

M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered March 8, 2019.

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

Effective July 1, 2019, Illinois Supreme Court Rules 501, 503, 526, 527, 528, 529, 551, 553, 554, 555, and 556 are amended; Rule 530 is renumbered as Rule 532; and new Rules 530 and 531 are adopted, 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 ~~\$140~~ 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.*);

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- (6) The State Parks Act, as amended (20 ILCS 835/ 0.01 *et seq.*);
- (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 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 or a similar provision of a local ordinance.

(2) A traffic offense does not include a case, but excluding cases 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~~2~~) Section 12-5 of the Criminal Code of 1961, as amended (reckless conduct) (720 ILCS 5/12-5);

(iii~~3~~) Article I of chapter 4 of the Illinois Vehicle Code, as amended (anti-theft laws) (625 ILCS 5/4-100 *et seq.*);

(iv~~4~~) Any charge punishable upon conviction by imprisonment in the penitentiary;

(v~~5~~) “Jay walking” ordinances of any unit of local government;

(vi~~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 Rule 503

Rule 503. Multiple Charges under These Rules

(a) Amount of Bail-Hearing Date. Police officers should refrain from issuing multiple citations for offenses arising out of the same occurrence. A person arrested and charged with more than one offense arising out of the same occurrence when the bail is established for each such offense under Rule 526, 527 or 528 shall be released from custody as follows:

(1) If bail for each such offense is established by Rule 526, and the accused is eligible for release on each charge by a promise to comply pursuant to section 6-308 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-308), no court appearance shall be required if all such charges are satisfied under Rule 529.

(2) In all other cases, the accused shall be released from custody after posting bail on the charge for which the highest bail is required, and, except as provided below, a court

appearance shall be required on each charge. Whether a court appearance will be required for any other offenses charged at the same time as an offense requiring bail under Rule 526(b)(1) will be determined without regard to such truck violations. A separate bail shall be required for each case involving truck violations under Rule 526(b)(1) or similar municipal ordinances, and all such charges may be satisfied without a court appearance, if all such charges are satisfied under Rule 531~~29~~.

(3) No court appearance shall be required under this rule where all charges are traffic and conservation offenses which may be satisfied without a court appearance under Rules 529, 530, or 531 and the accused elects to post separate cash bail on each such charge.

(4) No court appearance shall be required under this rule where all charges are traffic offenses which may be satisfied without a court appearance under Rule 529, the separate bails required for all such charges do not exceed \$500, and the accused has deposited an approved bond certificate in lieu of bail; ~~in such event, if the accused does not appear on the date set for appearance, or any date to which the case(s) may be continued, it shall be presumed he or she has elected to post separate bails and consented to the entry of *ex parte* judgment on each such charge (see Rule 556(b)).~~

All such charges, whenever practicable, should be set for hearing on the same day in the same court, to be disposed of at the same time (see Rule 501(b) for definition of “Cash Bail”).

(b) New Bail—Application of Bail and Return of Balance. After final disposition of a charge for which bail was posted, the court shall set new bail in a single amount to cover any concurrent charges which may be continued for further hearing at a future date. The clerk may apply any cash or security originally posted as bail to payment of any fine, penalties, assessments, and costs due on the charge for which bail was originally posted or any other charge disposed of at the same time, but shall return any remaining balance to the accused and shall not retain the balance to apply, in whole or in part, to any new bail set by the court, without the consent of the accused.

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 April 27, 1984, effective July 1, 1984; 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 September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended December 30, 2014, eff. Jan. 1, 2015; amended Dec. 29, 2017, eff. Jan. 1, 2018; amended June 8, 2018, eff. July 1, 2018; amended Dec. 10, 2018, eff. Jan. 1, 2019; amended Mar. 8, 2019, eff. July 1, 2019.

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), ~~(c), (d) and (f)~~ 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), ~~of \$120~~ in one of the following ways: (1) by posting ~~\$120~~-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 penalties and costs 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 ~~\$2,000~~\$1,200 (625 ILCS 5/15-112(g)).

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

ILCS	Description	Bail
(1) 625 ILCS 5/11-601	Speeding, but only when more than 20 mph over the posted limit but not more than 25 mph over the posted limit	\$140
(2) 625 ILCS 5/11-601.5	Speeding, but only when 26 mph over the posted limit but less than 35 mph over the posted limit	\$1,500
	Speeding, but only when 35 mph	\$2,000

or more over the posted limit

~~(3) 625 ILCS 5/11-204~~ Fleeing or Attempting to Elude Police Officer \$2,000

~~(4) Blank~~

~~(15) 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

~~(6) 625 ILCS 5/11-503~~ Reckless Driving \$2,000

~~(27) 625 ILCS 5/11-506~~ Street Racing \$3,000

~~(8) 625 ILCS 5/12-603.1~~ Use of Safety Belts, Driver or Passenger \$60

(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
(3) 625 ILCS 5/3-710	Display of False Insurance Card	\$2,000

(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 ~~subparagraphs (2), (3), and (6) of Rule 526(c), and subparagraphs (1) and (3) of Rule 526(d).~~ In lieu of posting the cash amount specified in subparagraphs ~~(15)~~ and ~~(27)~~ 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 in Other Traffic Offenses (Driver Licensing Law).** 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 5/6-301	Unlawful Use of License	\$1,500
(2) 625 ILCS 5/6-303 See article VI, "Penalties," Illinois Vehicle Code (625 ILCS 5/6-601)	Misdemeanor Driving With Suspended or Revoked License under the following circumstances: —(a) All cases other than those where the license is suspended for failure to appear —(b) License suspended for failure to appear (see Rule 526(a))	\$1,500
(3) 625 ILCS 5/6-304.1	Permitting Driving Under Influence of Alcohol or Drugs	\$1,500
(4) 625 ILCS 5/6-101 See article VI, "Penalties," Illinois Vehicle Code (625 ILCS 5/6-601)	Unlicensed Driving, under the following circumstances: —(a) All cases other than those charging license expired for less than one year —(b) License expired less than one year (see Rule 526(a))	\$1,500
(5) 625 ILCS 5/6-507	Commercial Driver's License	\$1,500

(fg) 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 Rule 527

Rule 527. Bail Schedule—Conservation Offenses

(a) General. Except as provided in paragraphs (b), (c), (d), (e), (f), and (g) of this Rule 527, a person arrested for a conservation offense classified as petty, business, Class B misdemeanor, or Class C misdemeanor and personally served by the arresting officer with a conservation complaint shall post cash bail in the amount equal to the Schedule 11 assessment as provided in section 15-55 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-55) of \$ 120 (see Rule 501(b) for definition of “Cash Bail”).

