

# Table of Contents

## Volume 5

### **CHAPTER 1. INTRODUCTION TO ILLINOIS CRIMINAL PROCEDURE**

- § 1:1 Illinois Criminal Code and Code of Criminal Procedure
- § 1:5 Criminal justice reform *[New]*

### **CHAPTER 2. THE ATTORNEY-CLIENT RELATIONSHIP**

#### **A. INTRODUCTION**

- § 2:1 The right to counsel—Constitutional provisions
- § 2:2 The right to counsel—Statutory provisions

#### **B. CONSTITUTIONAL GUARANTEES**

- § 2:10 Invoking the right to counsel
- § 2:11 Right to counsel after arrest
- § 2:12 Interrogation after indictment

#### **C. EFFECTIVE ASSISTANCE OF COUNSEL**

- § 2:20 General principles
- § 2:21 Incompetent counsel—In general
- § 2:22 Incompetent counsel—Failure to engage in adversary contest
- § 2:23 Incompetent counsel—Failure to assert defense or file motions
- § 2:24 Incompetent counsel—Counsel’s strategic decisions and  
defendant’s personal decisions
- § 2:25 Incompetent counsel—Conflict of interest
- § 2:26 Incompetent counsel—Conduct by the attorney

#### **D. APPOINTED COUNSEL**

- § 2:30 Appointment of the public defender
- § 2:31 Appointed counsel—Fees
- § 2:32 Reimbursement by the defendant

#### **G. ETHICAL CONSIDERATIONS**

- § 2:53 Withdrawal and substitution of attorney

## **H. WAIVER OF COUNSEL**

§ 2:60 Waiver of right to attorney

§ 2:61 Pro se defendant

## **I. CAPITAL LITIGATION TRIAL BAR**

§ 2:65 Capital litigation trial bar—In general *[Deleted]*

# **CHAPTER 3. ARREST PROCEDURE**

## **B. CONSTITUTIONAL ISSUES**

§ 3:7 Probable cause to arrest

§ 3:8 When probable cause is determined

§ 3:9 Experience and expertise of the officer—Defendant's reputation and record

§ 3:10 Information from citizen witnesses

§ 3:11 Information from other police

§ 3:12 Information from informants

§ 3:13 Probable cause based on actions and statements of the defendant

## **C. ISSUANCE OF WARRANT**

§ 3:20 Authority to issue warrants

§ 3:21 Application for an arrest warrant

§ 3:22 Summons

## **E. POWER TO ARREST**

§ 3:30 Authority to arrest

§ 3:31 Authority of officer to arrest—Failure to obtain warrant

§ 3:33 Authority to arrest—Private persons

§ 3:34 Territorial jurisdiction of officers to arrest

§ 3:36 Use of force in effecting an arrest

§ 3:38 Waiver of execution of an arrest warrant *[New]*

## **F. ARREST WITHOUT A WARRANT IN A RESIDENCE**

§ 3:40 Necessity of warrant to arrest in private premises

§ 3:41 Exceptions to necessity of warrant—Exigent circumstances

§ 3:42 Exceptions to necessity of warrant—Consent

## **G. SEARCH INCIDENT TO ARREST**

§ 3:51 Search of premises incident to arrest

## **H. STOP AND FRISK**

§ 3:60 Investigatory stop

§ 3:61 Standard and grounds for stop

§ 3:62 Stop based on police observation or information from others

## TABLE OF CONTENTS

- § 3:62.50 Stop based on reasonable mistake of law *[New]*
- § 3:62.60 Stops where crime later found unconstitutional *[New]*
- § 3:63 Arrest distinguished
- § 3:64 Permissible activities during detention
- § 3:65 Duration and place of detention
- § 3:66 Traffic stops under *Terry v. Ohio*
- § 3:67 Police conduct during traffic stop
- § 3:68 Search for weapons during temporary stop
- § 3:69 Seizure of contraband during temporary stop

### I. POST-ARREST ISSUES

- § 3:70 Post-arrest procedure
- § 3:71 Rights of the accused upon arrest
- § 3:72 Remote appearances in circuit court *[New]*

### J. CHECKLIST AND FORMS

- § 3:76 Arrest warrant—Form

## CHAPTER 4. PRETRIAL RELEASE *[Retitled]*

### A. INTRODUCTION

- § 4:1 Constitutional provisions
- § 4:2 Role of the attorney
- § 4:3 Definitions

### B. TYPES OF RELEASE

- § 4:4 Pretrial release *[Retitled]*
- § 4:5 Previously deposited bail security *[Retitled]*
- § 4:6 Rules for traffic and other petty offenses *[Retitled]*

### C. PROCEDURES FOR PRETRIAL RELEASE

- § 4:7 Setting conditions for pretrial release
- § 4:8 Setting conditions for pretrial release—Special circumstances
- § 4:9 Pretrial release for pregnant pre-trial detainees
- § 4:10 Procedure for denial of pretrial release
- § 4:11 Conduct of the pretrial release hearing
- § 4:12 Factors to be considered in making a determination of dangerousness
- § 4:13 Detention
- § 4:14 Conditions of pretrial release
- § 4:15 Conditions of pretrial release—Sex offenses with minor
- § 4:16 Conditions of pretrial release—Family or household members
- § 4:17 Release after a finding of guilty
- § 4:18 Defendant on parole

