

M.R. 3140

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

Order entered June 9, 2020.

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

Effective July 1, 2020, Illinois Supreme Court Rules 501, 526, 556, and 585 are amended, as follows.

Amended Rule 501

Rule 501. Definitions

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

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

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

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

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- (5) The Chicago Park District Act, as amended (70 ILCS 1505/ 0.01 *et seq.*);
- (6) The State Parks Act, as amended (20 ILCS 835/ 0.01 *et seq.*);
- (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. Traffic cases are classified as follows:

(i) "Major Traffic Offense" means a traffic offense under the Toll Highway Act (605 ILCS 10/1 *et seq.*), Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*), or a similar provision of a local ordinance other than a petty offense or business offense that is punishable by a term of imprisonment of less than one year.

(ii) "Minor Traffic Offense" means a petty offense or business offense under the Toll Highway Act (605 ILCS 10/1 *et seq.*), Child Passenger Protection Act (625 ILCS 25/1 *et seq.*), Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*), ~~Child Passenger Protection Act (625 ILCS 25/1 *et seq.*)~~, or a similar provision of a local ordinance.

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

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

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

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

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

(g) Promise to Comply. An option 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).

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

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended June 11, 2014, eff. July 1, 2014; amended December 30, 2014, eff. Jan. 1, 2015; amended Oct. 15, 2015, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018; amended Dec. 10, 2018, eff. Jan. 1, 2019; amended Mar. 8, 2019, eff. July 1, 2019; amended Feb. 6, 2020, eff. Mar. 1, 2020; amended June 9, 2020, eff. July 1, 2020.

Amended Rule 526

Rule 526. Bail Schedule—Traffic Offenses

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

(b) Bail in Certain Truck Offenses.

(1) Persons charged with a violation of section 3-401(d) or 15-111 of the Illinois Vehicle Code, as amended (truck overweight) (625 ILCS 5/3-401(d) or 5/15-111), charged with a violation of section 15-112(e) of the Illinois Vehicle Code, as amended (gross weight) (625 ILCS 5/15-112(e)), or charged with a violation punishable by fine pursuant to sections 15-113.1, 15-113.2 or 15-113.3 of the Illinois Vehicle Code, as amended (permit moves) (625

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

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

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

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

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

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

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

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

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended September 29, 1978, effective November 1, 1978; amended September 20, 1979, effective October 15, 1979; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended January 11, 1990, effective immediately; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended September 27, 1993, effective October 1, 1993; amended April 11, 2000, effective immediately; amended September 30, 2002, effective immediately; amended December 5, 2003, effective immediately; amended May 30, 2008, effective immediately; amended June 11, 2009, effective immediately; amended June 3, 2010, effective September 15, 2010; amended December 7, 2011, effective immediately; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended December 30, 2014, eff. Jan. 1, 2015; amended Dec. 10, 2018, eff. Jan. 1, 2019; amended Mar. 8, 2019, eff. July 1, 2019; amended Feb. 6, 2020, eff. Mar. 1, 2020; amended June 9, 2020, eff. July 1, 2020.

Amended Rule 556

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

(a) Court Appearance Not Required.

(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 the defendant submits payment for an offense under Rule 529 but fails to execute the required plea of guilty, the court may enter an *ex parte* judgment against the defendant but may elect to impose only the assessment applicable under Rule 529 (i.e., Schedule 12). 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. 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) 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.

(3) In all cases in which a court appearance is not required under Rule 551, the defendant shall be provided with a statement, in substantially the following form, on the "Complaint" or on the bond form:

"If you do not satisfy the charge against you 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; cash bail or other security you have deposited will be applied toward payment."

(b) Court Appearance Required.

(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 13 5-1 *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 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 of the court's order to the defendant 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 or 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 clerk of court shall notify the Secretary of State of the final disposition as provided in Rule 552 when the defendant has appeared and otherwise satisfied his or her obligation following an order for failure to appear.

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.

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.

Amended Rule 585

Rule 585. Applicability

Rules 585 through 590 are applicable to civil law violations, pursuant to section 4(a) of the Cannabis Control Act (720 ILCS 550/4 (a)) ~~or section 3.5(e) of the Drug Paraphernalia Control Act (720 ILCS 600/3.5(e))~~.

Adopted Sept. 1, 2016, eff. immediately; amended June 9, 2020, eff. July 1, 2020

Committee Comments
(Revised June 9, 2020)

Rules 585 through 590 apply to civil law violations pursuant to section 4(a) of the Cannabis Control Act (720 ILCS 550/4 (a)) ~~or section 3.5(e) of the Drug Paraphernalia Control Act (720 ILCS 600/3.5(e))~~, which are punishable by a fine only. Nothing in these rules is intended to limit

the ability to proceed through an administrative process or other alternative methods of resolving ordinance violations for similar offenses.

Rules 503 and 551, regarding multiple charges under these rules, do not apply to Civil Law Violations or if a citation is written in conjunction with another violation.

Rule 585 excludes from these rules ordinance violations heard by the administrative adjudication process.

~~—Adopted effective Sept. 1, 2016, eff. immediately.~~