M.R. 3140

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

Order entered June 3, 2025.

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

Effective immediately, Illinois Supreme Court Rules 9, 23, 501, 504, 505, 556, 572, and 575 are amended, as follows.

Amended Rule 9

Rule 9. Electronic Filing of Documents

(a) Electronic Filing Required. Unless exempt as provided in paragraph (c), all documents in civil cases shall be electronically filed with the clerk of court using an electronic filing system approved by the Supreme Court of Illinois.

(b) Personal Identity Information. If filing a document that contains Social Security numbers as provided in Rule 15 or personal identity information as defined in Rules 138 or 364, the filer shall adhere to the procedures outlined in Rules 15, 138, and 364.

(c) Exemptions. The following types of documents in civil cases are exempt from electronic filing:

(1) Documents filed by a self-represented litigant incarcerated in a local jail or correctional facility at the time of the filing;

(2) Wills;

(3) Documents filed under the Juvenile Court Act of 1987; and

(4) Documents filed by any person, including an attorney or a self-represented litigant, with a disability, as defined by the Americans with Disabilities Act of 1990, whose disability prevents e-filing; and

(5) Documents in a specific case upon good cause shown by certification.

(A) Good cause exists where a self-represented litigant is not able to e-file documents for the following reasons:

(i) no computer or Internet access in the home and travel represents a hardship;

(ii) a language barrier or low literacy (difficulty reading, writing, or speaking in English); or

(iii) a self-represented litigant tries to e-file documents but is unable to complete the process and the necessary equipment and technical support for e-filing assistance is not available to the self-represented litigant.

(B) Good cause also exists where any person, including an attorney or self-represented litigant, is filing a pleading of a sensitive nature, such as a petition for an order of protection or a civil no-contact/stalking order.

A Certification for Exemption From E-filing, which includes a certification under section 1-109 of the Code of Civil Procedure, and any accompanying documents shall be filed with the court—in person, by e-mail or by mail, or by third-party commercial carrier. The court shall provide, and parties shall be required to use, a standardized form expressly titled "Certification for Exemption From E-filing" adopted by the Illinois Supreme Court Commission on Access to Justice. Judges retain discretion to determine whether good cause is shown. If the court determines that good cause is not shown, the court shall enter an order to that effect stating the specific reasons for the determination and ordering the litigant to e-file thereafter.

Judges retain discretion to determine whether, under particular circumstances, good cause exists without the filing of a certificate, and the court shall enter an order to that effect.

(d) Timely Filing. Unless a statute, rule, or court order requires that a document be filed by a certain time of day, a document is considered timely if submitted before midnight (in the court's time zone) on or before the date on which the document is due. A document submitted on a day when the clerk's office is not open for business will, unless rejected, be file stamped as filed on the next day the clerk's office is open for business. The filed document shall be endorsed with the clerk's electronic file mark setting forth, at a minimum, the identification of the court, the clerk, the date, and the time of filing. If a corrected version of the rejected document is filed but would be deemed untimely as a result of the earlier rejection, the filing party may file a motion for original submission date as follows:

(1) Rejection.

(A) If a document is rejected for any reason, the filing party may, within 5 court days of the notice of rejection, file a motion requesting that the later-filed document be deemed to have been filed on the original submission date. The motion shall set forth the following:

(i) The date of the original submission,

(ii) The date of the rejection,

(iii) The reason for the rejection, and

(iv) The document to be deemed filed on the date of the failed submission, attached as an exhibit. The document shall contain no changes from the original except to correct the error identified by the clerk as the reason for the rejection, if applicable.

(B) The court shall grant a timely motion for original submission date that satisfies the foregoing requirements and enter an order establishing that the effective date of filing of the corrected document shall be the date of the original submission. If the filer establishes that the original filing was rejected for reasons not in conformity with those permitted under Rule 9(f), the corrected document need not vary from the original submission.

(2) Technical failure.

(A) If a document is untimely due to a technical failure of a court-approved electronic filing system, the filing party may request that the later-filed document be deemed filed as of the date of the technical failure by filing a motion within 5 court days of the date of the technical failure that includes:

(i) The date of the technical failure,

(ii) The circumstances of the technical failure, and

(iii) The document to be deemed filed on the date of the technical failure, attached as an exhibit.