(b) Bail for Specified Violations of the Wildlife Code. Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

~~WILDLIFE CODE~~

ILCS	Description	Bail
520 ILCS 5/2.9	Unlawful Taking or Possession of Wild Turkeys out of Season	\$1,500
-		
520 ILCS 5/2.16	Unlawful Sale or Barter of Game Birds	\$1,500
-		
520 ILCS 5/2.18	Unlawful Taking of Migratory Game Birds	\$1,500
-		
520 ILCS 5/2.24	Unlawful Taking or Possessing of Deer out of Season	\$1,500
-		
520 ILCS 5/2.25	Unlawful Taking or Possessing of Deer out of Season	\$1,500
-		
520 ILCS 5/2.29	Unlawful Sale or Barter of Game Animals	\$1,500
-		
520 ILCS 5/2.30	Unlawful Taking of Fur-bearing Mammals	\$1,500
-		
520 ILCS 5/2.33a(k)	Possession of Green Hides	\$1,500

~~**(c) Bail for Specified Violations of the Boat Registration and Safety Act.** Persons arrested~~

for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

BOAT REGISTRATION AND SAFETY ACT

ILCS	Description	Bail
625 ILCS 45/5-1	Careless Operation of Motorboat	\$1,500
625 ILCS 45/5-16(A)	Operating Motorboat Under the Influence of Liquors or Drugs	\$2,000
625 ILCS 45/5-22	Failure to Yield to Emergency Watercraft	\$1,500

~~(d) Bail for Specified Violations of the Snowmobile Registration and Safety Act. Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:~~

SNOWMOBILE REGISTRATION AND SAFETY ACT

ILCS	Description	Bail
625 ILCS 40/3-10	Falsification or Alteration	\$1,500
625 ILCS 40/5-1(B)	Reckless, Negligent or Careless Operation of Snowmobile	\$1,500
625 ILCS 40/5-7(a)	Operating Snowmobile Under the Influence of Liquor or Drugs	\$2,000

~~(e) Bail for Specified Violations of the Fish and Aquatic Life Code. Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:~~

FISH AND AQUATIC LIFE CODE

ILCS	Description	Bail
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515 ILCS 5/10-140	Dip Net Without	\$1,500
Commercial License		
-		
515 ILCS 5/15-5	Failure to Have Required	\$1,500
Commercial Fishing License		
-		
515 ILCS 5/15-10	Failure to Have Required	\$1,500
Commercial Mussel or License		
-		
515 ILCS 5/20-90	Aquaculture Permit	\$1,500

~~(f) Bail for Specified Violations of the Forest Products Transportation Act.~~ Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

~~FOREST PRODUCTS TRANSPORTATION ACT~~

ILCS	Description	Bail
225 ILCS 740/5	Transportation of Forest	\$1,500
Products Without Consent		

(bg) Bail for Class A Misdemeanors. Persons arrested for any conservation offense classified as a Class A misdemeanor and personally served by the arresting officer with a conservation complaint shall post bail in the amount of \$2,500, with the exception of the following violations: \$1,500, except as may be provided in paragraphs (b), (c), (d), (e), and (f).

<u>ILCS</u>	<u>Description</u>	<u>Bail</u>
<u>625 ILCS 45/5-16(A)</u>	<u>Operating a Motorboat Under the Influence of Alcohol or Drugs</u>	<u>\$3,000</u>
<u>625 ILCS 40/5-7(a)</u>	<u>Operating Snowmobile Under the Influence of Alcohol or Drugs</u>	<u>\$3,000</u>

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 June 12, 1992, effective July 1, 1992; amended September 30, 2002, effective immediately; amended December 6,

2006, effective immediately; amended June 11, 2009, effective immediately; amended June 3, 2010, effective September 15, 2010; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended Mar. 8, 2019, eff. July 1, 2019.

Amended Rule 528

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

(a) Offenses Punishable by Fine ~~Only. Not to Exceed \$1,000.~~ Bail for a petty, business, or nontraffic/nonconservation offenses (other than traffic or conservation 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, which does not exceed \$1,000 shall be \$120.

(b) Offenses Punishable by Fine in Excess of \$1,000. Bail for offenses (other than traffic or conservation offenses) punishable only by a fine which exceeds \$1,000 shall be \$1,500.

(be) Certain Other Offenses. Except as provided in paragraph (c) of this Rule 528, bail 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), \$1,500, except as provided in paragraph (d) of this Rule 528 and except that bail for Class C misdemeanors shall be \$120.

(cd) 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.

PART C. FINES, PENALTIES, ASSESSMENTS, AND COSTS—

10% DEPOSIT STATUTE

Amended Rule 529

Rule 529. ~~Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses~~

(a) Minor Traffic Offenses. All minor traffic offenses, except those requiring a court

appearance under Rule 551 and those involving offenses set out in Rule 526(b)(1), may be satisfied without a court appearance by a written plea of guilty, including electronic pleas as authorized by the Supreme Court, and payment of an 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). ~~If the defendant fails to satisfy the charges and fails to appear at the date set for appearance, the court shall address the charges in accordance with Rule 556, fines, penalties and costs, equal to the bail required by Rule 526 unless an order of failure to appear to answer the charge has been entered pursuant to Rule 556(a), in which case the fine, penalties and costs shall be equal to the amount of the required bail, plus an additional penalty of \$35. The balance remaining after deducting the amounts required by sections 27.3a and 27.3c of the Clerks of Courts Act (705 ILCS 105/27.3a, 27.3c) shall be distributed as follows:~~