§ 4:18.50 Appeals *[New]*

#### **D. FAILURE TO COMPLY**

- § 4:19 Failure to comply with conditions of pretrial release or recognizance
- § 4:20 Revocation, modification and sanctions for violations of conditions of pretrial release
- § 4:21 Violation of conditions of pretrial release
- § 4:22 Failure to appear on traffic cases

#### **E. CHECKLIST AND FORMS**

- § 4:23 Checklist
- § 4:24 Pretrial release—Form
- § 4:26 Motion for revocation or modification of pretrial release or sanctions—Form
- § 4:27 Motion to quash arrest warrant—Form
- § 4:28 Motion to deny pretrial release—Form
- § 4:29 Order denying pretrial release—Form

### **CHAPTER 5. COMMENCEMENT OF PROSECUTION**

#### **B. TYPES OF CHARGING DOCUMENTS**

§ 5:5 Complaints

#### **C. FORM OF THE CHARGE**

- § 5:10 Sufficiency of the charging document
- § 5:12 Statement of the offense
- § 5:15 Time of offense
- § 5:18 Charges with enhanced penalties
- § 5:19 Charging multiple offenses in one document
- § 5:22 Defects in the charging document
- § 5:24 Amending the charging document
- § 5:25 Mental state allegations

#### **D. ARRAIGNMENT**

§ 5:34 Defendant's appearance by two-way audio-visual communication system *[Retitled]*

#### **F. CHECKLIST AND FORMS**

- § 5:52 Information—Form
- § 5:53 Indictment—Form

### **CHAPTER 6. JURISDICTION AND VENUE**

#### **A. JURISDICTION**

§ 6:3 State jurisdiction over the situs of the offense

TABLE OF CONTENTS

**B. VENUE**

§ 6:10 General considerations

§ 6:11 Special rules

**CHAPTER 7. GRAND JURY**

**A. NATURE AND FUNCTION OF THE GRAND JURY**

§ 7:1 Purpose of the grand jury

§ 7:2 Powers of the grand jury

§ 7:3 Composition of the grand jury

**B. COMPULSORY PROCESS**

§ 7:10 Subpoena power

§ 7:11 Subpoena duces tecum

§ 7:12 Compelling non-testimonial evidence

§ 7:14 Granting immunity to witnesses

**C. CONDUCT OF GRAND JURY PROCEEDINGS**

§ 7:20 Procedure in the grand jury

**D. ATTACKING THE INDICTMENT**

§ 7:35 In general

§ 7:40 Prosecutorial misconduct—In general

§ 7:43 Prosecutorial misconduct—Vindictive prosecution

**CHAPTER 8. PRELIMINARY HEARING**

**A. INTRODUCTION**

§ 8:1 Nature of the preliminary hearing

**B. PROCEDURES AT THE PRELIMINARY HEARING**

§ 8:9 Use of transcripts

**C. SPECIAL ISSUES**

§ 8:15 Failure to obtain a prompt hearing

§ 8:16 Holding a witness to bond

§ 8:17 Necessity of or right to a second hearing

**CHAPTER 9. DISCOVERY**

**A. IN GENERAL**

§ 9:2 Purpose of discovery rules

§ 9:5 Custody of discovery materials *[New]*

## **B. DEFENSE DISCOVERY**

§ 9:10 Felony rules of discovery

§ 9:11 Misdemeanor rules of discovery

§ 9:14 Scientific examination of state's evidence

§ 9:16 Impeachment evidence

§ 9:17 Work product

§ 9:18 Evidence favorable to the defendant

§ 9:19 Types of exculpatory material

§ 9:21 Informants

§ 9:25 DNA evidence

§ 9:29 Law enforcement body cameras *[New]*

§ 9:30 Law enforcement reports involving mental health incidents  
*[New]*

## **D. ENFORCING DISCOVERY**

§ 9:40 Sanctions for failure to answer discovery

§ 9:41 Exclusion of defense witnesses

§ 9:42 Exclusion of defendant's defense

## **E. DEPOSITIONS**

§ 9:45 Taking depositions in criminal cases

§ 9:46 Justification for deposition

## **G. CHECKLIST AND FORMS**

§ 9:55 Checklist

§ 9:75 Case management checklist in capital case—Form *[Deleted]*

# **CHAPTER 10. RIGHT TO A SPEEDY TRIAL**

## **A. INTRODUCTION**

§ 10:2 Constitutional right to a speedy trial

§ 10:3 Statutory right to a prompt trial

## **B. STATUTORY PROCEDURES**

§ 10:10 When does right accrue

§ 10:11 Extending the statutory time for trial

§ 10:13 Multiple offenses pending against the defendant

§ 10:14 Defendant in custody in another county

§ 10:16 Effect of filing additional charges against the defendant

§ 10:17 Effect of dismissal of charges

§ 10:19 Discharge for violation of right to speedy trial

§ 10:22 Speedy trial demand in traffic cases

§ 10:24 Intrastate detainer act

§ 10:25 Interstate detainer act

TABLE OF CONTENTS

**C. DELAY IN BRINGING THE DEFENDANT TO TRIAL**

- § 10:35 Effect of delay
- § 10:37 Types of delay attributable to the defendant
- § 10:38 Emergency circumstances [*New*]

