

**Illinois Chapter 725 Criminal Procedure**

725 ILCS 185/ Pretrial Services Act.

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(725 ILCS 185/0.01) (from Ch. 38, par. 300)

Sec. 0.01. Short title. This Act may be cited as the Pretrial Services Act.

(Source: P.A. 86-1324.)

(725 ILCS 185/1) (from Ch. 38, par. 301)

Sec. 1. Each circuit court shall establish a pretrial services agency to provide the court with accurate background data regarding the pretrial release of persons charged with felonies and effective supervision of compliance with the terms and conditions imposed on release.

(Source: P.A. 84-1449.)

(725 ILCS 185/2) (from Ch. 38, par. 302)

Sec. 2. Pretrial services agencies may be independent divisions of the circuit courts accountable to the chief judge or his designee for program activities. The agencies shall be supervised by a director appointed by the chief judge and removable for cause. The chief judge or his designee shall have the authority to hire, terminate or discipline agency personnel on recommendation of the program director.

(Source: P.A. 84-1449.)

(725 ILCS 185/3) (from Ch. 38, par. 303)

Sec. 3. The functions of the pretrial services agency shall be assigned to the Department of Probation and Court Services or other arm of the court where the volume of criminal proceedings does not justify the establishment of a separate division.

(Source: P.A. 84-1449.)

(725 ILCS 185/4) (from Ch. 38, par. 304)

Sec. 4. All pretrial services agency personnel shall be full-time employees supervised by the director and, except for secretarial staff, subject to the hiring and training requirements established by the Supreme Court as provided in "An Act providing for a system of probation, for the appointment and compensation of probation officers, and authorizing the suspension of final judgment and the imposition of sentence upon persons found guilty of certain defined crimes and offenses, and legalizing their ultimate discharge without punishment", approved June 10, 1911, as amended.

(Source: P.A. 84-1449.)

(725 ILCS 185/5) (from Ch. 38, par. 305)

Sec. 5. The compensation for pretrial services agency personnel shall be commensurate with salaries and other benefits accorded probation department employees.

(Source: P.A. 84-1449.)

(725 ILCS 185/6) (from Ch. 38, par. 306)

Sec. 6. Volunteer groups and individuals may be assigned

such interviewing and verification as may be determined by the director.

(Source: P.A. 84-1449.)

(725 ILCS 185/7) (from Ch. 38, par. 307)

Sec. 7. Pretrial services agencies shall perform the following duties for the circuit court:

(a) Interview and assemble verified information and data concerning the community ties, employment, residency, criminal record, and social background of arrested persons who are to be, or have been, presented in court for first appearance on felony charges, to assist the court in determining the appropriate terms and conditions of pretrial release;

(b) Submit written reports of those investigations to the court along with such findings and recommendations, if any, as may be necessary to assess:

(1) the need for financial security to assure the defendant's appearance at later proceedings; and

(2) appropriate conditions which shall be imposed to protect against the risks of nonappearance and commission of new offenses or other interference with the orderly administration of justice before trial;

(c) Supervise compliance with pretrial release conditions, and promptly report violations of those conditions to the court and prosecutor to assure effective enforcement;

(d) Cooperate with the court and all other criminal justice agencies in the development of programs to minimize unnecessary pretrial detention and protect the public against breaches of pretrial release conditions; and

(e) Monitor the local operations of the pretrial release system and maintain accurate and comprehensive records of program activities.

(Source: P.A. 84-1449.)

(725 ILCS 185/8) (from Ch. 38, par. 308)

Sec. 8. In addition to the foregoing, pretrial services agencies may with the approval of the chief judge provide one or more of the following services to the circuit court:

(a) Supervise compliance with the terms and conditions imposed by the courts for appeal bonds; and

(b) Assist in such other pretrial services activities as may be delegated to the agency by the court.

(Source: P.A. 84-1449.)

(725 ILCS 185/9) (from Ch. 38, par. 309)

Sec. 9. Pretrial services agencies shall have standing court authority to interview and process all persons charged with non-capital felonies either before or after first appearance if the person is in custody. The chief judge and director of the pretrial services agency may establish interviewing priorities where resources do not permit total coverage, but no other criteria shall be employed to exclude categories of offenses or offenders from program operations.

(Source: P.A. 84-1449.)

(725 ILCS 185/10) (from Ch. 38, par. 310)

Sec. 10. The chief judge and director of the pretrial services agency shall continuously assess the benefits of agency intervention before or after the first appearance of accused persons. In determining the best allocation of available resources, consideration shall be given to current release practices of first appearance judges in misdemeanor and lesser felony cases; the logistics of pre-first appearance intervention where decentralized detention facilities are utilized; the availability of verification resources for pre-first appearance intervention; and the ultimate goal of prompt and informed determinations of pretrial release

conditions.

(Source: P.A. 84-1449.)

