

M.R. 3140

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

Order entered June 3, 2010.

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

Effective September 15, 2010, Supreme Court Rules 526, 527, 528, and 530 are amended, as follows.

Amended Rule 526

Rule 526. Bail Schedule—Traffic Offenses

(a) Bail in Minor Traffic Offenses. Unless released on a written promise to comply and except as provided in paragraphs (b), (c), (d) and (f) of this rule a person arrested for a traffic offense and personally served by the arresting officer with a Citation and Complaint shall post bail in the amount of \$75~~120~~ in one of the following ways: (1) by ~~depositing, in lieu of such amount, his current Illinois driver's license~~ posting \$120 cash bail (see Rule 501(b) for definition of "Cash Bail"); or (2) by depositing, in lieu of such amount, an approved bond certificate; or (3) by ~~posting \$75 cash bail (see Rule 501(b) for definition of "Cash Bail")~~ depositing, in lieu of such amount, a current Illinois driver's license.

(b) Bail in Certain Truck Offenses.

(1) Persons charged with a violation of section 15-111 of the Illinois Vehicle Code, as amended (truck overweight) (625 ILCS 5/15-111), charged with a violation of section 15-112(f e) of the Illinois Vehicle Code, as amended (gross weight) (625 ILCS 5/15-112(fe)), or charged with a violation punishable by fine pursuant to sections 15-113.1, 15-113.2 or 15-113.3 of the Illinois Vehicle Code, as amended (permit moves) (625 ILCS 5/15-113.1 *et seq.*), shall post cash bail in an amount equal to the amount of the minimum fine fixed by statute, plus penalties and costs (see Rule 501(b) for definition of "Cash Bail"). The accused

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**SUPREME COURT
CLERK**

may, in lieu of cash bail, deposit a money order issued by a money transfer service company which has been approved by the Administrative Director under regulations issued by this court. The money order shall be made payable to the clerk of the circuit court of the county in which the violation occurred. When the bail for any offense hereunder does not exceed ~~\$300~~500, the accused may, at his option, deposit a truck bond certificate in lieu of bail.

(2) Persons charged with violating section 15-112(g) of the Illinois Vehicle Code, as amended, by refusing to stop and submit a vehicle and load to weighing after being directed to do so by an officer, or with violating section 15-112(g) by removing all or part of the load prior to weighing shall post bail in the amount of ~~\$750~~1,200 (625 ILCS 5/15-112(g)).

(c) Bail in Other Traffic Offenses (Rules of the Road). Except as provided in paragraph (e) of this rule, persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/11-601	Speeding, but only when more than 20 mph over the posted limit but not more than 30 mph over the posted limit	\$95 <u>140</u>
	Speeding, but only when more than 30 mph over the posted limit	\$105 <u>160</u>
(2) 625 ILCS 5/11-601.5	Speeding, but only when 40 mph or more over the posted limit	\$2,000
(3) 625 ILCS 5/11-204	Fleeing or Attempting to Elude Police Officer	\$2,000
(4) 625 ILCS 5/11-401(a)	Leaving Scene of Accident-Death or Injury	\$2,000

(5) 625 ILCS 5/11-501	Misdemeanor Driving Under Influence of Alcohol or Drugs or with 0.08 or more Blood- or Breath-Alcohol Concentration	\$3,000
(6) 625 ILCS 5/11-503	Reckless Driving	\$2,000
(7) 625 ILCS 5/11-504	Drag Racing	\$2,000
(7) 625 ILCS 5/11-506	<u>Street Racing</u>	<u>\$2,000</u>
(8) 625 ILCS 5/12-603.1	Use of Safety Belts, Driver or Passenger	<u>\$5560</u>

(d) Bail in Other Traffic Offenses (Vehicle Title & Registration Law). Except as provided in paragraph (e) of this rule, persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/3-707	Operating Without Insurance	\$2,000
(2) 625 ILCS 5/3-708	Operating when Registration Suspended for Non-insurance	\$3,000
(3) 625 ILCS 5/3-710	Display of False Insurance Card	\$2,000

(e) Driver's License or Bond Certificate in Lieu of or in Addition to Bail. An accused who has a valid Illinois driver's license may deposit his driver's license in lieu of the bail specified in subparagraphs (1), (2), (3), (6), and (8) of Rule 526(c) and subparagraphs (1) and (3) of Rule 526(d). In lieu of posting the cash amount specified in subparagraphs (4), (5) and (7) of Rule 526(c) or subparagraph (2) of Rule 526(d), an accused must post \$1,000 bail

and his current Illinois driver's license. Persons who do not possess a valid Illinois driver's license shall post bail in the amounts specified in Rule 526(c) or 526(d), except that an accused may deposit an approved bond certificate in lieu of the bail specified in subparagraphs (1) or (8) of Rule 526(c).