**D. DELAY IN BRINGING THE CHARGE**

- § 10:46 Due process and preindictment delay
- § 10:47 Statute of limitations—General considerations
- § 10:48 Statute of limitations—Commission of the offense
- § 10:49 Statute of limitations—Commencement of prosecution
- § 10:50 Extending the period of limitations
- § 10:51 Amending the statute of limitations
- § 10:52 Statute of limitations—Tolling the statute
- § 10:54 Statute of limitations—Pleadings

**E. CHECKLIST AND FORMS**

- § 10:60 Checklist
- § 10:61 Demand for speedy trial—Form

**CHAPTER 11. GUILTY PLEAS AND PLEA NEGOTIATIONS**

**B. ROLE OF THE PARTIES**

- § 11:14 Judge's role in plea negotiations

**C. ISSUES IN PLEA NEGOTIATIONS**

- § 11:20 Inadmissibility of defendant's statement during plea negotiations
- § 11:21 Breach of the plea agreement
- § 11:24 Right to appeal

**D. TYPES OF PLEAS**

- § 11:42 Reserving appeal rights—Stipulated bench trials

**E. GUILTY PLEA PROCEDURES**

- § 11:50 In general
- § 11:51 Statutory requirements
- § 11:52 Entering the plea of guilty
- § 11:54 Admonitions regarding potential sentence
- § 11:55 Voluntary nature of the plea of guilty
- § 11:56 Substantial compliance
- § 11:57 Right to an attorney during plea

**F. WITHDRAWING A PLEA OF GUILTY**

- § 11:65 In general

- § 11:66 Representation by counsel
- § 11:67 Basis for the motion to withdraw plea

## **G. CHECKLIST AND FORMS**

- § 11:80 Certificate of Counsel pursuant to Illinois Supreme Court Rule 604(d) Forms Appendix—Form *[New]*

# **CHAPTER 12. MOTIONS TO SUPPRESS**

## **B. THE EXCLUSIONARY RULE**

- § 12:7 Good faith exception to the exclusionary rule
- § 12:9 Standing
- § 12:10 Fruit of the poisonous tree doctrine
- § 12:11 Independent source exception
- § 12:12 Inevitable discovery exception
- § 12:13 Attenuation from the illegal action
- § 12:14 Use of illegally obtained evidence to impeach

## **C. SUPPRESSION MOTIONS**

- § 12:25 Requirements for motions to suppress confession
- § 12:26 Requirements for motions to suppress evidence
- § 12:27 Hearing requirements
- § 12:28 Strategy at the hearing

# **CHAPTER 13. WARRANTLESS SEARCHES**

## **B. PROTECTED AREAS AND INTERESTS**

- § 13:5 Introduction
- § 13:6 Legitimate expectation of privacy
- § 13:7 Limitations as to what may be seized
- § 13:8 Plain view doctrine
- § 13:9 Open or public areas
- § 13:12 Fourth Amendment and new technology *[New]*

## **C. CONSTITUTIONAL PREREQUISITES FOR WARRANTLESS SEARCH**

- § 13:20 Reasonableness
- § 13:21 Necessity of probable cause
- § 13:26 Justifiable reliance on officer's knowledge in formulating probable cause
- § 13:27 Hearsay information for probable cause
- § 13:31 Veracity—Declaration against interest
- § 13:34 Information from citizen-witnesses

## **D. EXCEPTIONS TO THE WARRANT REQUIREMENT**

- § 13:51 The exclusionary rule

## TABLE OF CONTENTS

- § 13:52 Fruit of the poisonous tree
- § 13:53 Standing
- § 13:55 Search by a private party
- § 13:56 Consent searches—In general
- § 13:57 Nature of consent—Burden of proof
- § 13:58 Scope of consent
- § 13:59 Factors bearing on the validity of consent
- § 13:61 Third party consent
- § 13:62 Search incident to a lawful arrest
- § 13:63 Vehicle searches
- § 13:64 Search of vehicle incident to arrest
- § 13:65 Scope of search incident to arrest
- § 13:67 Scope of search after probable cause established
- § 13:68 Inventory searches
- § 13:70 Abandoned property
- § 13:71 Exigent circumstances
- § 13:75 Vehicle roadblocks
- § 13:76 Search of parolees *[New]*
- § 13:77 Emergency assistance *[New]*
- § 13:78 Police negligence *[New]*
- § 13:79 Relying on Appellate Law *[New]*

