# FAILURE TO APPEAR IN COURT

## 725 ILCS 5/110-3

(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.

(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 failure to appear in court, shall not be recorded in the official docket as having failed to appear on the initial missed court date.

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## 725 ILCS 5/110-6

(c) The court shall follow the procedures set forth in Section 110-3 to ensure the defendant's appearance in court if the defendant:

(1) fails to appear in court as required by the defendant's conditions of release;

(2) is charged with a felony or Class A misdemeanor offense that is alleged to have occurred during the defendant's pretrial release after having been previously granted pretrial release for a Class B or Class C misdemeanor, a petty or business offense, or an ordinance violation that is alleged to have occurred during the defendant's pretrial release;

(3) is charged with a Class B or C misdemeanor offense, petty or business offense, or ordinance violation that is alleged to have occurred during the defendant's pretrial release; or

(4) violates any other condition of pretrial release set by the court.

**(WARRANT REQUIRES SPECIAL LANGUAGE)**

**In response to a violation described in this subsection, the court may issue a warrant specifying that the defendant must appear before the court for a hearing for sanctions and may not be released by law enforcement before that appearance. 725 ILCS. 5/110-6**

**(d) When a defendant appears in court pursuant to a summons or warrant issued in accordance with Section 110-3 or after being arrested for an offense that is alleged to have occurred during the defendant's pretrial release, the State may file a verified petition requesting a hearing for sanctions.**

**(e) During the hearing for sanctions, the defendant shall be represented by counsel and have an opportunity to be heard regarding the violation and evidence in mitigation. The State shall bear the burden of proving by clear and convincing evidence that:**
**(1) the defendant committed an act that violated a term of the defendant's pretrial release;**
**(2) the defendant had actual knowledge that the defendant's action would violate a court order;**
**(3) the violation of the court order was willful; and**
**(4) the violation was not caused by a lack of access to financial monetary resources.**

**(f) Sanctions for violations of pretrial release may include:**

**(1) a verbal or written admonishment from the court;**
**(2) imprisonment in the county jail for a period not exceeding 30 days;**
**(3) (Blank); or**
**(4) a modification of the defendant's pretrial conditions.**

**(g) The court may, at any time, after motion by either party or on its own motion, remove previously set conditions of pretrial release, subject to the provisions in this subsection. The court may only add or increase conditions of pretrial release at a hearing under this Section.**

# CONTENTS OF A SUMMONS

(d) The warrant of arrest or summons shall:
(1) Be in writing;
(2) Specify the name, sex and birth date of the person to be arrested or summoned or, if his name, sex or birth date is unknown, shall designate such person by any name or description by which the person can be identified with reasonable certainty;
(3) Set forth the nature of the offense;
(4) State the date when issued and the municipality or county where issued;
(5) Be signed by the judge of the court with the title of the judge's office; and
(6) Command that the person against whom the complaint was made to be arrested and brought before the court issuing the warrant or the nearest or most accessible court in the same county, or appear before the court at a certain time and place;
(7) Specify the conditions of pretrial release, if any; and
(8) Specify any geographical limitation placed on the execution of the warrant, if any, but such limitation shall not be expressed in mileage.
(e) The summons may be served in the same manner as the summons in a civil action, except that a police officer may serve a summons for a violation of an ordinance occurring within the municipality of the police officer.
(f) If the person summoned fails to appear by the date required or cannot be located to serve the summons, a warrant may be issued by the court for the arrest of the person complained against.
(g) A warrant of arrest issued under this Section shall incorporate the information included in the summons, and shall comply with the following:
(1) The arrest warrant shall specify any geographic limitation placed on the execution of the warrant, but such limitation shall not be expressed in mileage.
(2) The arrest warrant shall be directed to all peace officers in the State. It shall be executed by the peace officer, or by a private person specially named therein, at any location within the geographic limitation for execution placed on the warrant. If no geographic limitation is placed on the warrant, then it may be executed anywhere in the State.

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