

## **Rule 609. Stays**

**(a) Imprisonment or Confinement.** If an appeal is taken from a judgment following which the defendant is sentenced to imprisonment or periodic imprisonment, or to probation or conditional discharge conditioned upon periodic imprisonment, or from an order revoking or modifying the conditions attached to a sentence of probation or conditional discharge and imposing a sentence of imprisonment or periodic imprisonment, the defendant may be admitted to bail and the sentence or condition of imprisonment or periodic imprisonment stayed, with or without bond, by a judge of the trial or reviewing court. Upon motion showing good cause the reviewing court or a judge thereof may revoke the order of the trial court or order that the amount of bail be increased or decreased.

**(b) Other Cases.** On appeals in other cases the judgment or order may be stayed by a judge of the trial or reviewing court, with or without bond. Upon motion showing good cause the reviewing court or a judge thereof may revoke the order of the trial court or order that the amount of bail be increased or decreased.

Amended October 21, 1969, effective January 1, 1970; amended June 28, 1974, effective September 1, 1974; [amended Feb. 6, 2013, eff. immediately.](#)

### Committee Comments (Revised September 1, 1974)

This rule is former Rule 27(16) with language changes for clarification. Rule 27(16) was derived from section 121-6 of the Code of Criminal Procedure of 1963. In 1974, paragraph (b) of the rule was amended to conform its language to that used in the Unified Code of Corrections, enacted effective January 1, 1973, as sections 1-1-1 through 8-6-1, setting forth the types of sentences available to the trial court in criminal proceedings and making provision for the modification of sentences imposed upon conditions. The 1974 amendment to the rule also permits stay of a sentence or condition of imprisonment “with or without bond.”