan. 1, 2019; amended Mar. 8, 2019, eff. July 1, 2019; amended Feb. 6, 2020, eff. Mar. 1, 2020.

Amended Rule 526

Rule 526. Bail Schedule—Traffic Offenses

(a) Bail in Minor Traffic Offenses. Unless released on a promise to comply and except as provided in paragraphs (b) and (d) of this rule a person arrested for a minor traffic offense and personally served by the arresting officer with a Citation and Complaint shall post bail in the amount equal to the Schedule 12 assessment, as provided in section 15-60 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-60), in one of the following ways: (1) by posting cash bail (see Rule 501(b) for definition of “Cash Bail”); or (2) by depositing, in lieu of such amount, an approved bond certificate; or (3) by depositing, in lieu of such amount, a current Illinois driver’s

license.

(b) Bail in Certain Truck Offenses.

(1) Persons charged with a violation of section 3-401(d) or 15-111 of the Illinois Vehicle Code, as amended (truck overweight) (625 ILCS 5/3-401(d) or 5/15-111), charged with a violation of section 15-112(e) of the Illinois Vehicle Code, as amended (gross weight) (625 ILCS 5/15-112(e)), or charged with a violation punishable by fine pursuant to sections 15-113.1, 15-113.2 or 15-113.3 of the Illinois Vehicle Code, as amended (permit moves) (625 ILCS 5/15-113.1 *et seq.*), unless released on a promise to comply, shall post cash bail in an amount equal to the amount of the minimum fine fixed by statute, plus an amount equal to the Schedule 10.5 assessment, as provided in section 15-52 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-52) (see Rule 501(b) for definition of “Cash Bail”). The accused may, in lieu of cash bail, deposit a money order issued by a money transfer service company which has been approved by the Administrative Director under regulations issued by this court. The money order shall be made payable to the clerk of the circuit court of the county in which the violation occurred. When the bail for any offense hereunder does not exceed \$500, the accused may, at his or her option, deposit a truck bond certificate in lieu of bail.

(2) Persons charged with violating section 15-112(g) of the Illinois Vehicle Code, as amended, by refusing to stop and submit a vehicle and load to weighing after being directed to do so by an officer, or with violating section 15-112(g) by removing all or part of the load prior to weighing shall post bail in the amount of \$1,200 (625 ILCS 5/15-112(g)).

(c) Bail in Major Traffic Offenses. Except as provided in paragraph (e) of this rule, persons charged with a major traffic offense, ~~unless released on a promise to comply,~~ shall post bail in the amount of \$2,500 with the exception of the following violations:

ILCS	Description	Bail
(1) 625 ILCS 5/11-501	Misdemeanor Driving Under Influence of Alcohol or Drugs or with 0.08 or more Blood- or Breath Alcohol Concentration	\$3,000
(2) 625 ILCS 5/11-506	Street Racing	\$3,000

(d) Bail in Other Traffic Offenses (Vehicle Title & Registration Law). Except as provided in paragraph (e) of this rule, persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/3-707	Operating Without Insurance	\$2,000
(2) 625 ILCS 5/3-708	Operating when Registration Suspended for Non-insurance	\$3,000

(e) Driver's License or Bond Certificate in Lieu of or in Addition to Bail. An accused who has a valid Illinois driver's license may deposit his or her driver's license in lieu of the bail specified in Rule 526(c). In lieu of posting the cash amount specified in subparagraphs (1) and (2) of Rule 526(c) or subparagraph (2) of Rule 526(d), an accused must post \$1,000 bail and his or her current Illinois driver's license. Persons who do not possess a valid Illinois driver's license shall post bail in the amounts specified in Rule 526(c) or 526(d).

(f) Bail for Traffic Offenses Defined by Ordinance. Bail for traffic offenses defined by any ordinances of any unit of local government which are similar to those described in this Rule 526 shall be the same amounts as provided for in this rule.

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended September 29, 1978, effective November 1, 1978; amended September 20, 1979, effective October 15, 1979; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended January 11, 1990, effective immediately; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended September 27, 1993, effective October 1, 1993; amended April 11, 2000, effective immediately; amended September 30, 2002, effective immediately; amended December 5, 2003, effective immediately; amended May 30, 2008, effective immediately; amended June 11, 2009, effective immediately; amended June 3, 2010, effective September 15, 2010; amended December 7, 2011, effective immediately; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended December 30, 2014, eff. Jan. 1, 2015; amended Dec. 10, 2018, eff. Jan. 1, 2019; amended Mar. 8, 2019, eff. July 1, 2019; amended Feb. 6, 2020, eff. Mar. 1, 2020.

Amended Rule 528

Rule 528. Bail Schedule-Ordinance Offenses, Petty Offenses, Business Offenses and Certain Misdemeanors

(a) Offenses Punishable by Fine Only. Bail for a petty, business, or nontraffic/nonconservation offenses, including ordinance violations, punishable only by a fine shall be ~~in an amount equal to the Schedule 13 assessment, as provided in section 15-65 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-65)~~ \$100.

(b) Certain Other Offenses. Except as provided in paragraph (c) of this Rule 528, bail for any other offenses, including violation of any ordinance of any unit of local government (other than traffic or conservation offenses) punishable by fine or imprisonment in a penal institution other than the penitentiary, or both, shall be ~~an amount equal to the Schedule 13 assessment, as provided in section 15-65 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-65)~~ \$100.

(c) Domestic Violence Offenses. No bail is established under these rules as provided in section 110-15 of the Code of Criminal Procedure of 1963 (725 ILCS 5/110-15) for the offense of domestic battery (720 ILCS 5/12-3.2), a violation of an order of protection (720 ILCS 5/12-30), or any

similar violation of a local ordinance. Bail for these offenses shall be set by the court pursuant to statute.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended June 12, 1992, effective July 1, 1992; amended March 19, 1997, effective April 15, 1997; amended October 22, 1999, effective December 1, 1999; amended June 3, 2010, effective September 15, 2010; amended Mar. 8, 2019, eff. July 1, 2019; amended Feb. 6, 2020, eff. Mar. 1, 2020.