(B) Upon a showing that the technical failure prevented the timely filing of the document, the court shall grant a timely motion for original submission date and enter an order establishing that the effective date of filing of the corrected document shall be the date of the failed submission attempt.

(3) The court shall have jurisdiction to rule on any timely motion for original submission date.

(e) Filer Responsible for Electronic Submissions. The filer is responsible for the accuracy of data entered in an approved electronic filing system and the accuracy of the content of any document submitted for electronic filing. The court and the clerk of court are not required to ensure the accuracy of such data and content.

(f) Rejections. Documents filed electronically may be rejected by the clerk only as authorized by the Electronic Filing Rejection Standards for circuit courts and courts of review, as published on the illinoiscourts.gov website. Absent Supreme Court approval, no court shall enter rules or general orders that provide for rejection reasons additional to or different from those listed in the Electronic Filing Rejection Standards.

(g) Effective Date. This rule is effective July 1, 2017, for proceedings in the Supreme Court and the Appellate Court. For proceedings in the circuit court, this rule is effective January 1, 2018.

Adopted June 22, 2017, eff. July 1, 2017; amended Dec. 13, 2017, eff. immediately; amended Dec. 12, 2018, eff. immediately; amended Dec. 19, 2019, eff. Jan. 1, 2020; amended August 14, 2020, eff. immediately; amended Feb. 4, 2022, eff. immediately; amended Jan. 31, 2024, eff. Feb. 1, 2024; amended June 12, 2024, eff. Sept. 1, 2024; amended May 21, 2025, eff. immediately; amended June 3, 2025, eff. immediately.

Committee Comments

(December 13, 2017)

(Revised May 21, 2025)

a. The implementation of electronic filing in Illinois courts should not impede a person's access to justice. If courts are unable to meet their obligation due to an emergency situation under M.R. 18368 to provide "designated space, necessary equipment, and technical support for self-represented litigants seeking to e-file documents during regular court hours," that party is exempted from e-filing under Rule 9(c)(5) and permitted to file in person or by mail. An exempted

party may also file through other means, such as e-mail, as permitted by the local court.

b. Where a party has filed a Certification for Exemption From E-filing or the court has granted a good-cause exemption *sua sponte*, that party may file documents in person or by mail. That party may also file though other means, such as e-mail, as permitted by the local court. Each court should consider establishing a process allowing exempt self-represented litigants to file documents remotely by e-mail to reduce the number of self-represented litigants traveling to the courthouse for the sole purpose of filing documents.

c. Although a document meets the criteria for an exemption (for example, for good cause shown), any document may be electronically filed if that is the filer's preferred method of filing the court documents.

d. The May 21, 2025, amendment to Rule 9(d) replaces the "good cause" standard for seeking relief from the effects of rejection of an electronic filing on the timeliness of the document. The rule now provides that the trial court "shall" grant a motion seeking to establish an earlier effective filing date if the relevant requirements are met.

Amended Rule 23

Rule 23. Disposition of Cases in the Appellate Court

The decision of the Appellate Court may be expressed in one of the following forms: a full opinion, a concise written order, or a summary order conforming to the provisions of this rule. All dispositive opinions and orders shall contain the names of the judges who rendered the opinion or order.

(a) Opinions. A case may be disposed of by an opinion only when a majority of the panel deciding the case determines that at least one of the following criteria is satisfied:

(1) the decision establishes a new rule of law or modifies, explains or criticizes an existing rule of law; or

(2) the decision resolves, creates, or avoids an apparent conflict of authority within the Appellate Court.

(b) Written Order. Cases which do not qualify for disposition by opinion may be disposed of by a concise written order which shall succinctly state:

(1) in a separate introductory paragraph, a concise syllabus of the court's holding(s) in the case;

(2) the germane facts;

(3) the issues and contentions of the parties when appropriate;

(4) the reasons for the decision; and

(5) the judgment of the court.

(c) Summary Order. In any case in which the panel unanimously determines that any one or more of the following dispositive circumstances exist, the decision of the court may be made by summary order. A summary order may be utilized when:

(1) the Appellate Court lacks jurisdiction;

(2) the disposition of the case, or the resolution of issues involving a criminal or juvenile sentence, is clearly controlled by case law precedent, statute, or rules of court;

(3) the appeal is moot;

(4) the issues involve no more than an application of well-settled rules to recurring fact situations;

(5) the opinion or findings of fact and conclusions of law of the trial court or agency adequately explain the decision;

(6) no error of law appears on the record;

(7) the trial court or agency did not abuse its discretion; or

(8) the record does not demonstrate that the decision of the trier of fact is against the manifest weight of the evidence.