### **E. CHECKLIST AND FORMS**

- § 13:90 Checklist

## **CHAPTER 14. SEARCH WARRANTS**

### **B. ISSUANCE OF SEARCH WARRANTS**

- § 14:10 Application for a warrant
- § 14:11 Content of the complaint for search warrant
- § 14:12 Probable cause requirement
- § 14:13 Reliability of informants
- § 14:14 Time of information in complaint
- § 14:16 Incorporation of affidavit
- § 14:17 Description of property to be seized
- § 14:18 Description of persons to be searched and/or seized
- § 14:19 Description of place to be searched
- § 14:23 Anticipatory search warrants
- § 14:24 Warrant upon testimony by simultaneous video and audio transmission *[New]*

### **C. EXECUTION AND RETURN OF THE SEARCH WARRANT**

- § 14:30 In general
- § 14:32 When a search warrant may be executed
- § 14:33 Manner of entry
- § 14:34 Scope and intensity of the search
- § 14:35 Seizing items in plain view
- § 14:36 Search of persons on the premises

## **D. MOTION TO SUPPRESS SEARCH WARRANT**

- § 14:50 Attacking the search warrant
- § 14:51 Good faith exception to the exclusionary rule

## **E. INSPECTIONS AND REGULATORY SEARCHES**

- § 14:61 Fire, health and safety inspections
- § 14:62 Administrative searches in “special needs” situations

# **CHAPTER 15. EAVESDROPPING DEVICES**

## **A. USE OF EAVESDROPPING DEVICES IN ILLINOIS**

- § 15:2 Consent by one party
- § 15:3 Statutory authority

## **B. STATUTORY PROCEDURES**

- § 15:12 Failure to comply with statutory requirements
- § 15:15 Order authorizing use of eavesdropping device
- § 15:19 Retention and review of recordings—Consent

## **C. ISSUES IN EAVESDROPPING CASES**

- § 15:40 Motion to suppress evidence
- § 15:41 Statutory exceptions
- § 15:42 Federal v. state regulations

# **Volume 6**

# **CHAPTER 16. CONFESSIONS**

## **A. INTRODUCTION**

- § 16:2 Constitutional provisions
- § 16:3 Using a confession at trial
- § 16:4 Using a confession at trial—Mandatory electronic recording
- § 16:5 Minors and interrogation [*New*]

## **B. MIRANDA WARNINGS**

- § 16:10 In general
- § 16:11 Warning the defendant
- § 16:15 Invoking the right to remain silent
- § 16:16 Custody
- § 16:17 What is “interrogation”
- § 16:18 Waiver of fifth amendment rights
- § 16:19 Waiver after defendant indicates he wishes to remain silent
- § 16:20 Waiver after defendant indicates he wants a lawyer
- § 16:21 Violations of the *Miranda* rule

## TABLE OF CONTENTS

- § 16:22 Exceptions to *Miranda* requirement
- § 16:23 Comment by prosecutor on defendant's post-arrest silence
- § 16:25 *Miranda* and incarcerated suspects
- § 16:26 Tacit admission by the defendant
- § 16:27 Interrogation by school personnel *[New]*
- § 16:28 Interrogation of minors on school grounds *[New]*

### **C. VOLUNTARINESS**

- § 16:35 In general
- § 16:36 Test for voluntariness
- § 16:37 Age
- § 16:38 Intelligence
- § 16:39 Education
- § 16:42 Intoxicated or drugged condition
- § 16:43 Physical coercion
- § 16:45 Length of interrogation
- § 16:47 Deception
- § 16:48 Use of polygraph
- § 16:49 Statements given by police during internal investigations  
*[New]*

### **D. RIGHT TO COUNSEL**

- § 16:55 Right to counsel during interrogation
- § 16:56 Waiver of counsel

### **E. USE OF CONFESSION AT TRIAL**

- § 16:65 Motion to suppress confession—Fruit of the poisonous tree
- § 16:67 Introducing a confession at trial
- § 16:68 Corpus delicti

### **F. NON-TESTIMONIAL EVIDENCE**

- § 16:75 In general
- § 16:76 Production of evidence—Non-criminal cases

### **G. CHECKLIST AND FORMS**

- § 16:80 Checklist

## **CHAPTER 17. IDENTIFICATION**

### **A. INTRODUCTION**

- § 17:1 General principles

### **B. DUE PROCESS RULE**

- § 17:11 Tainted identification procedures

### **C. RIGHT TO COUNSEL RULE**

- § 17:20 Sixth amendment right to counsel

## **D. TYPES OF IDENTIFICATION PROCEDURES**

- § 17:35 Showup identifications
- § 17:36 Photographic lineups—In general
- § 17:37 Suggestive procedures during photographic line-ups
- § 17:41 Suggestive lineup procedures
- § 17:43 Lineup and photo spread procedure

## **CHAPTER 18. JOINDER AND SEVERANCE OF OFFENSES AND DEFENDANTS**

### **A. PROCEDURE FOR OBTAINING JOINDER OR SEVERANCE**

- § 18:4 Severance of defendants or offenses by motion of either party

### **B. JOINDER AND SEVERANCE OF DEFENDANTS**

- § 18:22 Severance of defendants due to factual prejudice—  
Antagonistic defense or positions
- § 18:26 Alternatives to severance—Redacting the codefendant's  
statement
- § 18:32 Alternatives to severance—Simultaneous jury trials [*New*]