- ~~— (1) 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case;~~
- ~~— (2) 16.825% shall be disbursed to the State Treasurer; and~~
- ~~— (3) 38.675% shall be disbursed to the county's general corporate fund.~~

Except as provided in paragraph (b) of this Rule 529, no ~~No~~ other fines, fees, penalties, assessments, or costs shall be assessed in any case which is disposed of on a written plea of guilty without a court appearance under this paragraph (a) of Rule 529. ~~A charge of violating section 3-401(d), 15-111 or offenses punishable by fine pursuant to sections 15-113.1, 15-113.2 or 15-113.3 of the Illinois Vehicle Code (truck overweight and permit moves) (625 ILCS 5/15-111, 15-113.1 through 15-113.3), or similar municipal ordinances, may be satisfied without a court appearance by a written plea of guilty and payment of the minimum fine fixed by statute, plus all applicable penalties and costs (see Rule 526(b)(1)). Fines, penalties, and costs shall be disbursed by the clerk pursuant to statute.~~

(b) Conservation Offenses. ~~Conservation offenses for which \$120 cash bail is required under Rule 527 may be satisfied without a court appearance by a written plea of guilty, including electronic pleas as authorized by the Supreme Court, and payment of fines, penalties and costs, equal to the cash bail required by Rule 527. The balance remaining after deducting the amounts required by sections 27.3a and 27.3c of the Clerks of Courts Act (705 ILCS 105/27.3a, 27.3c) shall be distributed as follows:~~

- ~~(1) 67% shall be disbursed to the entity authorized by law to receive the fine imposed in the case;~~
- ~~(2) 16.825% shall be disbursed to the State Treasurer; and~~
- ~~(3) 16.175% shall be disbursed to the county's general corporate fund.~~

~~No other fines, fees, penalties or costs shall be assessed in any case which is disposed of on a written plea of guilty without a court appearance under paragraph (b) of this Rule 529.~~

(be) Supervision on Written Pleas of Guilty. In counties designated by the Conference of Chief Circuit Judges, the circuit court may by rule or order authorize the entry of an order of supervision under section 5-6-3.1 of the Unified Code of Corrections (730 ILCS 5/5-6-3.1), for minor traffic offenses satisfied pursuant to paragraph (a) of this Rule 529. Such circuit court rule or order may include but does not require a program by which the accused, upon payment of ~~the~~ fines, penalties and costs equal to bail required by Rule 526, an 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), agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. A traffic safety program provider may be authorized to file a certificate of completion on behalf of the accused; however, it is the responsibility of the accused to ensure that the certificate is timely filed. Any county designated by the Conference pursuant to this rule may opt-out of this rule upon notification to the Conference by the chief judge of the circuit and rescinding any rule or order entered to establish supervision on written pleas of guilty.

(cd) The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases where a defendant enters a guilty plea under this rule. The clerk of the circuit court shall disburse the monies collected under this Rule 529 in accordance with the Schedule 12 assessment, as provided in section 15-60 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-60). ~~fines, penalties, and costs as provided for in paragraph (a) of this Rule 529.~~

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 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 December 20, 1991, effective January 1, 1992; amended June 12, 1992, effective July 1, 1992; amended January 20, 1993, effective immediately; amended May 24, 1995, effective January 1, 1996; amended April 1, 1998, effective immediately; amended March 16, 2001, effective immediately; amended December 5, 2003, effective January 1, 2004; amended August 6, 2010, effective September 15, 2010; amended December 7, 2011, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018; amended Mar. 8, 2019, eff. July 1, 2019.

Committee Comments
(December 5, 2003)

Under present Supreme Court Rule 529 (Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses), cash bail is distributed on pleas of guilty, where a court appearance is not required, by deducting applicable costs, including clerk's fees (705 ILCS 105/27/1a, 27.2 or 27.2a, as the case may be), Automation Fee (705 ILCS 105/27.3a), Document Storage Fee (705 ILCS 105/27.3c) and Fee to Finance the Court System (55 ILCS 5/5-110). The balance is then distributed by the clerk to the Traffic and Criminal Conviction Surcharge (TCCS) and LEADS Maintenance Fund (730 ILCS 5/5-9-1(c)), Driver's Education Fund (Driver's Ed) (625 ILCS 5/16-104a), Violent Crime Assistance Fund (VCVA) (725 ILCS 240/10(b)) (VCVA is not assessed in speeding violation cases), Trauma Center Fund (625 ILCS 5/16-104(b)), if applicable, and the entity entitled to receive the fine.

The proposed amendments to Rules 529(a) and 529(b) would exclude electronic pleas and eliminate itemized distribution by the clerk of the funds noted above and, instead, after first deducting the Automation Fee and Document Storage Fee, distribute the bail for traffic offenses along the present line of section 27.6 of the Clerk's of Court Act (705 ILCS 105/27.6) in the

following percentages: 44.5% to the entity entitled to receive the fine, 38.675% to the county's general fund, and 16.825% to the state Treasurer. Under Rule 529(b), since conservation offenses are not included under section 27.6, bail would be distributed as follows: 67% to the entity entitled to receive the fine, 16.175% to the county's general fund, and 16.825% to the state Treasurer, which is similar to the current disbursement of these amounts.

The \$5 Fee to Finance the Court System (55 ILCS 5/5-1101) is distributed to the county's general fund under the present rule on an itemized basis, and would be included in the 38.675% disbursed to the county's general fund under proposed amended Rule 529(a).

The Court Security Fee (55 ILCS 5/5-1103) is not included either in present Rule 529, or the proposed amendment, since the statute requires a court appearance by the violator before the assessment of this fee.

By way of background, the percentage distribution formula under 705 ILCS 105/27.6 became effective on January 1, 1993, and has been adopted for the assessment of fines, fees, costs and forfeitures in 10 counties throughout the state, including Cook County, for violations of the Vehicle Code.

