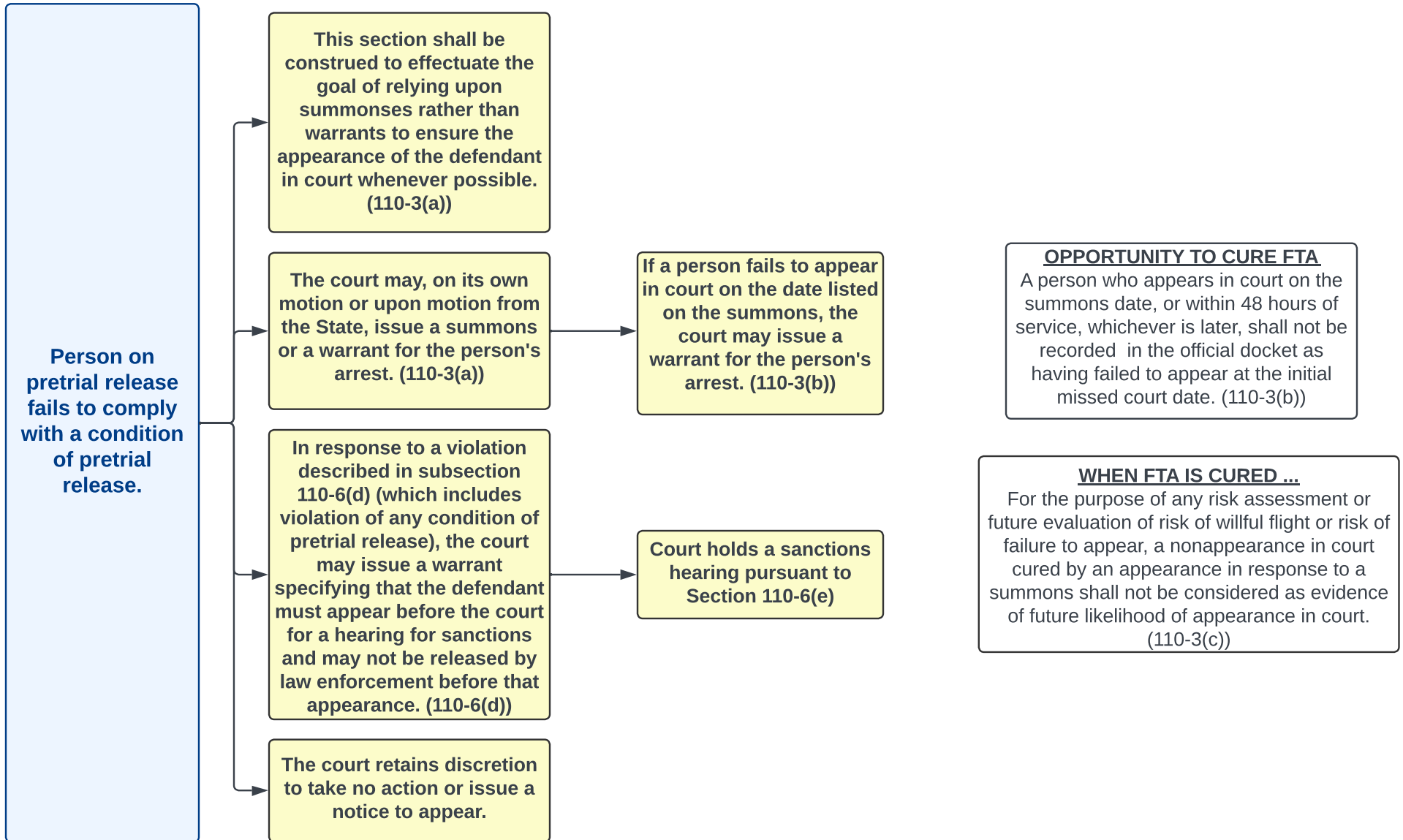


**Current as of December 12, 2022 (post-PFA Trailer Bill)**

For latest updates, check <https://www.illinoiscourts.gov/courts/additional-resources/pretrial-implementation-task-force/>  
Email [pretrialtaskforce@illinoiscourts.gov](mailto:pretrialtaskforce@illinoiscourts.gov) with questions.

The text in the flowchart is taken directly from the law with slight editing for brevity. Please see the accompanying considerations document for exact statute language and descriptions of nuances in the law.

## Issuing Summonses and Warrants



\*Unless otherwise noted, all statutory references are to sections under 725 ILCS 5

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### Illinois Pretrial Implementation Task Force Pretrial Fairness Act Key Provisions and Implementation Considerations

#### Issuing Summonses and Arrest Warrants for Failure to Comply with Release Conditions

725 ILCS 5 Reference	Description	Considerations
<b>Options for Warrant Alternatives</b>		
110-3(a)	“Upon failure to comply with any condition of pretrial release, the court having jurisdiction at the time of such failure may, on its own motion or upon motion from the State, issue a summons or a warrant for the arrest of the person at liberty on pretrial release. This section shall be construed to effectuate the goal of relying upon summonses rather than warrants to ensure the appearance of the defendant in court whenever possible. The contents of such a summons or warrant shall be the same as required for those issued upon complaint under Section 107-9.”	<u>Interpretation Considerations</u> <ul style="list-style-type: none"><li>• This subsection provides the court with the option of issuing a summons or a warrant if the person fails to comply with any condition of pretrial release, including failure to appear.</li><li>• The subsection’s language expresses a strong preference for using summonses, rather than warrants, to ensure the appearance of the defendant wherever possible.<ul style="list-style-type: none"><li>○ Note that the court also retains discretion to take no action or issue a notice to appear.</li></ul></li></ul> <u>Operational Considerations</u> <ul style="list-style-type: none"><li>• Each county or circuit will need to meet and discuss how they will operationalize this section.</li></ul>
110-3(b)	“A defendant who appears in court on the date assigned or within 48 hours of service, whichever is later, in response to a summons issued for a failure to appear in court, shall not	<u>Interpretation Considerations</u> <ul style="list-style-type: none"><li>• This subsection clarifies and limits the circumstances under which a failure to appear in court will be recorded in the docket: If a summons has been issued for a failure to appear, and the person comes to court on</li></ul>

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725 ILCS 5 Reference	Description	Considerations
	be recorded in the official docket as having failed to appear on the initial missed court date. If a person fails to appear in court on the date listed on the summons, the court may issue a warrant for the person’s arrest.”	the date in the summons, or within 48 hours of service, whichever is later, the underlying failure to appear will not be recorded. <ul style="list-style-type: none"><li>• This subsection also permits a court to issue a warrant for arrest if the person fails to appear on the date in the summons.<ul style="list-style-type: none"><li>○ There is a slight ambiguity about whether a warrant can be issued if the person appears within 48 hours of service—but later than the summons date.</li></ul></li></ul>
110-3(c)	“For the purpose of any risk assessment or future evaluation of risk of willful flight or risk of failure to appear, a nonappearance in court cured by an appearance in response to a summons shall not be considered as evidence of future likelihood of appearance in court.”	<u>Interpretation Considerations</u> <ul style="list-style-type: none"><li>• This subsection clarifies that assessment tools must not use nonappearance cured by appearance in response to a summons in assessing the likelihood of court appearance.</li></ul>

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