### **C. JOINDER AND SEVERANCE OF OFFENSES**

- § 18:40 In general
- § 18:41 Joinder of offenses of the same acts or transactions connected  
together or constituting a common scheme or plan
- § 18:42 Misjoinder of offenses

## **CHAPTER 19. PRETRIAL MOTIONS**

### **A. PRETRIAL MOTION PROCEDURE**

- § 19:9 Hearing on motion

### **B. MOTION FOR CONTINUANCE**

- § 19:21 Motion for continuance by defendant
- § 19:24 Court's discretion in granting a continuance
- § 19:25 Denial of motion to continue

### **C. MOTIONS TO DISMISS**

- § 19:35 Procedural considerations
- § 19:36 Court's power to dismiss—In general
- § 19:37 Court's power to dismiss—Due process violation
- § 19:48 Selective or vindictive prosecution
- § 19:49 Legal presumptions

TABLE OF CONTENTS

**D. MOTION TO DISMISS—  
UNCONSTITUTIONALITY OF STATUTE**

- § 19:55 In general
- § 19:56 Separation of powers
- § 19:57 Vagueness and overbreadth
- § 19:58 Cruel and unusual punishment
- § 19:59 Ex post facto laws
- § 19:60 Burden of proof—Presumptions
- § 19:61 First amendment claims
- § 19:62 Equal protection
- § 19:64 Due process
- § 19:65 Single subject rule
- § 19:66 Preemption [*New*]
- § 19:67 Second amendment claims [*New*]

**E. MOTION TO NOLLE PROS**

- § 19:71 Procedure for entering nolle pros

**F. MOTION FOR SUBSTITUTION OF JUDGE**

- § 19:82 Substitution for cause
- § 19:83 Procedural requirements
- § 19:84 Grounds for substitution
- § 19:85 Nature of the hearing
- § 19:89 Motion for substitution of judge by state

**G. CHECKLIST AND FORMS**

- § 19:110 Checklist

**CHAPTER 20. FITNESS TO STAND TRIAL**

**A. INTRODUCTION**

- § 20:1 General considerations
- § 20:2 Bona fide doubt
- § 20:3 Discretionary appointment of examiner of defendant's fitness
- § 20:4 What is not a bona fide doubt
- § 20:5 Role of defense counsel

**B. FITNESS EXAMINATION**

- § 20:10 Appointment of experts
- § 20:11 Statements of defendant during fitness examination
- § 20:12 Report of expert after fitness examination

**C. FITNESS HEARING**

- § 20:20 Time for hearing
- § 20:21 Burden of proof
- § 20:22 Nature of the hearing

§ 20:23 Right to a jury trial

#### **D. POST-FITNESS HEARING PROCEDURES**

- § 20:31 Treatment after finding of unfitness
- § 20:32 Reports by persons supervising defendant's treatment
- § 20:33 Hearings after finding of unfitness
- § 20:34 Unfit defendants
- § 20:36 Discharge hearing
- § 20:37 Procedure after retreatment of defendant
- § 20:38 Appeal
- § 20:40 Defendants found unfit after trial

#### **E. MISCELLANEOUS PROVISIONS**

- § 20:50 Medication
- § 20:51 Assistance to the defendant with special needs at trial

### **CHAPTER 21. DOUBLE JEOPARDY**

#### **A. INTRODUCTION**

- § 21:1 Constitutional provisions
- § 21:2 Statutory provisions

#### **B. DECIDING WHETHER DOUBLE JEOPARDY EXISTS**

- § 21:10 Test for whether double jeopardy exists
- § 21:11 Preserving the issue for appeal
- § 21:12 Dual prosecution by federal and state governments
- § 21:13 Effect of directed verdict
- § 21:14 Retrial of defendant after mistrial
- § 21:15 Prosecutorial misconduct barring retrial
- § 21:17 Attachment of jeopardy
- § 21:18 Collateral estoppel
- § 21:22 Law of the case doctrine
- § 21:23 Retrial after appeal *[New]*

#### **C. EXCEPTIONS TO DOUBLE JEOPARDY RULES**

- § 21:30 In general

### **CHAPTER 22. WITNESSES**

#### **B. THE SUBPOENA PROCESS**

- § 22:11 Issuance of subpoena
- § 22:16 Subpoena duces tecum

#### **C. OUT OF STATE WITNESSES**

- § 22:30 In general

TABLE OF CONTENTS

**D. DEPOSITIONS**

§ 22:41 Preserving testimony of a witness

**E. COMPETENCY OF WITNESSES**

§ 22:50 Competency to testify

§ 22:51.50 Forensic interviews of children *[New]*

§ 22:52 Special issues in sexual offense cases with child witnesses  
*[Retitled]*

§ 22:53 Special issues in sexual offense cases with child  
witnesses—Hearsay exceptions

§ 22:54 Special issues in sexual offense cases with child  
witnesses—Confrontation clause and closed circuit  
television

§ 22:55 Special issues in sexual offense cases with child  
witnesses—Exclusions from courtroom