(f) Bail in Other Traffic Offenses (Driver Licensing Law). Persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/6-301	Unlawful Use of License	\$750 <u>1,500</u>
(2) 625 ILCS 5/6-303 or <u>6-310</u>	Misdemeanor Driving With Suspended or Revoked License	\$1,000 <u>1,500</u>
(3) 625 ILCS 5/6-304.1	Permitting Driving Under Influence of Alcohol or Drugs	\$1,000 <u>1,500</u>
(4) 625 ILCS 5/6-101	Unlicensed Driving, under the following circumstances: (a) All cases other than those charging license expired for less than one year (b) License expired less than one year (see Rule 526(a))	\$1,000 <u>1,500</u>
See article VI, "Penalties," Illinois Vehicle Code (625 ILCS 5/6-601)		
(5) 625 ILCS 5/6-507	Commercial Driver's License	\$1,000 <u>1,500</u>

(g) Bail for Traffic Offenses Defined by Ordinance. Bail for traffic offenses defined by any ordinances of any unit of local government which are similar to those described in this Rule 526 shall be the same amounts as provided for in this rule.

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 September 29, 1978, effective November 1, 1978; amended September 20, 1979, effective October 15, 1979; 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 January 11, 1990, effective immediately; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended September 27, 1993, effective October 1, 1993 ; amended April 11, 2000, effective immediately; amended September 30, 2002, effective immediately; amended December 5, 2003, effective immediately; amended May 30, 2008, effective immediately; amended June 11, 2009, effective immediately; amended June 3, 2010, effective September 15, 2010.

Amended Rule 527

Rule 527. Bail Schedule—Conservation Offenses

(a) **General.** Except as provided in paragraphs (b), (c), (d), (e), (f), and (g) ~~and (h)~~ of this Rule 527, a person arrested for a conservation offense and personally served by the arresting officer with a conservation complaint shall post cash bail in the amount of \$~~75~~120 (see Rule 501(b) for definition of “Cash Bail”).

(b) **Bail for Specified Violations of the Wildlife Code.** Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

WILDLIFE CODE

ILCS	Description	Bail
520 ILCS 5/1.22	Resistance to Officers	\$1,000
520 ILCS 5/2.4	Unlawful Taking or Possession of Birds of Prey	\$1,000
520 ILCS 5/2.9	Unlawful Taking or Possession of Wild Turkeys	

	out of Season	\$1,000 <u>1,500</u>
520 ILCS 5/2.16	Unlawful Sale or Barter of Game Birds	\$1,000 <u>1,500</u>
520 ILCS 5/2.18	Unlawful Taking of Migratory Game Birds	\$1,000 <u>1,500</u>
520 ILCS 5/2.24	Unlawful Taking or Possessing of Deer out of Season	\$1,000 <u>1,500</u>
520 ILCS 5/2.25	Unlawful Taking or Possessing of Deer out of Season	\$1,000 <u>1,500</u>
520 ILCS 5/2.29	Unlawful Sale or Barter of Game Animals	\$1,000 <u>1,500</u>
520 ILCS 5/2.30	Unlawful Taking of Fur-bearing Mammals	\$1,000 <u>1,500</u>
520 ILCS 5/2.33(i)	Unlawful Taking from Vehicle	\$1,000
520 ILCS 5/2.33(cc)	Possession of Species During Closed Season	\$1,000
520 ILCS 5/2.33a(k)	Possession of Green Hides	\$1,000 <u>1,500</u>
520 ILCS 5/2.36	Unlawful Sale and Commercial Possession of Wildlife	\$1,000

520 ILCS 5/2.38	Falsification or Misrepresentation	\$1,000
<u>520 ILCS 5/3.34</u>	<u>Exotic Game Hunting Area</u>	<u>\$1,500</u>
520 ILCS 5/3.36	Violations While Under Revocation	\$1,000

(c) Bail for Specified Violations of the Boat Registration and Safety Act. Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

BOAT REGISTRATION AND SAFETY ACT

ILCS	Description	Bail
625 ILCS 45/2-4	Resistance to Officers	\$1,000
625 ILCS 45/5-1	Careless Operation of Motorboat	\$1,000 <u>1,500</u>
625 ILCS 45/5-2	Reckless Operation of Motorboat	\$1,000
625 ILCS 45/5-16(A)	Operating Motorboat Under the Influence of Liquors or Drugs	\$2,000
<u>625 ILCS 45/5-22</u>	<u>Failure to Yield to Emergency Watercraft</u>	<u>\$1,500</u>
625 ILCS 45/11A-5	Operating Motorboat During Suspension of	

Privilege

\$1,000

(d) **Bail for Specified Violations of the Snowmobile Registration and Safety Act.** Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