Supreme Court Rule 526 (Bail Schedules-Traffic Offenses), Rule 527 (Bail Schedule-Conservation Offenses) and Rule 529 (Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses), among others, were amended on June 12, 1992, effective July 1, 1992, increasing bail in minor traffic cases from \$50 to \$75 and from \$75 to \$95 since the amount of fines received by the municipalities was being reduced by legislative "add-ons."

The committee does not believe Supreme Court Rule 529, in its present form, provides adequate direction to the circuit clerks in the distribution of funds under this rule. For instance, a problem arises in the calculation of the TCCS/LEADS Fund which requires the court to assess an additional penalty of \$5 for each \$40, or fraction thereof, of fine imposed, and the Driver's Ed Fund and VCVA, which requires the court to assess an additional penalty of \$4 for each \$40, or fraction thereof, of fine imposed. This, by necessity, involves the use of a multiplier. To arrive at the multiplier, the clerk must divide the fine by 40 when a fine plus costs is assessed, or follow the method prescribed under 730 ILCS 5/5-9-1(c) (TCCS/LEADS Maintenance Fund), 725 ILCS 240/10(b) (VCVA) and 625 ILCS 5/16-104a (Driver's Ed) when the court levies "a gross amount for fine, costs, fees and penalties." The committee concluded that an assessment under Rule 529 was not a "levy of a gross amount."

Under the current rule, the fine is represented as the "balance of the bail," and is the amount remaining after deducting various costs and fees. Therefore, since the court has not assessed a specific fine, the clerk has no exact amount to divide by 40 and is left to reach his or her own conclusion as the correct multiplier. In certain instances if the clerk computes these additional penalties with a multiplier of 1, it results in a fine which is greater than \$40; if a multiple of 2 is used, it results in a fine of less than \$40.

Chief Justice Benjamin K. Miller, in the Supreme Court's Annual Report to the Legislature dated January 31, 1991, discussed the "plethora of user fees and surcharges enacted by the General Assembly," then concluded that "[t]he complexity of the structure of various charges is such that they are not uniform, and are confusing. It has been impossible for the court system to apply the charge in a consistent and coherent manner."

The Article V Committee agrees, and in order to enhance uniformity and consistency throughout the state in the disbursement of fines, costs, penalties and forfeitures under Rule 529, it recommends a percentage disbursement of funds upon pleas of guilty in traffic and conservation cases which are satisfied without a court appearance by the violator. The committee believes this disbursement, which would be made monthly to all entities, would be fair to all concerned, increase the efficiency of the clerks, and substantially reduce the possibility of error.

As an example of the continuing dilemma facing the circuit clerks, Public Act 93-32, effective June 20, 2003, directs that an “additional penalty ~~off~~ \$4.00 shall be assessed by the court imposing a fine (upon a plea or finding of guilty in all traffic, criminal, conservation and local ordinance cases).” The funds are to be remitted by the circuit clerk to the state Treasurer and deposited in the Traffic and Criminal Surcharge Fund. The committee concluded the additional penalty under this act could not be collected or distributed under Rules 529 and 526 since the total amount of bail was already exhausted by other fines, fees and costs, and the act itself provides that the additional penalty “shall not reduce or affect the distribution of any other fine, costs, fees and penalties.” The committee felt the only way to obtain the funds required under Public Act 93-32 would be: (1) order the offender to appear in court for the assessment of the \$4 additional penalty, or (2) increase the amount of bail under Rule 526. It considered the first option to be counterproductive. As to the second option, the committee noted Justice Heiple’s dissent when bail was increased under Rule 526 in 1992. In his dissent, he stated, “[W]hile the original purpose of enacting and enforcing highway traffic laws was public safety, this purpose has, in substantial measure, given way to the purpose of earning bounty revenues of government. Any bail figure, to the extent it exceeds the amount necessary to insure the presence of the defendant in court, ~~is~~ a misuse and abuse of the bail process.” The committee, after discussion, is not recommending the increase of bail under Rules 526 and 527.

The committee was also concerned about the 10 counties which distribute gross fines and costs pursuant to 705 ILCS 105/27.6, since this distribution would include money collected by the circuit clerk as a result of forfeiture of bonds, *ex parte* judgments or guilty pleas pursuant to Rule 529. Public Act 93-32 directs the court to assess an additional penalty; section 27.6 provides that “(f) or offenses subject to this section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act.” The inconsistency between the two acts places the circuit clerks in a quandary, particularly in those counties operating under section 27.6.

The committee has recommended the circuit clerks be given a clear and definite direction concerning distribution of funds under this rule and believes the proposed amendment would provide that direction.

New Rule 530

Rule 530. Written Pleas of Guilty in Conservation Offenses

(a) Conservation Offenses. Conservation offenses, as defined in section 1-5 of the Criminal and Traffic Assessment Act (705 ILCS 135/1-5), for which cash bail is required under Rule 527(a), may be satisfied without a court appearance by a written plea of guilty, including

electronic pleas as authorized by the Supreme Court, and payment of an amount equal to the Schedule 11 assessment, as provided in section 15-55 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-55). If the defendant fails to satisfy the charges and fails to appear at the court appearance, the court shall address the charges in accordance with Rule 556. No other fines, fees, penalties, assessments, or costs shall be assessed in any case that is disposed of on a written plea of guilty without a court appearance under this Rule 530.

(b) The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases where a defendant enters a guilty plea under this Rule 530. The clerk of the circuit court shall disburse monies collected under this Rule 530 in accordance with the Schedule 11 assessment, as provided in section 15-55 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-55).

Adopted Mar. 8, 2019, eff. July 1, 2019.

New Rule 531

Rule 531. Written Pleas of Guilty in Overweight and Permit Offenses

(a) **Overweight and Permit Offenses.** A charge for violating section 3-401(d), 15-111, or offenses punishable by fine pursuant to sections 15-113.1, 15-113.2, or 15-113.3 of the Illinois Vehicle Code (truck overweight and permit moves) (625 ILCS 5/3-401(d), 15-111, 15-113.1 through 15-113.3), or similar municipal ordinances may be satisfied without a court appearance by a written plea of guilty and payment 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). If the defendant fails to satisfy the charges and fails to appear at the court appearance, the court shall address the charges in accordance with Rule 556. No other fines, penalties, assessments, or costs shall be assessed in any case that is disposed of on a written plea of guilty without a court appearance under this Rule 531.