§ 22:55.50 Hearsay within hearsay *[New]*

§ 22:56 Hypnotized witnesses

**F. IMPEACHMENT OF WITNESSES**

§ 22:60 In general

§ 22:62 Hostile and court's witnesses

§ 22:67 "Deals" in exchange for testimony

§ 22:68 Impeachment by prior conviction

§ 22:70 Inconsistent statements

§ 22:71 Impeachment with inconsistent statements—Foundation

§ 22:72 Impeachment with inconsistent statements—Answers of  
witness

§ 22:73 Rehabilitation—Consistent statements

§ 22:74 Prior inconsistent statement as substantive evidence

§ 22:75 Admissibility of prior statements—Witness refuses to testify  
despite a court order

§ 22:76 Admissibility of testimony from prior hearing

§ 22:77 Rape shield act

§ 22:79 Hearsay exception regarding elder adults *[New]*

§ 22:80 Admissibility of prior statements when the witness is deceased  
*[New]*

§ 22:81 Admissibility of prior statements of an unavailable witness  
whose absence was wrongfully procured *[New]*

§ 22:82 Definition of unavailability as a witness *[New]*

§ 22:83 Religious beliefs or opinions *[New]*

§ 22:84 Testimony by informants *[New]*

**G. EXPERT WITNESSES**

§ 22:90 Need for defense experts

§ 22:92 Court scrutiny of expert witnesses

§ 22:93 Types of experts

§ 22:94 DNA identification procedures

**H. THE FORGETFUL WITNESS**

§ 22:110 Present memory refreshed

§ 22:111 Past recollection recorded

## **I. CHARACTER WITNESSES**

§ 22:115 Evidence of good character

§ 22:116 Evidence of bad character

§ 22:117 Character evidence under Rule 404 *[New]*

§ 22:118 Evidence of Character Witness under Rule 608 of the Illinois Rules of Evidence *[New]*

§ 22:119 Methods of proving character under Rule 405 *[New]*

## **J. PRIVILEGES AND PRIVILEGED TESTIMONY**

§ 22:125 In general

§ 22:126 Privilege against self-incrimination

§ 22:128 Testimonial privilege—Marital privilege

§ 22:129 Testimonial privilege—Attorney-client privilege

§ 22:130 Testimonial privilege—Medical communications

§ 22:131 Testimonial privilege—Communication to clergy

§ 22:132 Testimonial privilege—Identity of informer

§ 22:133 Testimonial privileges—Other testimonial privileges

§ 22:136 Investigative privilege *[New]*

## **L. CONTEMPT**

§ 22:150 In general

## **M. CHECKLIST AND FORMS**

§ 22:160 Checklist

# **CHAPTER 23. EVIDENCE IN CRIMINAL CASES**

## **A. INTRODUCTION**

§ 23:1 General considerations

§ 23:3 Illinois Rules of Evidence *[New]*

## **B. INTRODUCING EVIDENCE**

§ 23:10.50 Authentication and identification *[New]*

§ 23:11 Introducing physical evidence—Examination and foundation

§ 23:12 Introducing physical evidence—Admissibility

§ 23:13 Chain of custody

§ 23:14 Best evidence rule

§ 23:15 Photographs

§ 23:16 Videotapes, motion pictures and sound recordings

§ 23:17 Laboratory reports *[New]*

§ 23:18 Contents of writings, recordings and photographs *[New]*

§ 23:19 Summaries of writings, recordings and photographs *[New]*

§ 23:20 Testimony or written admission of party *[New]*

## TABLE OF CONTENTS

- § 23:21 Admissibility of evidence—Functions of court and jury  
*[New]*

### **D. SPECIAL EVIDENTIARY ISSUES**

- § 23:43 Evidence of other crimes—In general
- § 23:44 Evidence of other crimes—Statutory basis
- § 23:44.05 Evidence of other crimes under Supreme Court Rules of Evidence *[New]*
- § 23:44.50 Preservation of evidence for laboratory testing—Controlled substances *[New]*
- § 23:45 Gang affiliation
- § 23:48 Preserving evidence
- § 23:49 Animal tracking evidence
- § 23:50 Evidence of flight
- § 23:51 Habit or routine practice *[New]*
- § 23:52 Submission of evidence—Sexual assaults *[New]*
- § 23:53 Currency used in undercover investigation *[New]*

### **E. HEARSAY**

- § 23:55 In general
- § 23:56 Admissions of defendant exceptions
- § 23:57 Business records exception
- § 23:58 Computer records exception
- § 23:59 Coroner's records exception
- § 23:60 Co-conspirator exception
- § 23:61 Declarations against interest exception
- § 23:62 Dying declaration exception
- § 23:63 Excited utterance exception
- § 23:65 Public records exception
- § 23:66 Prior recorded testimony exception
- § 23:67 State of mind exception
- § 23:69 Statement made for medical diagnosis or treatment
- § 23:70 Investigative procedures
- § 23:71 Doctrine of completeness and curative admissibility doctrine
- § 23:75 Statement of identification
- § 23:76 Tacit admission rule
- § 23:77 Substantive admissibility of prior identification *[New]*
- § 23:78 Forfeiture by misconduct rule *[New]*
- § 23:79 E-mail evidence *[New]*
- § 23:79.50 Evidence in domestic violence cases *[New]*
- § 23:79.55 Miscellaneous records allowed by Illinois Rules of Evidence *[New]*
- § 23:79.60 Judgment of previous conviction *[New]*
- § 23:79.70 Attacking and supporting credibility of declarant *[New]*

