

M.R. 3140

FILED

JUL 03 2025

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

SUPREME COURT
CLERK

Order entered July 3, 2025.

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

Effective immediately, Illinois Supreme Court Rule 556 is amended, as follows.

Amended Rule 556

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

(a) Required Statements to the Violator. For all cases where a defendant is charged with an offense covered by these Rules, the defendant shall be provided with the following statements, in substantially the following form, on the Complaint:

(1) "If you do not satisfy the charge against you defined as a Traffic or Conservation offense prior to the date set for appearance, or if you fail to appear in court when required, you consent to the entry of a judgment against you in the amount of all applicable fines, penalties, assessments, and costs";

(2) The specific amount of any *ex parte* judgment, as may be applicable for the charged offense, as authorized under these Rules;

(3) A notice that an arrest warrant may issue if the defendant fails to appear at any hearing;

(4) A notice that, if the defendant fails to appear at any hearing for a traffic offense, there may be other significant consequences that may impact driving privileges; and

(5) A notice the violator may be tried and sentenced *in absentia* for offenses punishable by a term of imprisonment of less than one year and a judgment entered on the charge.

(b) Court Appearance Not Required. If a person accused of a Minor Traffic, Overweight and Permit, or Conservation 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, the court may:

(1) Minor Traffic and Overweight and Permit Offenses

(i) continue the case for a minimum of 30 days, and the clerk of the court shall send notice of the continued court date to the person's last known address. The notice shall include a statement that a subsequent failure to appear in court could result in a warrant for the defendant's arrest and other significant consequences affecting their driving privileges. If;

~~(ii) if~~ the person does not appear in court on or before the continued court date, satisfy the charge under Rule 529 or 531, or satisfy the court that the person's appearance in and

surrender to the court is impossible for no fault of the person, the court shall enter an *ex parte* judgment of conviction imposing a single assessment, specified in the applicable assessment Schedule 10 or 10.5 for the charged offense, as provided in the Criminal and Traffic Assessment Act, plus a fine allowed by statute, and the clerk of the court shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the court's order; or -

(ii) enter an *ex parte* judgment of conviction on the date set for the defendant's first court appearance, imposing a single assessment, specified in the applicable assessment Schedule 10 or 10.5 for the charged offense, as provided in the Criminal and Traffic Assessment Act, plus a fine allowed by statute.

(2) Conservation Offenses

(i) continue the case for a minimum of 30 days, and the clerk of the court shall send notice of the continued court date to the person's last known address. The notice shall include a statement that a subsequent failure to appear in court could result in a warrant for the defendant's arrest and other significant consequences; or

(ii) issue a warrant for arrest; or

(iii) enter an *ex parte* judgment of conviction imposing a single assessment, specified in the applicable assessment Schedule 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.

(3) Payment Without Plea of Guilt. If the defendant submits payment for an offense under Rule 529, 530, or 531 but fails to execute the required plea of guilty, the court shall enter an *ex parte* judgment against the defendant and impose only the assessment applicable under Rule 529, 530, 531. 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.

(c) Court appearance required. If a person accused of an offense that requires a court appearance under Rule 551 does not appear on the date set for appearance, the court may:

~~(1) Minor Traffic and Overweight and Permit Offenses.~~

(i) continue the case for a minimum of 30 days, and the clerk of the court shall send notice. The notice shall include a statement that a subsequent failure to appear in court could result in a warrant for the defendant's arrest and other significant consequences affecting his or her driving privileges. If the person does not appear in court on or before the continued court date or satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person, the court shall enter an *ex parte* judgment of conviction imposing a single assessment, specified in the applicable assessment Schedule 10 or 10.5 for the charged offense, as provided in the Criminal and Traffic Assessment Act, plus a fine allowed by statute, and the clerk of the court shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the court's order; or

(ii) enter an *ex parte* judgment of conviction on the date set for the defendant's first court appearance, imposing a single assessment, specified in the applicable assessment

Schedule 10 or 10.5 for the charged offense, as provided in the Criminal and Traffic Assessment Act, plus a fine allowed by statute.

(2) Major Traffic Offenses.

(i) continue the case for a minimum of 30 days, and the clerk of the court shall send notice of the continued court date to the person's last known address. The notice shall include a statement that a subsequent failure to appear in court could result in a warrant for the defendant's arrest and other significant consequences affecting the defendant's driving privileges. If the person does not appear in court on or before the continued court date, or satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person, the court shall enter an order of failure to appear, and the clerk of the court shall notify the Secretary of State, who shall immediately suspend the person's driver's license, which shall be designated by the Secretary as a failure to appear suspension. Upon compliance, the clerk of the court shall present the person with a notice of compliance containing the seal of the court and shall notify the Secretary of State in a manner and form prescribed by the Secretary of State; or

(ii) issue a warrant for arrest; or

(iii) have the violator tried and sentenced *in absentia* under section 115-4.1 of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-4.1).

(3)(2) Conservation Offenses.

(i) continue the case for a minimum of 30 days, and the clerk of the court shall send notice. The notice shall include a statement that a subsequent failure to appear in court could result in a warrant for the defendant's arrest and other significant consequences; or

(ii) issue an arrest warrant;

(iii) enter an *ex parte* judgment of conviction if the offense is a Conservation Offense, punishable by fine only, as defined by Rule 501 as specified in assessment Schedule 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; or

(iv) have the violator tried and sentenced *in absentia* under section 115-4.1 of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-4.1).

(4)(3) All Other Offenses.

(i) continue the case for a minimum of 30 days, and the clerk of the court shall send notice. The notice shall include a statement that a subsequent failure to appear in court could result in a warrant for the defendant's arrest and other significant consequences; or

(ii) issue an arrest warrant; or

(iii) have the violator tried and sentenced *in absentia* under section 115-4.1 of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-4.1).

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; amended June 9, 2020, eff. July 1, 2020; amended July 20, 2021, eff. July 1, 2021, *nunc pro tunc*; amended Oct. 27, 2022, eff. Sept. 18, 2023; amended June 3, 2025, eff. immediately; amended July 3, 2025, eff. immediately.

Committee Comments
(September 18, 2023)

Committee comments below are retained to memorialize the history of Rule 556 for reference.

(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.