(b) The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases where a defendant enters a guilty plea under this Rule 531. The clerk of the circuit court shall disburse the fines collected under this Rule 531 in accordance with Sections 15-113 and 16-105 of the Vehicle Code (625 ILCS 5/15-133, 16-105) and shall disburse the assessments collected under this Rule 531 in accordance with the Schedule 10.5 assessment, as provided in section 15-52 of the Criminal and Traffic Assessment Act (705 ILCS 135/15-52).

Adopted Mar. 8, 2019, eff. July 1, 2019.

Renumbered Rule 532

Rule ~~532~~530. Applicability of 10% Cash Deposit Statute

The 10% cash deposit provision of section 110-7 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/110-7), applies in every case in which the amount of bail under these rules is \$1,200 or more, except those cases involving truck violations under Rule 526(b)(1) or

similar municipal ordinances.

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 April 27, 1984, effective July 1, 1984; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended June 12, 1992, effective July 1, 1992; amended September 30, 2002, effective immediately; amended June 3, 2010, effective September 15, 2010; amended Mar. 8, 2019, eff. July 1, 2019.

Rules ~~533534~~ to 550. Reserved

Amended Rule 551

Rule 551. Traffic and Conservation Offenses for Which a Court Appearance is Required

A court appearance is required for:

(a) All alleged ~~major traffic offenses~~ ~~Class A and Class B misdemeanor~~ violations of the Illinois Vehicle Code, as amended (625 ILCS 5/1-100 *et seq.*).

(b) All alleged violations of the following specified sections:

ILCS	Description
625 ILCS 5/3-707	Operating Without Insurance
625 ILCS 5/3-708	Operating When Registration Suspended for Noninsurance
625 ILCS 5/6-101	No Valid Driver's License
625 ILCS 5/6-104	Violation of Classification
625 ILCS 5/6-113	Operating in Violation of Restricted License or Permit
625 ILCS 5/6-301	Unlawful Use of License or Permit
625 ILCS 5/11-409	Making False Report
625 ILCS 5/11-1414(a)	Passed School Bus—Loading or Unloading
625 ILCS 5/15-112(g)	Refusal to stop and submit vehicle and load to weighing after being directed to do so by an officer, or removal of load prior to weighing
625 ILCS 5/15-301(j)	Violation of Excess Size or Weight Permit

(c) All alleged violations of the Child Passenger Protection Act, as amended (625 ILCS 25/1 *et seq.*).

(d) Any traffic offense which results in an accident causing the death of any person or injury

to any person other than the accused.

(e) Conservation offenses identified in subparagraph (b) of for which more than \$120 bail is required under Rule 527; or offenses for which civil penalties are required under section 20-35 of the Fish and Aquatic Life Code, as amended (515 ILCS 5/20-35), or section 3.5 of the Wildlife Code, as amended (520 ILCS 5/3.5).

(f) Offenses arising from multiple charges as provided in Rule 503.

(g) Violation of any ordinance of any unit of local government defining offenses comparable to those specified in subparagraphs (a), (b), (c), (d) and (h) of this Rule 551.

(h) Any minor traffic offense where the statutory minimum fine is greater than \$95, except those offenses involving truck violations under Rule 526(b)(1) or similar municipal ordinances.

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 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 December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended March 26, 1996, effective May 1, 1996; amended September 30, 2002, effective immediately ; amended August 6, 2010, effective September 15, 2010; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended Mar. 8, 2019, eff. July 1, 2019.

Amended Rule 553

Rule 553. Posting Bail or Bond

(a) **By Whom and Where Taken.** The several circuit clerks, deputy circuit clerks and law enforcement officers designated by name or office by the chief judge of the circuit are authorized to let to bail any person arrested for or charged with an offense covered by Rules 526, 527 and 528. Upon designation by the chief judge of the circuit, bail may be taken in accordance with this article in any county, municipal or other building housing governmental units, police station, sheriff's office or jail, district headquarters building of the Illinois State Police, weigh station, or portable scale unit established for enforcement of truck violations under Rule 526(b)(1) or similar municipal ordinances. Bail deposits by credit card, debit card or by any other electronic means may only be accepted upon the approval of the chief judge and the circuit clerk's ability to accept such deposits. Individual bonds under paragraph (d) of this rule may additionally be taken as designated by the chief judge of the circuit.

(b) **Copy of Bond-Receipt for Cash Bail.** A copy of the bond or an official receipt showing the amount of cash bail posted, specifying the time and place of court appearance, shall be furnished to the accused and shall constitute a receipt for bail. The bond or cash bail, or both, shall be delivered to, deposited with, or otherwise transmitted to the office of the circuit clerk of the county in which the violation occurred within 48 hours of receipt or within the time set for the accused's appearance in court, whichever is earlier (see Rule 501(b) for definition of "Cash Bail"). Each delivery, deposit, or transmission shall identify the Complaint(s) associated with the amounts delivered, deposited, or otherwise transmitted.

(c) Driver's License or Bond Certificate. If an accused deposits a driver's license with the arresting officer in lieu of bail or in addition to bail, or deposits a bond certificate, the arresting officer shall note that fact on the accused's copy of the ticket and transmit the driver's license or bond certificate to the clerk within the time provided in paragraph (b) of this rule.

(d) Individual Bond. Persons arrested for or charged with an offense covered by Rules 526, 527 and 528 who are unable to secure release from custody under these rules may be released by giving individual bond (in the amount required by this article) by those law enforcement officers designated by name or office by the chief judge of the circuit, except when the accused is (1) unable or unwilling to establish his or her identity or submit to being fingerprinted as required by law, (2) is charged with an offense punishable by imprisonment and will pose a danger to any person or the community, or (3) elects release on separate bail under Rule 503(a)(3) or 503(a)(4). Persons required to deposit both bail and driver's license under Rule 526(e) may be released on \$1,000 individual bond and his or her~~their~~ current Illinois driver's license. If authorized by the chief judge of the circuit, individual bonds under this paragraph (d) may be executed by signing the citation or complaint agreeing to comply with its conditions, except that when the individual bond is for a petty traffic offense, no signature shall be required. Court-approved electronic signatures are allowed.