When a summary order is issued it shall contain:

(i) a statement describing the nature of the case and the dispositive issues without a discussion of the facts;

(ii) a citation to controlling precedent, if any; and

(iii) the judgment of the court and a citation to one or more of the criteria under this rule which supports the judgment, *e.g.*, "Affirmed in accordance with Supreme Court Rule 23(c)(1)."

The court may dispose of a case by summary order at any time after the case is docketed in the Appellate Court. The disposition may provide for dismissal, affirmance, remand, reversal or any combination thereof as appropriate to the case. The Appellate Court may enter a partial summary order addressing a sentencing error and may later dispose of the remaining issue or issues raised on appeal. A summary order may be entered after a dispositive issue has been fully briefed, or if the issue has been raised by motion of a party or by the court, *sua sponte*, after expiration of the time for filing a response to the motion or rule to show cause issued by the court.

(d) Captions. All opinions and orders entered under this rule shall bear a caption substantially conforming to the requirements of Rule 330. Additionally, an opinion or order entered under subpart (a) or (b) of this rule must clearly show the date of filing on its initial page.

(e) Effect of Orders.

(1) An order entered under subpart (b) or (c) of this rule is not precedential except to support contentions of double jeopardy, *res judicata*, collateral estoppel or law of the case. However, a nonprecedential order entered under subpart (b) of this rule on or after January 1, 2021, may be cited for persuasive purposes. ~~When cited, a copy of the order shall be furnished to all other counsel and the court.~~

(2) An order entered under subpart (b) of this rule must contain on its first page a notice in substantially the following form:

> **NOTICE:** This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

(f) Motions to Publish. If an appeal is disposed of by order, any party may move to have the order published as an opinion. The motion shall set forth the reasons why the order satisfies the

criteria for disposition as an opinion and shall be filed within 21 days of the entry of the order. The appellate court shall retain jurisdiction to grant or deny a timely filed motion to publish irrespective of the filing of a petition for leave to appeal under Rule 315 and shall rule on the motion to publish within 14 days of its filing, prior to disposition by the Supreme Court of any petition for leave to appeal.

(g) Electronic Publication. In order to make available to the public all opinions and orders entered under subparts (a) and (b) of this rule, the clerks of the Appellate Court shall transmit an electronic copy of each opinion or order filed in his or her district to the webmaster of the Illinois Supreme and Appellate Courts' Web site on the day of filing. No opinion or order may be posted to the Web site that does not substantially comply with the Style Manual for the Supreme and Appellate Courts.

(h) Public-Domain Case Designators

An opinion or order entered under subpart (a) or (b) of this rule must be assigned a public-domain case designator and internal paragraph numbers, as set forth in the accompanying administrative order.

Effective January 31, 1972; amended effective July 1, 1975; amended February 19, 1982, effective April 1, 1982; amended May 18, 1988, effective August 1, 1988; amended November 21, 1988, effective January 1, 1989; amended and Commentary and Administrative Order adopted June 27, 1994, effective July 1, 1994; amended May 30, 2008, effective immediately; amended September 13, 2010, effective January 1, 2011; amended May 31, 2011, effective July 1, 2011; amended Mar. 21, 2018, eff. Apr. 1, 2018; amended Nov. 20, 2020, eff. Jan. 1, 2021; amended Dec. 22, 2022, eff. Feb. 1, 2023; amended June 3, 2025, eff. immediately.

Committee Comment
(January 1, 2021)

Rule 23(e), in its prior form, mandated that case dispositions under Rule 23(b) were "not precedential and may not be cited by any party except to support contentions of double jeopardy, res judicata, collateral estoppel or law of the case." That provision of the rule was enacted in 1994. At that time, there was an "avalanche of opinions" from our appellate court (see comments of Chief Justice Bilandic), and many were simply "too long" (see comments of Justice Heiple).

In 1994, electronic legal research databases were in their relative infant stages, and the majority of legal research was done using books. Today, book-based legal research has rapidly diminished, and with it, the justifications for the prior version of Rule 23(e) have diminished. Text-searchable electronic legal research databases typically include both published opinions and Rule 23(b) orders. The amended rule makes these cases available to litigants for persuasion without expanding the body of binding precedent.