(725 ILCS 185/11) (from Ch. 38, par. 311)

Sec. 11. No person shall be interviewed by a pretrial services agency unless he or she has first been apprised of the identity and purpose of the interviewer, the scope of the interview, the right to secure legal advice, and the right to refuse cooperation. Inquiry of the defendant shall carefully exclude questions concerning the details of the current charge. Statements made by the defendant during the interview, or evidence derived therefrom, are admissible in evidence only when the court is considering the imposition of pretrial or posttrial conditions to bail or recognizance, or when considering the modification of a prior release order.

(Source: P.A. 84-1449.)

(725 ILCS 185/12) (from Ch. 38, par. 312)

Sec. 12. Interviews shall be individually conducted by agency personnel in facilities or locations which assure an adequate opportunity for discussion, consistent with security needs.

The chief judge or his designee shall maintain a continuous liaison between the agency director and the sheriff, or other affected law enforcement agencies, to assure that pretrial services interviewers have prompt access consistent with security and law enforcement needs to all prisoners after booking.

(Source: P.A. 84-1449.)

(725 ILCS 185/13) (from Ch. 38, par. 313)

Sec. 13. Information received from the arrested person as a result of the agency interview shall be recorded on uniform interview forms.

(Source: P.A. 84-1449.)

(725 ILCS 185/14) (from Ch. 38, par. 314)

Sec. 14. The pretrial services agency shall, after interviewing arrestees, immediately verify and supplement the information required by the uniform interview form before submitting its report to the court. Minimum verification shall include the interviewee's prior criminal record, residency, and employment circumstances. The chief judge or his designee shall assist the program director in establishing and maintaining cooperation with the circuit clerk and law enforcement information systems to assure the prompt verification of prior criminal records.

(Source: P.A. 84-1449.)

(725 ILCS 185/15) (from Ch. 38, par. 315)

Sec. 15. Verified and supplemental information assembled by the pretrial services agency shall be recorded on a uniform reporting form established by the Supreme Court.

(Source: P.A. 84-1449.)

(725 ILCS 185/16) (from Ch. 38, par. 316)

Sec. 16. Pretrial services agencies interviewing arrested persons shall submit a report of their information and findings to the court in all cases where the individual remains in custody at the completion of the verification process, and in such additional cases where the agency believes that additional or modified conditions are appropriate and shall be imposed on earlier release orders.

(Source: P.A. 84-1449.)

(725 ILCS 185/17) (from Ch. 38, par. 317)

Sec. 17. Reports shall be in writing, signed by an authorized representative of the pretrial services agency, and prepared on the uniform reporting form. Copies of the report shall be provided to all parties and counsel of record.

(Source: P.A. 84-1449.)

(725 ILCS 185/18) (from Ch. 38, par. 318)

Sec. 18. A representative of the pretrial services agency shall where feasible be present or otherwise available to the court at the first appearance or such later hearings at which the agency report is to be considered by the court. At such hearings, the factual findings, conclusions and recommendations in the written report may be challenged by the interviewee, his or her counsel, or the prosecuting attorney, by the presentation of any relevant evidence.

(Source: P.A. 85-405.)

(725 ILCS 185/19) (from Ch. 38, par. 319)

Sec. 19. Written reports under Section 17 shall set forth all factual findings on which any recommendation and conclusions contained therein are based together with the source of each fact, and shall contain information and data relevant to the following issues:

(a) The need for financial security to assure the defendant's appearance for later court proceedings; and

(b) Appropriate conditions imposed to protect against the risk of nonappearance and commission of new offenses or other interference with the orderly administration of justice before trial.

(Source: P.A. 84-1449.)

(725 ILCS 185/20) (from Ch. 38, par. 320)

Sec. 20. In preparing and presenting its written reports under Sections 17 and 19, pretrial services agencies shall in appropriate cases include specific recommendations for the setting, increase, or decrease of bail; the release of the interviewee on his own recognizance in sums certain; and the imposition of pretrial conditions to bail or recognizance designed to minimize the risks of nonappearance, the commission of new offenses while awaiting trial, and other potential interference with the orderly administration of justice. In establishing objective internal criteria of any such recommendation policies, the agency may utilize so-called "point scales" for evaluating the aforementioned risks, but no interviewee shall be considered as ineligible for particular agency recommendations by sole reference to such procedures.

(Source: P.A. 91-357, eff. 7-29-99.)

(725 ILCS 185/21) (from Ch. 38, par. 321)

Sec. 21. Pretrial services agency reports completed following the first appearance shall be immediately referred to the judge who there presided; to any judge to whom the proceedings have been assigned for next hearing or trial; or in the event of their unavailability to a judge or group of judges designated for that purpose by the chief judge of the circuit. At the request of the court, or any party or counsel to the action, a hearing shall be scheduled with appropriate notice to review the interviewee's release or detention status. At the hearing, the factual findings, conclusions, and recommendations in the report may be challenged by the interviewee, his or her counsel, or the prosecuting attorney, by the presentation of any relevant evidence.

(Source: P.A. 85-405.)