(e) Alternative Procedure in Minor Cases—Counties Other Than Cook. In any case, excluding citations written by local law enforcement in Cook County, in which the bail or bond specified by Rule 526, 527 or 528 does not exceed ~~\$300~~\$200 in United States currency, an accused not required to be fingerprinted may post bond by giving the United States currency to the sworn law enforcement officer. The officer shall provide the accused with a copy of the citation duly noted with the amount of the United States currency posted as bond. The accused shall then be released from custody. In such cases, the officer will deliver the appropriate portions(s) of the ticket along with the United States currency as bond(s) to the clerk of the circuit court or a designated building approved by the issuing law enforcement agency and approved by the receiving law enforcement agency before the end of his or her current tour of duty.

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 October 17, 1979, effective November 15, 1979; amended December 22, 1981, effective January 15, 1982; amended June 26, 1987, effective August 1, 1987; 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 June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended December 7, 2011, effective 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 Rule 554

Rule 554. Substitution of Cash Bail

(a) Not sooner than 10 court days after arrest and not later than 3 court days before the date set for appearance in court, an accused who deposited his or her driver's license or a bond certificate in lieu of cash bail, or who was released on Notice to Appear, promise to comply, or

individual bond under Rule 553(d), may recover either his or her license or bond certificate or further secure his or her release by substituting cash bail in the amount required by this article with the clerk of the circuit court of the county in which the violation occurred; provided, however, that no driver's license required to be deposited under subparagraph (e) of Rule 526 may be recovered under this rule. The clerk may waive the time limits specified by this rule.

(b) In all cases in which a court appearance is not required under Rule 551, an accused who desires to satisfy the charge(s) but is unwilling to plead guilty may substitute cash bail for each offense under paragraph (a) of this rule; in such event, if the accused does not appear on the date set for appearance, or any date to which the case may be continued, it shall be presumed he has consented to the entry of an *ex parte* judgment on each offense (see Rule 556**(b)**).

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 April 27, 1984, effective July 1, 1984; amended June 26, 1987, effective August 1, 1987; amended August 21, 1996, effective immediately; amended Mar. 8, 2019, eff. July 1, 2019.

Amended Rule 555

Rule 555. Returning Bail or Documents

(a) Court Appearance. A defendant who personally appears in court on the date on which his or her case is finally disposed of shall, upon payment of any fines, penalties, assessments, and costs which may be assessed against him or her upon a plea or finding of guilty, or as a condition of an order of supervision under section 5-6-3.1 of the Unified Code of Corrections, as amended (730 ILCS 5/5-6-3.1), recover unless otherwise provided by law his or her driver's license (unless revoked or suspended) or the bond certificate deposited by him or her. Cash bail, or any balance due the defendant, shall be refunded to the defendant by the clerk as soon as practicable after the disposition of the charges.

(b) Written Plea of Guilty. In any case that can be disposed of on a written plea of guilty without a court appearance under Rules 529, 530, or 531 including multiple citations issued in the same occurrence, the defendant may submit his or her written plea of guilty and pay the prescribed fines, penalties, assessments, and costs to the clerk of the circuit court of the county in which the violation occurred not earlier than 10 court days after arrest, and not later than 3 court days before the date set for appearance, unless the clerk waives these time limits. If cash bail was posted, the clerk shall apply the amount necessary to pay prescribed fines, penalties, assessments, and costs. If a driver's license or bond certificate was deposited or if a promise to comply or notice to appear was issued, the full amount of the prescribed fines, penalties, assessments, and costs must be paid to the clerk and accompanied by the written plea of guilty. Upon receiving a written plea of guilty and payment in full, the clerk shall, unless otherwise provided by law, return the driver's license or bond certificate to the defendant. A written plea of guilty may be mailed to the clerk of the circuit court of the county in which the violation occurred. A plea of guilty may be transmitted electronically, if authorized by the Supreme Court. If the plea is accompanied by the full amount of the prescribed fines, penalties, assessments, and costs, the clerk shall mail to the defendant any driver's license or bond certificate deposited in

lieu of bail.

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 April 27, 1984, effective July 1, 1984; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended September 30, 2002, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018; amended June 8, 2018, eff. July 1, 2018; amended Mar. 8, 2019, eff. July 1, 2019.

Amended Rule 556

Rule 556. Procedure if Defendant Fails to Appear or Satisfy Charge

(a) Court Appearance Not Required. Promise to Comply or Driver's License Deposited.

~~(1) If a person accused of an offense that does not require a court appearance under Rule 551 does not satisfy the charge pursuant to Rules 529, 530, or 531 or does not appear on the date set for appearance, or any date to which the case may be continued, the court may enter an *ex parte* judgment of conviction assessing fines, penalties, assessments, and costs in an amount equal to the applicable assessment Schedule 10, 10.5, or 11 for the charged offense, as provided in the Criminal and Traffic Assessment Act (705 ILCS 135/1 *et seq.*), plus the minimum fine allowed by statute. If a person accused of a traffic offense has been released on a promise to comply (see Rule 501(g)), or deposited his or her driver's license in lieu of or in addition to cash bail or cash deposit and bond, and does not appear on the date set for appearance, or any date to which the case may be continued, the court shall continue the case for a minimum of 30 days and require a notice of the continued court date to be sent to the defendant at his or her last known address. The clerk shall notify the defendant of the court's order. If the defendant does not appear on the continued court date or, within that period, satisfy the court that his or her appearance is impossible and without any fault on his or her part, the court shall enter an order of failure to appear to answer the charge(s). A verified charge may be filed (if none has previously been filed) and a summons or warrant of arrest for the defendant may be issued. Within 21 days after the date to which the case had been continued, the clerk shall notify the Secretary of State of the court's order. The Secretary of State shall, in the case of an Illinois licensed driver who has deposited his or her driver's license, immediately suspend the defendant's driving privileges in accordance with sections 6-306.3 or 6-308 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-306.3 or 6-308); if the defendant is not an Illinois licensed driver or resident, the Secretary of State shall notify the appropriate driver's licensing authority. The clerk of the circuit court shall notify the Secretary of State of the final disposition of the case as provided in Rule 552 when the defendant has appeared and otherwise satisfied his or her obligations following an order of failure to appear under this paragraph (a). For offenses where a court appearance is not required and the defendant does not appear on the date set for appearance, or any date to which the case may be continued, the court may, in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties, and costs in an amount equal to the cash bail required by this article. For offenses punishable by fine only where a court~~