M.R. No. 10343
(Amended November 21, 2017)
(October 4, 2011)

Under the general administrative and supervisory authority granted the Illinois Supreme Court over the courts of this state (Ill. Const. 1970, art. VI, §16), the order entered under Supreme Court Rule 23, dated May 31, 2011, is amended as follows:

(A) Assignment of Public-Domain Case Designators

The Districts of the Illinois Appellate Court shall assign a public-domain case designator to those opinions filed on or after July 1, 2011. This designator number for an opinion must be unique to that opinion and shall include the year of decision, the court abbreviation, and an identifier number comprised of the final six digits of the docket number, or the final six digits of the initial docket number in a consolidated appeal, without use of the hyphen. In the case of opinions by the Workers' Compensation Commission Division of the Appellate Court, the letters "WC" shall be added as a suffix. The public-domain identifier shall appear at top of the first page of an opinion and shall be in the following form:

[year] IL App (1st) [no.]
[year] IL App (2d) [no.]
[year] IL App (3d) [no.]
[year] IL App (4th) [no.]
[year] IL App (5th) [no.]
Workers' Compensation Commission Division
2011 IL App ([dist.]) [no.]WC

By way of example, should the First District file an opinion in cause No. 1-10-1234 in 2011, the public-domain case designator will be "2011 IL App (1st) 101234."

Where a second opinion is filed under the same docket number after remand, a capital letter "B" will be appended to the case-designator number, regardless of the year-designator portion of the citation:

2011 IL App (1st) 101159
2012 IL App (1st) 101159-B

Any further opinions arising from the same appeal shall be assigned an alphabetic letter consecutive to the preceding opinion.

However, where an opinion is withdrawn while jurisdiction has been retained by the issuing court, the new opinion or order in the matter shall be given the same case-designator number as the withdrawn opinion without the addition of a sequential alphabetic designator.

Orders filed under Illinois Supreme Court Rule 23(b) shall have the letter "U," preceded by a hyphen, appended to the case-designator number:

2011 IL App (5th) 101160-U

A subsequently filed unpublished order in the same cause of action will result in use of both a "U" and an alphabetic designator:

2011 IL App (5th) 101160-UB

Use of the "U" designator for unpublished decisions and use of an alphabetic designator ("B," "C," *etc.*) for a subsequent opinion or order are independent elements of the case-designator number:

2011 IL App (5th) 101160-U [unpublished; initial decision]

2011 IL App (5th) 101160-B [published; decision after remand]

2011 IL App (5th) 101160-UC [unpublished; decision after second remand]

Should an unpublished order under Supreme Court Rule 23 be converted to a published opinion, the "U" designation shall be deleted.

(B) Internal Paragraphing of Opinions

Illinois reviewing court opinions shall include internally numbered paragraphs as directed below. Use of internal paragraph numbers allows a pinpoint citation to the appropriate portions of an opinion when cited for a specific proposition. Such a citation will include the case name, the public-domain designator number, and the specific, or pinpoint, paragraph or paragraph numbers within the opinion:

People v. Doe, 2011 IL App (1st) 101157, ¶ 15

People v. Doe, 2011 IL App (1st) 101157, ¶¶ 21-23

People v. Doe, 2011 IL App (1st) 101157, ¶¶ 57, 68

Except for the materials denoted in paragraph below, each paragraph of text is to be numbered consecutively beginning after the heading "OPINION" or "ORDER" (including the lead-in line to a separate opinion and any joiner lines thereto).

(2) The numbering of paragraphs within a separate opinion shall be consecutive to the final paragraph number of the opinion that precedes it, beginning with the lead-in line to the separate opinion, as shown in the example below:

¶ 43 CONCLUSION
¶ 44 For the reason stated, the judgment of the circuit court is reversed and the cause is remanded to that court for further proceedings.

¶ 45 Judgment reversed;
¶ 46 cause remanded.

¶ 47 JUSTICE DOE, dissenting:
¶ 48 Because I believe the circuit court correctly resolved the issues presented in the motion to suppress, I would affirm.

The following portions of an opinion do not constitute new paragraphs and shall not be numbered:

(a) indented (blocked) text, regardless of the nature material (*e.g.*, quotation, listing of issues, *etc.*) or the length of the material;

(b) text immediately following indented text, unless such text begins a new paragraph;

(c) text within footnotes;

(d) appendices or other attachments.

