

Rule 504. Appearance Date

The date set by the arresting officer or the clerk of the circuit court for an accused's first appearance in court shall be not less than 14 days but within 60 days after the date of the arrest, whenever practicable. It is the policy of this court that, if the arresting agency has been exempted from the requirements of Rule 505, an accused who appears and pleads "not guilty" to an alleged traffic or conservation offense punishable by fine only should be granted a trial on the merits on the appearance date or, if the accused demands a trial by jury, within a reasonable time thereafter. A failure to appear on the first appearance date by an arresting officer from a Rule 505 exempted agency shall, in and of itself, not normally be considered good cause for a continuance.

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 November 21, 1988, effective December 1, 1988; amended June 19, 1989, effective August 1, 1989; amended May 24, 1995, effective January 1, 1996; [amended Oct. 27, 2022, eff. Jan. 1, 2023.](#)

Committee Comments

(January 1, 2023)

The 14 to 60 days referenced in Rule 504 encompasses the 21-day scheduling requirement, as well as up to 39 additional days for rescheduling.

Section 109-1 of the Code of Criminal Procedure of 1963 (725 ILCS 5/109-1) states as follows:

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

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