(Docket No. 132652)
THE PEOPLE OF THE STATE OF ILLINOIS, Appellee, v.
JOHNNY WILLIAMS, Appellant.
Opinion filed November 19, 2026.

Justice Rochford delivered the judgment of the court, with opinion.

This case concerns the timing requirements of a petition to detain a defendant pretrial, where the defendant is already in Department of Corrections custody. Johnny Williams was charged with sexual assault and abuse for events alleged to have occurred while he was out on mandatory supervised release for an unrelated conviction. He was returned to Department of Corrections custody, and months later the State sought to have him detained pretrial, anticipating his release from the Department of Corrections. Here, the State argued that Williams was neither arrested nor released on the relevant charges, so that its petition to detain him was timely.

While the supreme court agreed with the State that Williams was never arrested and released on these charges, that did not mean that no timing requirement applied—instead, the requirement to file a petition at Williams's first appearance before a judge applied. Although the State's petition to detain Williams was untimely, the court found that the timing requirement in the statute was directory, rather than mandatory, meaning that the legislature did not intend for a breach of that timing requirement to result in release in every case. Giving the statute a directory meaning would balance the interests of a criminal defendant with the safety of the community, as the legislature intended.