If quoted text, including indented quotations, is derived from a source that uses numbered paragraphs under a public-domain system of citation, the numbers from the original source shall not be shown in the quoted material but in the citation only.

If a supplemental document is filed, the paragraph numbering in the original document shall be continued into the supplemental document, including any lead-in lines and document headings (*e.g.*, "Supplemental Opinion"; "Dissent Upon Denial of Rehearing").

Each paragraph number shall be shown using the paragraph symbol, followed by a space, and then the number (*e.g.*, ¶ 1). The paragraph number is placed at the left margin, followed by a tab that indents the paragraphed text, as follows:

> ¶ 23 The appellate court found that *Grant* supported its conclusion that the designation of the NAF in the agreement to arbitrate was integral to the agreement. Specifically, citing *Grant*, the court noted:
>
> > "[The NAF] has a very specific set of rules and procedures that has implications for every aspect of the arbitration process."
>
> Thus the court found that section 5 of the Arbitration Act could not be used to reform the arbitration provision.
>
> ¶ 24 The defendant argues that the appellate court erroneously determined there is a split in federal case law as to the proper application of section 5 of the Act.

M.R. 10343
IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered December 18, 2006.

***In re* Administrative Order No. M.R. 10343**

On the court's own motion, effective January 1, 2007, the administrative order entered in M.R.

No. 10343, on June 27, 1994, is hereby vacated.

Order entered by the Court.

Commentary
(June 27, 1994)

By this amendment, Rule 23 creates a presumption against disposing of Appellate Court cases by full, published opinions and authorizes a third type of disposition by summary order in select circumstances. The concept of the traditional "Rule 23 order" remains, but conciseness is encouraged. Disposition by order rather than by opinion reflects the precedential value of a case, not necessarily its merits.

Two of the criteria upon which a case could qualify for disposition by opinion and the preference for publishing cases which include concurring and/or dissenting opinions have been eliminated consistent with the presumption against publication.

Amended Rule 501

Rule 501. Definitions

(a) Reserved.

(b) Reserved.

(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.*);

(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.*);

(21) The Wild Animal Public Safety Act, as amended (520 ILCS 35/1 *et seq.*).

(d) Reserved.

(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.*), 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) Notice to appear. An option allowing release by a written request issued by a peace officer that a person appear before a court at a stated time and place (725 ILCS 5/107-1(c)).

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 Oct. 27, 2022, eff. Sept. 18, 2023; amended June 3, 2025, eff. immediately.

Amended Rule 504

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. Sept. 18, 2023; amended June 3, 2025; eff. immediately.

~~**Committee Comments**~~
~~(September 18, 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.)~~

Amended Rule 505

Rule 505. Notice to Accused

When issuing a Uniform Citation and Complaint, a conservation complaint or a Notice to Appear in lieu of either, the officer shall also issue a written notice to the accused in substantially the following form:

AVOID MULTIPLE COURT APPEARANCES

If you intend to plead "not guilty" to this charge, or if, in addition, you intend to demand a trial by jury, so notify the clerk of the court at least 10 days (excluding Saturdays, Sundays or holidays) before the day set for your appearance. A new appearance date will be set, and arrangements will be made to have the arresting officer present on that new date. Failure to notify the clerk of either your intention to plead "not guilty" or your intention to demand a jury trial may result in your having to return to court, if you plead "not guilty" on the date originally set for your court appearance.

Upon timely receipt of notice that the accused intends to plead "not guilty," the clerk shall set a new appearance date not less than 7 days nor more than 60 days after the original appearance date set by the arresting officer or the clerk of the circuit court, and notify all parties of the new date and the time for appearance. If the accused demands a trial by jury, the trial shall be scheduled within a reasonable period. In order to invoke the right to a speedy trial, the accused if not in custody must file an appropriate, separate demand, as provided in section 103—5 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/103—5). The proper prosecuting attorney shall be served with such separate written demand for speedy trial. If the accused fails to notify the clerk as provided above, the arresting officer's failure to appear on the date originally set for appearance may be considered good cause for a continuance. Any state agency or any unit of local government desiring to be exempt from the requirements of this Rule 505 may apply to the Conference of Chief Circuit Judges for an exemption.

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 May 24, 1995, effective January 1, 1996; amended Oct. 27, 2022, eff. Sept. 18, 2023; amended June 3, 2025, eff. immediately.