### **F. JUDICIAL NOTICE**

- § 23:80 In general
- § 23:81 Judicial notice of scientific facts
- § 23:82 Judicial notice of geographical facts

§ 23:84 Judicial notice of court's acts and records

## **CHAPTER 24. DEFENSES**

### **B. INSANITY**

- § 24:11 Test for insanity
- § 24:14 Burden of proof
- § 24:16 Appointment of expert
- § 24:24 Jury instructions and verdict
- § 24:25 Proceedings after acquittal
- § 24:27 Length of commitment—Inpatient treatment
- § 24:29 Petition for discharge
- § 24:30 Guilty but mentally ill
- § 24:34 Sentencing after a finding of guilty but mentally ill

### **C. VOLUNTARY INTOXICATION AND DRUGGED CONDITION**

- § 24:50 In general
- § 24:51 Involuntary intoxication

### **D. JUSTIFIABLE USE OF FORCE**

- § 24:60 General considerations
- § 24:61 Defense of person
- § 24:62 When the defense may not be used
- § 24:63 Evidence of victim's propensity for violence
- § 24:64 Defense of dwelling
- § 24:65 Defense of other persons
- § 24:66 Defense of other property
- § 24:67 Use of force by aggressor
- § 24:68 Use of force by a peace officer
- § 24:70 Resisting arrest
- § 24:71 Use of force and escape [*New*]

### **E. ENTRAPMENT**

- § 24:80 In general
- § 24:83 Defendant's burden of proof

### **F. MISCELLANEOUS DEFENSES**

- § 24:95 Necessity
- § 24:96 Compulsion

### **G. CHECKLIST AND FORMS**

- § 24:105 Checklist

TABLE OF CONTENTS

**CHAPTER 25. JURY SELECTION**

**A. CONSTITUTIONAL CONSIDERATIONS**

- § 25:5 Right to trial by jury
- § 25:6 Required number of jurors

**B. WAIVER OF JURY TRIAL**

- § 25:20 In general

**C. SELECTING THE JURY PANEL**

- § 25:31 Jury list
- § 25:35 Qualifications of jurors

**D. SELECTING A JURY**

- § 25:45 In general
- § 25:46 Questioning the jurors—Judge v. attorneys
- § 25:50 Racial discrimination in jury selection
- § 25:51 Death qualified jurors
- § 25:52 Peremptory challenges
- § 25:53 Challenges for cause
- § 25:55 What is not grounds for a challenge for cause
- § 25:56 Gender bias in jury selection

**E. POST-VOIR DIRE PROCEDURE**

- § 25:65 Swearing in the jury
- § 25:66 Notetaking by jurors
- § 25:67 Misconduct by Jurors *[New]*

**F. CHECKLIST AND FORMS**

- § 25:75 Checklist

**CHAPTER 26. TRIAL PROCEDURE**

**A. INTRODUCTION**

- § 26:1 General considerations
- § 26:2 Conduct of the trial by the court
- § 26:3 Presence of defendant
- § 26:4 Public trial
- § 26:5 Motion to exclude witnesses
- § 26:6 Motions in limine—In general
- § 26:8 Exclusion of witnesses pursuant to Rule 615 *[New]*
- § 26:9 Disqualification of state's attorney *[New]*

**B. OPENING STATEMENTS**

- § 26:15 In general

### **C. STATE'S CASE IN CHIEF**

- § 26:33 Cross-examination
- § 26:34 Redirect and recross-examination
- § 26:35 Stipulations to evidence
- § 26:36 Motion for directed verdict

### **D. DEFENDANT'S CASE**

- § 26:45 Testimony by the defendant
- § 26:46 Calling defense witnesses
- § 26:47 Impeachment of the defendant

### **F. JURY INSTRUCTIONS**

- § 26:60 In general
- § 26:61 Illinois pattern instructions
- § 26:63 Disposition of requested instructions
- § 26:64 Instructions on burden of proof
- § 26:65 Instructions on lesser included offense
- § 26:66 Instructions on witnesses
- § 26:67 Instructions on defenses
- § 26:69 Erroneous instructions
- § 26:70 Proceedings when an enhanced sentence is sought [*New*]

### **G. CLOSING ARGUMENT**

- § 26:80 In general
- § 26:81 Conduct by the prosecutor during closing argument—  
Commenting on defendant's failure to testify
- § 26:82 Comments by prosecutor during closing argument

### **H. ARRIVING AT A VERDICT**

- § 26:91 Verdict
- § 26:92 Jury deliberations
- § 26:93 Deadlocked jury
- § 26:96 Inconsistent verdicts
- § 26:97 Validity of verdict
- § 26:98 Polling the jury