SNOWMOBILE REGISTRATION AND SAFETY ACT

ILCS	Description	Bail
625 ILCS 40/2-4	Resistance to Officers	\$1,000
625 ILCS 40/3-10	Falsification or Alteration	\$1,000 <u>1,500</u>
625 ILCS 40/5-1(B)	Reckless, Negligent or Careless Operation of Snowmobile	\$1,000 <u>1,500</u>
625 ILCS 40/5-7(a)	Operating Snowmobile Under the Influence of Liquor or Drugs	\$2,000

(e) **Bail for Specified Violations of the Fish and Aquatic Life Code.** Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

FISH AND AQUATIC LIFE CODE

ILCS	Description	Bail
515 ILCS 5/1-200	Obstructing an Officer	\$1,000

515 ILCS 5/10-80	Illegal Methods of Taking Aquatic Life	\$1,000
515 ILCS 5/10-100(b)	Release of Injurious Species	\$1,000
<u>515 ILCS 5/10-140</u>	<u>Dip Net Without Commercial License</u>	<u>\$1,500</u>
515 ILCS 5/15-5	Failure to Have Re- quired Commercial Fishing License	\$1,000 <u>1,500</u>
515 ILCS 5/15-10	Failure to Have Re- quired Commercial Musselor License	\$1,000 <u>1,500</u>
515 ILCS 5/15-50	Unlawful Sale and Commercial Possession	\$1,000
<u>515 ILCS 5/20-90</u>	<u>Aquaculture Permit</u>	<u>\$1,500</u>
515 ILCS 5/20-105	Violations While Under Revocation	\$1,000
515 ILCS 5/20-120(h)	Falsification or Misrepresentation	\$1,000

~~(f) Bail for Specified Violations of the Endangered Species Protection Act. Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:~~

~~ENDANGERED SPECIES PROTECTION ACT~~

ILCS	Description	Bail
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520 ILCS 10/3	Unlawful Possession, Taking, Sale, or Disposition of Endangered Species	\$1,000
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(g f) Bail for Specified Violations of the Forest Products Transportation Act. Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

FOREST PRODUCTS TRANSPORTATION ACT

ILCS	Description	Bail
225 ILCS 740/4	Cutting or Damaging Forest Products Without Consent	\$1,000
225 ILCS 740/5	Transportation of Forest Products Without Consent	\$1,000 <u>\$1,500</u>

~~**(h) Bail for Specified Violations of the Timber Buyers Licensing Act.** Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:~~

~~**TIMBER BUYERS LICENSING ACT**~~

ILCS	Description	Bail
225 ILCS 735/3	Engaging in Business Without License	\$1,000
225 ILCS 735/5	Unlawful Activities	\$1,000

(g) Bail for Class A Misdemeanors. Persons arrested for any conservation offense classified as a Class A misdemeanor and

personally served by the arresting officer with a conservation complaint shall post bail in the amount of \$1,500, except as may be provided in paragraphs (b), (c), (d), (e), and (f).

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 June 12, 1992, effective July 1, 1992; amended September 30, 2002, effective immediately; amended December 6, 2006, effective immediately; amended June 11, 2009, effective immediately; amended June 3, 2010, effective September 15, 2010.

Rule 528. Bail Schedule—Ordinance Offenses, Petty Offenses, Business Offenses and Certain Misdemeanors

(a) Offenses Punishable by Fine Not to Exceed \$1,000. Bail for offenses (other than traffic or conservation offenses), including ordinance violations, punishable only by a fine which does not exceed \$1,000 shall be \$75120.

(b) Offenses Punishable by Fine in Excess of \$1,000. Bail for offenses (other than traffic or conservation offenses) punishable only by a fine which exceeds \$1,000 shall be \$1,0001,500.

(c) Certain Other Offenses. Bail for any other offenses, including violation of any ordinance of any unit of local government (other than traffic or conservation offenses) punishable by fine or imprisonment in a penal institution other than the penitentiary, or both, shall be \$1,0001,500, except as provided in paragraph (d) of this Rule 528 and except that bail for Class C misdemeanors shall be \$75120.

(d) Domestic Violence Offenses. No bail is established under these rules as provided in section 110–15 of the Code of Criminal Procedure of 1963 (725 ILCS 5/110–15) for the offense of domestic battery (720 ILCS 5/12–3.2), a violation of an order of protection (720 ILCS 5/12–30), or any similar violation of a local ordinance. Bail for these offenses shall be set by the court pursuant to statute.

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 June 12, 1992, effective July 1, 1992; amended March 19, 1997, effective April 15, 1997; amended October 22, 1999, effective December 1, 1999; amended June 3, 2010, effective September 15, 2010.

Amended Rule 530

Rule 530. Applicability of 10% Cash Deposit Statute

The 10% cash deposit provision of section 110-7 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/110-7), applies in every case in which the amount of bail under these rules is ~~\$750~~1,200 or more, except those cases involving truck violations under Rule 526(b)(1) or similar municipal ordinances.

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 June 12, 1992, effective July 1, 1992; amended September 30, 2002, effective immediately; amended June 3, 2010, effective September 15, 2010.