~~**Committee Comments**~~
~~(September 18, 2023)~~

~~The 7 to 60 days referenced in Rule 505 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.)~~

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.

~~(1)~~ If a person accused of a Minor Traffic, Overweight and Permit, or Conservation ~~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 imposing a single assessment, specified in 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.~~

(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;

(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.

(2) Conservation Offenses

(i) continue the case; 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~~may~~ enter an *ex parte* judgment against the defendant and~~but may elect to~~ 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. ~~The clerk of the court shall notify the Secretary of State of the conviction pursuant to Rule 552.~~

~~(2) 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":~~

~~"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."~~

(c)~~(b)~~ 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:

~~The following statement(s) shall appear on the charging document in the event a warrant or *ex parte* judgment is sought by the prosecuting entity:~~

~~(1) A statement that an *ex parte* judgment may be entered for offenses punishable by fine only in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court appearance or any date to which the case is continued. The statement must also contain the specific amount of any *ex parte* judgment.~~

~~(2) A statement that an arrest warrant may issue if the defendant fails to appear at any hearing.~~

~~(3) A statement that a 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.~~

(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; 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. 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 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).

(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.

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.

Amended Rule 572

Rule 572. Form of Charging Document.

(a) A prosecution for an ordinance violation for which the penalty does not include the possibility of a jail term may be initiated by a charging document such as a Notice to Appear, Uniform Citation and Complaint Form, Ticket, or Complaint that meets the requirements set forth in Rules 10 and 552. If initiated by uniform citation approved by the Conference of Chief Circuit Judges, the uniform citation shall be signed by the peace officer or a code enforcement officer authorized by the plaintiff to sign the charging document, which shall be processed as provided in Rule 552. Any other form of charging document shall be signed by the prosecuting attorney and be verified as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109). Such charging document or combination of documents shall contain at least the following:

1. The name of the prosecuting entity;

2. The name of the defendant and his or her address, if known;

3. The nature of the offense and a reference to the relevant ordinance;

4. A statement ~~whether~~ the defendant is required to appear in court and~~, if so,~~ the date, time and place of appearance;

5. ~~If applicable, t~~The steps the defendant can take to avoid an otherwise required appearance; and

6. A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering his or her appearance, plea, answer to the charge, or other responsive pleading.

(b) The following statement(s) shall also appear on the charging document or combination of documents listed in (a) above in the event a warrant or default judgment will be sought by the prosecuting entity:

1. A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court appearance or any date to which the case is continued. The statement must also contain the specific amount of any default judgment.

2. A statement that an arrest warrant may issue if the defendant fails to appear at any hearing.

(c) Multiple Violations. Multiple violations of automobile parking offenses may be contained in a single count. Violations of the same offense occurring on different days, or violations of ordinances which carry a per day fine, may be stated in one count even though each violation or day upon which a violation occurs carries a separate fine. Such separate violations and fines must be clearly stated.

(d) Prayer for Relief. It shall be sufficient for the prosecuting entity to generally pray for a penalty range between the minimum and maximum penalties authorized by the corporate authorities of the prosecuting entity.

(e) Amendments. The charging document may be amended at any time, before or after

judgment, to conform the pleadings to the proofs on just and reasonable terms. However, the amount of any default judgment appearing on the charging document under Rule 572(b) may not be amended after the entry of such judgment, without notice to defendant.

Adopted December 7, 2011, effective immediately; amended Oct. 27, 2022, eff. Sept. 18, 2023; amended June 3, 2025, eff. immediately.

Committee Comment

(December 7, 2011)

Many prosecuting entities have created hybrid complaints that serve both as notice to appear and the charging document itself, similar to a traffic citation. Since an ordinance violation prosecution incorporates aspects of both criminal and civil procedures, the more general term "charging document" phrase is used.

(a) Rule 572 is intended to provide flexibility in the initiation of an ordinance violation prosecution.

The Municipal Code states that "the first process shall be a summons or a warrant." 65 ILCS 5/1-2-9.

Many prosecuting entities, however, begin with a "Notice to Appear" which is provided for in the Code of Criminal Procedure, 725 ILCS 5/1 07-12: (a) Whenever a peace officer is authorized to arrest a person without a warrant he may instead issue to such a person a notice to appear *** (c) Upon failure of the person to appear a summons or warrant of arrest may issue." A notice to appear "is a means by which a person may be brought before the court without the inconvenience of immediate arrest ***. Such a notice may be issued whenever a peace officer has probable cause to make a warrantless arrest." *People v. Warren*, 173 Ill. 2d 348, 357 (1996).

