

## OUT OF COUNTY WARRANT

### 725 ILCS 5/109-2

The Statute does NOT initially require a Hearing.

The court shall order the sheriff to immediately contact the sheriff in any county where any warrant is outstanding and notify them of the arrest of the individual.

The Court should set a 5 calendar day status, since the statute requires the Defendant to be transported to the other county no later than 5 calendar days **after the end of any detention issued on any pending charge in the arresting county.** Hence, If the Defendant is detained in our county for a charge allegedly committed here, then the 5 day status date isn't required.

If the Defendant is in court for outstanding warrants from multiple counties, the judge should select one of the counties to be notified.

If the issuing county fails to take any action (transport the Defendant or quash the warrant) within 5 calendar days, the defendant shall be released from custody on the warrant, and the judge in the county of arrest shall set conditions of release under Section 110-5 and shall admit the defendant to pretrial release for his or her appearance before the court named in the warrant.

The Defendant should then be ordered to appear in the county in which the warrant was originated. Apparently a random date is chosen with a courtroom to be determined by the Circuit Clerk.

**NOTE:** The judge *may* have authority to release a defendant despite the out-of-county warrant. 109-2 suggests that the court in the arresting county shall hold for that person a detention hearing under Section 110-6.1, or other hearing under Section 110-5 or Section 110-6. Release with notice of a court date may be appropriate for older warrants based on minor offenses.