appearance is required, the court may, with the concurrence of the prosecuting agency and in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused assessing fines, penalties, and costs in an amount equal to the cash bail required by this article, except for offenses for which a minimum statutory fine is greater than the cash bail amount. For a fine only offense where the minimum statutory fine is greater than the cash bail amount, the fines, penalties, and costs assessed shall be equal to the minimum statutory fine. Payment received for fines, penalties, assessments, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to the schedule assessed under the Criminal and Traffic Assessment Act (705 ILCS 135/1 *et seq.*) and any other applicable statute. ~~Rule 529.~~ The clerk of the court shall notify the Secretary of State of the conviction pursuant to Rule 552, and if the accused is an Illinois registered driver, the clerk shall notify the Secretary of State of ~~any~~ the unsatisfied judgment pursuant to section 6-306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6-306.6(a)).

(2) In lieu of the foregoing procedure, if a person accused of an offense that does not require a court appearance under Rule 551 does not satisfy the charge pursuant to Rules 529, 530, or 531 or does not appear on the date set for appearance, or any date to which the case may be continued, the court may enter an order declaring bail, if any, to be forfeited, and the court shall continue the case for a minimum of 30 days. The clerk shall send notice of the court's order to the defendant at his or her last known address. If the defendant does not appear on the continued court date or, within that period, satisfy the court that his or her appearance is impossible and without any fault on his or her part, the court shall enter an order for failure to appear to answer the charge. In addition to forfeiture, a verified charge may be filed (if none has previously been filed), and a summons or warrant of arrest for the defendant may be issued. Within 21 days after the date to which the case has been continued for a traffic offense, the clerk shall notify the Secretary of State of the court's order of failure to appear. The Secretary of State shall, in the case of an Illinois licensed driver who has deposited his or her driver's license, immediately suspend the defendant's driving privileges in accordance with section 6-308 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-308); if the defendant is not an Illinois licensed driver or resident, the Secretary of State shall notify the appropriate driver's licensing authority. The clerk of the circuit court shall notify the Secretary of State of the final disposition of the case as provided in Rule 552 when the defendant has appeared and otherwise satisfied his or her obligations following an order for failure to appear.

~~(3b) Court Appearance Not Required—Cash Bail Posted or Bond Certificate Deposited.~~ In all cases in which a court appearance is not required under Rule 551, ~~and cash bail is posted or a bond certificate deposited,~~ the defendant shall be provided with a statement, in substantially the following form, on the "Complaint" or on the bond form:

~~"In the event you fail to appear in court to answer if you do not satisfy the charge against you prior to the date set for appearance or if that does not require you fail to appear in court when required, you ~~thereby~~ consent to the entry of a judgment against you in the amount of all applicable fines, penalties, assessments, and costs; ~~and the application of the any cash bail or other security you have deposited to their~~ will be applied toward payment and satisfaction."~~

~~If the defendant does not appear on the date set for appearance, or any date to which the case~~

~~may be continued, the court may enter an *ex parte* judgment against the defendant assessing fines, penalties, and costs in an amount equal to the cash bail required by this article. The clerk of the circuit court shall apply the cash bail or security in payment thereof pursuant to Rule 529.~~

(be) Court Appearance Required.—Cash Bail Posted or Bond Certificate Deposited.

(1) If a person accused of an offense punishable by fine only that requires a court appearance under Rule 551 does not appear on the date set for appearance or any date to which the case may be continued, the court may, with concurrence of the prosecuting agency, enter an *ex parte* judgment of conviction and in so doing shall assess an amount equal to the applicable assessment Schedule 9, 10, 10.5, 11, or 13 for the charged offense as provided in the Criminal and Traffic Assessment Act (705 ILCS 135/1 *et seq.*), plus the minimum fine allowed by statute. Payment received for fines, penalties, assessments, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to the disbursement of the schedule assessed under the Criminal and Traffic Assessment Act (705 ILCS 135-1 *et seq.*) and any other applicable statute. The clerk of the court shall notify the Secretary of State of the conviction pursuant to Rule 552, and if the accused is an Illinois registered driver, the clerk shall notify the Secretary of State of any unsatisfied judgment pursuant to section 6-306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6-306.6(a)).

(2) For offenses punishable by a term of imprisonment of less than one year, and in lieu of the foregoing procedure for offenses punishable by fine only that require a court appearance under Rule 551, ~~if~~ a defendant fails to appear on the date set for appearance, or any date to which the case may be continued, and a court appearance is required, the court ~~shall~~ may enter an order declaring the bail to be forfeited and shall continue the case for a minimum of 30 days. ~~The clerk shall send notice~~ Notice of such ~~the court's order of forfeiture shall be mailed forthwith to the defendant~~ accused at his or her last known address. If the accused does not appear on the continued court date or, within that period, satisfy the court that his or her appearance is impossible and without any fault on his or her part, the court shall

(i) enter judgment in accordance with sections 110-7 ~~and~~ 110-8 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/110-7, 110-8). In addition to forfeiture, a verified charge may be filed and a summons or warrant of arrest may issue or

(ii) enter an order for failure to appear to answer the charge. Upon an entry of an Order for Failure to Appear for a traffic offense, within 21 days after the date to which the case had been continued, the clerk shall notify the Secretary of State of the court's order. The Secretary of State shall, in the case of an Illinois licensed driver who has deposited his or her driver's license, immediately suspend the defendant's driving privileges in accordance with section 6-308 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-308); if the defendant is not an Illinois licensed driver or resident, the Secretary of State shall notify the appropriate driver's licensing authority. ~~The court may, with the concurrence of the prosecuting agency, in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties, and costs in an amount equal to the cash bail required by this article, except for offenses for which a~~