The purpose of this rule is to continue to allow prosecuting entities to utilize the most efficient means of initiating ordinance violation proceedings. "Notices to Appear" are an appropriate and reasonable means of informing defendants of charges against them and are similar to citations issued in traffic cases.

This does not prohibit a prosecuting entity from obtaining an arrest warrant based upon probable cause, as authorized in section 1-2-9 of the Municipal Code (65 ILCS 5/1-2-9).

This rule also makes it clear that an attorney need not sign the charging document in every case. This is especially important where the process is initiated by a nonattorney such as a police officer or code enforcement officer.

(b) This section provides for issuance of default judgments or warrants upon a failure to appear.

(c) This is intended to minimize paperwork and codify the decision in *Village of Oak Park v. Flanagan,* 35 Ill. App. 3d 6 (1st Dist. 1975). The Village of Oak Park case involved prosecution for multiple parking tickets in which the court held that a computer printout was sufficient to comply with the requirements of pleading for ordinance violations. Note, however, this rule is not meant to contravene the one act, one crime rule identified in *Village of Sugar Grove v. James Rich,* 347 Ill. App. 3d 689 (1st Dist. 2004).

(d) Section 2-604 of the Code of Civil Procedure requires a "specific" prayer for relief. 735 ILCS 5/2-604. This paragraph is intended to make it clear that a prayer for a penalty within the penalty range authorized by the ordinance is sufficiently specific to advise the defendant of the maximum penalty to which they are exposed.

(e) Section 2-616(a) of the Code of Civil Procedure specifically permits amendments to civil pleadings at various times. 735 ILCS 5/2-616(a). The purpose is to avoid minor errors in the charging document being a cause of a finding of not guilty when a violation has been proved by the requisite proof. The last sentence enforces the requirement of Rule 572(b) that if the prosecuting entity will seek a default judgment, it must state the specific amount in the charging document or combination of documents served upon the defendant.

Amended Rule 575

Rule 575. Appearance of Defendant, Answer; Failure to Appear; Discovery and Pretrial Procedures

(a) A defendant responding to a charging document for an ordinance violation may appear and enter a plea, file an answer to the charge, or file other responsive pleadings. A Not Guilty plea will be construed as a general denial. The defendant need not file a written answer unless ordered to do so by the Court.

(b) In the event the defendant fails to appear at any proceeding for which the Court has not excused the defendant's appearance, an arrest warrant may issue, or default judgment may be entered. If such judgment is entered, the defendant shall be mailed written notice to the defendant's last known address of: (1) the amount of the judgment, (2) if applicable, the date by which such judgment must be paid, and (3) that a motion to vacate judgment must be filed within 30 days of the date of the mailing of the written notice. "Defendant's last known address" shall be presumed to be the address provided by the defendant himself or herself upon actual delivery of the charging document.

(c) A party may make a motion for summary judgment prior to any trial on the merits.

(d) In prosecutions for violations of ordinances, no discovery procedures shall be allowed prior to trial except by leave of court.

Adopted December 7, 2011, effective immediately; amended June 3, 2025, eff. immediately.

Committee Comment

(June 3, 2025~~December 7, 2011~~)

(a) The purpose of this section is to provide for a simple process for those who appear to answer a charge and also in determining the effect of a failure to appear for an ordinance violation charge. Supreme Court Rule 286(a) provides for a general denial in small claims cases and this rule provides a similar procedure for ordinance violations. Supreme Court Rule 556~~(a)~~ permits the entry of default judgment in traffic cases. This rule provides a similar procedure for ordinance violations.

(b) This section provides for procedures to follow in the event of a Defendant's failure to appear at any proceeding for which the Court has not previously excused the appearance.

(c) *Village of Beckmeyer v. Wheelan,* 212 Ill. App. 3d 287 (5th Dist. 1991), provides for summary judgment motions in ordinance violation cases.

(d) Supreme Court Rule 20l(h) provides: "In suits for violation of municipal ordinances where the penalty is a fine only no discovery procedure shall be used prior to trial except by leave of court. This rule extends the application of the rule to cases in which penalties may include public service work and restitution in addition to fines."