(725 ILCS 185/22) (from Ch. 38, par. 322)

Sec. 22. If so ordered by the court, the pretrial services agency shall prepare and submit for the court's approval and signature a uniform release order on the uniform form established by the Supreme Court in all cases where an interviewee may be released from custody under conditions contained in an agency report. Such conditions shall become part of the conditions of the bail bond. A copy of the uniform

release order shall be provided to the defendant and defendant's attorney of record, and the prosecutor.

(Source: P.A. 84-1449.)

(725 ILCS 185/23) (from Ch. 38, par. 323)

Sec. 23. Pretrial services agencies shall have primary responsibility for reporting non-compliance by interviewees with the terms and conditions of pretrial release specified in the uniform release order entered under Section 22, including but not limited to appearances as required for later court proceedings and the commission of new offenses as evidenced by the filing of formal charges.

(Source: P.A. 84-1449.)

(725 ILCS 185/24) (from Ch. 38, par. 324)

Sec. 24. Where functions of the pretrial services agency have been delegated to a probation department or other arm of the court under Section 3, their records shall be segregated from other records. Two years after the date of the first interview with a pretrial services agency representative, the defendant may apply to the chief circuit judge, or a judge designated by the chief circuit judge for these purposes, for an order expunging from the records of the pretrial services agency all files pertaining to the defendant.

(Source: P.A. 84-1449.)

(725 ILCS 185/25) (from Ch. 38, par. 325)

Sec. 25. The agency shall provide written notification to supervised persons of court appearance obligations, and may require their periodic reporting by letter, telephone or personal appearance to verify such compliance.

(Source: P.A. 84-1449.)

(725 ILCS 185/26) (from Ch. 38, par. 326)

Sec. 26. Agency personnel shall regularly monitor the arrest records of local law enforcement agencies to determine whether any supervised person has been formally charged with the commission of a new offense in violation of the uniform release order. In such event, the agency shall prepare a formal report of that fact and present same to the court. A copy shall be provided to the prosecuting officer.

(Source: P.A. 84-1449.)

(725 ILCS 185/27) (from Ch. 38, par. 327)

Sec. 27. In addition to the supervisory duties set forth in Sections 25 and 26, the pretrial services agency shall continuously monitor the conduct and circumstances of supervised persons before trial and submit reports to the court, defendant and defendant's attorney of record, and prosecuting officer whenever:

(a) Apparent violations of other conditions imposed by the court under the uniform release order have occurred; or

(b) Modification of the uniform release order and conditions thereof are deemed in the best interests of either the accused or the community.

(Source: P.A. 84-1449.)

(725 ILCS 185/28) (from Ch. 38, par. 328)

Sec. 28. Whenever an arrest warrant, summons or other process is issued to compel the appearance of supervised persons before the court under Sections 25, 26 or 27, the pretrial services agency shall provide such information to law enforcement authorities as may be necessary to insure immediate execution of the process.

(Source: P.A. 84-1449.)

(725 ILCS 185/29) (from Ch. 38, par. 329)

Sec. 29. Pretrial services agencies shall, with the approval of the chief judge, offer supervisory services to similar programs operating in Illinois and other

jurisdictions.

(Source: P.A. 84-1449.)

(725 ILCS 185/30) (from Ch. 38, par. 330)

Sec. 30. Records and statistics shall be maintained by pretrial services agencies of their operations and effect upon the criminal justice system, with monthly reports submitted to the circuit court and the Supreme Court on a uniform statistical form developed by the Supreme Court.

(Source: P.A. 84-1449.)

(725 ILCS 185/31) (from Ch. 38, par. 331)

Sec. 31. Information and records maintained by the pretrial services agency which have not been disclosed in open court during a court proceeding shall not be released by the pretrial services agency to any individual or organization, other than any employee of a Probation and Court Service Department, without the express permission of the interviewed or supervised person at or near the time the information is to be released. An individual shall have access to all information and records about himself or herself maintained by or collected by the pretrial services agency. The principle of confidentiality shall not bar a pretrial services agency from making its data available for research purposes to qualified personnel, provided that no records or other information shall be made available in which individuals interviewed or supervised are identified or from which their identities are ascertainable.

(Source: P.A. 91-357, eff. 7-29-99.)

(725 ILCS 185/32) (from Ch. 38, par. 332)

Sec. 32. Pretrial services agencies shall be provided by the circuit court with adequate facilities and supportive services, including secretarial staffs or pools, to assure maximum utilization of resources and effective service to the court.

(Source: P.A. 84-1449.)

(725 ILCS 185/33) (from Ch. 38, par. 333)

Sec. 33. The Supreme Court shall pay from funds appropriated to it for this purpose 100% of all approved costs for pretrial services, including pretrial services officers, necessary support personnel, travel costs reasonably related to the delivery of pretrial services, space costs, equipment, telecommunications, postage, commodities, printing and contractual services. Costs shall be reimbursed monthly, based on a plan and budget approved by the Supreme Court. No department may be reimbursed for costs which exceed or are not provided for in the approved plan and budget. For State fiscal years 2004, 2005, and 2006, and 2007 only, the Mandatory Arbitration Fund may be used to reimburse approved costs for pretrial services.

(Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

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