~~minimum statutory fine is greater than the cash bail amount. For a fine only offense where the minimum statutory fine is greater than the cash bail amount, the fines, penalties, and costs assessed shall be equal to the minimum statutory fine. Payment received for fines, penalties, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to Rule 529. The clerk of court shall notify the Secretary of State of the final disposition as provided in conviction pursuant to Rule 552 when the defendant has appeared and otherwise satisfied his or her obligation following an order for failure to appear and of any unsatisfied judgment pursuant to section 6-306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6-306.6(a)).~~

~~**(d) Individual Bonds.** In all cases in which a defendant released by giving individual bond under Rule 553(d) fails to appear on the date set for appearance, or any date to which the case may be continued, the court shall enter an order declaring the bond to be forfeited and continue the case for a minimum of 30 days. Notice of such order of forfeiture shall be mailed forthwith to the accused at his or her last known address. If the accused does not appear on the continued court date or, within that period, satisfy the court that his or her appearance is impossible and without any fault on his or her part, the court shall enter judgment in accordance with section 110-8 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/110-8). In addition to forfeiture, a verified charge may be filed, and a summons or warrant of arrest may issue. For offenses where a court appearance is not required and the defendant does not appear on the set date of appearance, or any date to which the case may be continued, the court may in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties, and costs in an amount equal to the cash bail required by this article. For offenses punishable by fine only where a court appearance is required, the court may, with the concurrence of the prosecuting agency and in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused, assessing fines, penalties, and costs in an amount equal to the cash bail amount. For a fine only offense where the minimum statutory fine is greater than the cash bail amount, the fines, penalties, and costs assessed shall be equal to the minimum statutory fine. Payment received for fines, penalties, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to Rule 529. The clerk of the court shall notify the Secretary of State of the conviction pursuant to Rule 552 and of the unsatisfied judgment pursuant to section 6-306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6-306.6(a)).~~

~~**(e) Notice to Appear.** In all cases in which a defendant is issued a Notice to Appear under section 107-12 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/107-12), for an offense that does not require a court appearance, and fails to appear on the date set for appearance, or any date to which the case may be continued, the court may enter an *ex parte* judgment of conviction against an accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties, and costs in an amount equal to the cash bail required by this article. For offenses punishable by fine only where a court appearance is required, the court may, with the concurrence of the prosecuting agency and in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused assessing fines, penalties, and costs in an amount equal to the cash bail required by this article, except for offenses for which a minimum statutory fine is greater than the cash bail amount. For a fine only offense where the minimum statutory fine is greater than the cash bail amount, the fines, penalties, and costs~~

~~assessed shall be equal to the minimum statutory fine. Payment received for fines, penalties, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to Rule 529. The clerk of the court shall notify the Secretary of State of the conviction pursuant to Rule 552 and of the unsatisfied judgment pursuant to section 6-306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6-306.6(a)). In lieu of the foregoing procedure, a summons or warrant of arrest may be issued.~~

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 April 27, 1984, effective July 1, 1984; 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 May 24, 1995, effective January 1, 1996; amended October 22, 1999, effective December 1, 1999; amended December 5, 2003, effective January 1, 2004; amended December 30, 2014, eff. Jan. 1, 2015; amended June 8, 2018, eff. July 1, 2018; amended Dec. 10, 2018, eff. Jan. 1, 2019; amended Mar. 8, 2019, eff. July 1, 2019.

Committee Comments
(December 10, 2018)

Effective January 1, 2019, Rule 501(g) no longer requires that a promise to comply be written.

(June 8, 2018)

“For a fine only offense where the minimum statutory fine is greater than the cash bail amount, the fines, penalties, and costs assessed shall be equal to the minimum statutory fine in whole dollars” language was added to eliminate conflicts between bail amounts that are not equal to minimum statutory fines; if a prosecuting agency agrees to an *ex parte* judgment, defendants are being assessed widely differing fine amounts. For example, violations of operating without insurance (625 ILCS 5/3-707) require bail of \$2000 under Rule 526(d). However, the statute states “a person shall be required to pay a fine in excess of \$500, but not more than \$1,000.” Defendants were being assessed fines in various amounts, and in some cases, defendants that did not appear in court and the court entered an *ex parte* judgment paid a lower fine than a defendant that appeared in court as required by the Rule. A variety of fine amounts were being assessed, such as: a fine of \$200 (10% of the bail amount), a fine of \$500.01 or \$501 under statute, a fine of \$1000 under statute, or a fine of \$2,000—the full bail amount under Rule 526(d). These amendments are meant to eliminate varying fine amounts being assessed to defendants. When the minimum statutory fine is “in excess of” or “more than” a specified amount, the court should assess the fine to the next whole dollar amount.

(December 5, 2003)

Supreme Court Rule 556 (“Procedure if Defendant Fails to Appear”) delineates several procedures if the defendant fails to appear after depositing a driver’s license in lieu of bond, executes a written promise to comply, posts bond or issued a notice to appear.

The rule provided that the court may “enter an *ex parte* judgment of conviction against any

accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties and costs in an amount not to exceed the cash bail required by this article.” Rule 556 does not detail the specific costs and penalties, or their amounts, in the entry of *ex parte* judgments. The clerk is then left with deciding which costs, fees and additional penalties (and their amounts) should be applied. This is currently being determined on a county by county basis.

The committee concluded that distribution under Rule 556 was not a “levy of a gross amount.” See Rule 529, Committee Comments.

The committee believes that consistency and uniformity in disbursing funds from *ex parte* judgments was of the utmost importance in the efficient administration of justice and recommends that the fines, penalties, and costs assessed be equal to bail, and the distribution of those amounts should be pursuant to Supreme Court Rule 529(a). The State’s Attorney fee, if any, would be included within the county’s 38.675% distribution.