### **I. TRIAL IN ABSENTIA**

- § 26:110 In general
- § 26:111 Procedural requirements
- § 26:112 Motion for a new trial or sentencing hearing

## **CHAPTER 27. POST-TRIAL PROCEDURE**

### **A. POST-TRIAL MOTIONS**

- § 27:5 Motion for a new trial—In general
- § 27:8 Motion for new trial—Newly discovered evidence
- § 27:10 Grounds for a new trial—Right to an attorney

## TABLE OF CONTENTS

- § 27:15 Motion in arrest of judgment
- § 27:16 Motion for judgment notwithstanding the verdict
- § 27:17 Motion for relief from judgment
- § 27:18 Post-trial motion for fingerprint, integrated ballistic identification system testing or forensic testing *[Retitled]*
- § 27:19 Motion to vacate prostitution convictions for sex trafficking victims *[New]*

### **B. POST-CONVICTIONS PETITIONS**

- § 27:25 In general
- § 27:26 Initial procedure
- § 27:27 Contents of the post-conviction petition
- § 27:28 Basis for the petition
- § 27:30 Dismissal of the petition prior to hearing
- § 27:31 Pauper petitions
- § 27:32 Waiver rule
- § 27:33 Procedure after initial review
- § 27:34 Proof at the hearing
- § 27:35 Duties of appointed counsel
- § 27:36 Intellectual disability and post-conviction relief *[Retitled]*
- § 27:37 Petition for a certificate of innocence that the petitioner was innocent of all offenses for which he or she was incarcerated *[New]*
- § 27:38 Postconviction motions and the Illinois Torture Inquiry and Relief Commission Act *[New]*

### **C. WRIT OF HABEAS CORPUS**

- § 27:40 In general
- § 27:41 Application for writ of habeas corpus
- § 27:43 Form of return
- § 27:44 Hearing on the writ
- § 27:45 Habeas corpus relief properly granted
- § 27:46 Unavailability of habeas corpus relief

### **D. CHECKLIST AND FORMS**

- § 27:55 Checklist

## **Volume 6A**

### **CHAPTER 28. SENTENCING**

#### **A. INTRODUCTION**

- § 28:2 Presentence report and investigation
- § 28:4 General sentencing provisions *[New]*
- § 28:5 First degree murder sentence *[New]*
- § 28:6 Class X felony sentencing *[New]*
- § 28:6.10 Class 1 felony sentencing *[New]*
- § 28:6.20 Class 2 felony sentencing *[New]*

- § 28:6.30 Class 3 felony sentencing *[New]*
- § 28:6.40 Class 4 felony sentencing *[New]*
- § 28:6.50 Other felony sentencing provisions *[New]*
- § 28:7 Class A misdemeanor sentencing *[New]*
- § 28:7.10 Class B misdemeanor sentencing *[New]*
- § 28:7.20 Class C misdemeanor sentencing *[New]*
- § 28:7.30 Other misdemeanor sentencing provisions *[New]*
- § 28:7.40 Petty offense sentencing *[New]*
- § 28:7.50 Business offense sentencing *[New]*
- § 28:8 Unclassified offense sentencing *[New]*

## **B. TYPES OF DISPOSITIONS**

- § 28:10 Probation and conditional discharge
- § 28:10.50 Second chance probation *[New]*
- § 28:10.60 First time weapon offense program *[Retitled]*
- § 28:10.70 Offender initiative program *[New]*
- § 28:10.90 Mandatory minimum sentencing *[New]*
- § 28:11 First offender probation for drug violations
- § 28:12 Ineligibility for probation or conditional discharge
- § 28:13 Court supervision
- § 28:14 Conditions of probation and conditional discharge
- § 28:14.50 Periodic tests as condition of probation or parole *[New]*
- § 28:15 Conditions of court supervision
- § 28:16 Restitution—In general
- § 28:17 Restitution—Special circumstances
- § 28:18 Imprisonment
- § 28:18.10 Calculation of term of imprisonment *[New]*
- § 28:19 Extended term
- § 28:20 Class X—Enhanced offenses
- § 28:21 Mandatory supervised release
- § 28:23 Fines
- § 28:23.50 Criminal and Traffic Assessment Act *[New]*
- § 28:24 Costs
- § 28:25 Periodic imprisonment
- § 28:26 Submission of specimens by offenders *[Retitled]*
- § 28:27 Electronic home detention
- § 28:28 Proportionate penalties
- § 28:29 Intermediate sanctions
- § 28:29.10 Eligibility for programs restricted by felony background *[New]*
- § 28:29.30 Enhanced offenses *[New]*
- § 28:29.50 Void sentences *[New]*
- § 28:29.70 Restorative justice practice *[New]*

## **C. SENTENCING HEARING**

- § 28:40 In general
- § 28:41 Use of prior convictions and bad acts
- § 28:46 Factors in aggravation
- § 28:47 Rights of victims—Illinois Constitution *[Retitled]*
- § 28:47.10 Rights of victims—Definitions *[New]*

## TABLE OF CONTENTS

- § 28:47.20 Rights of victims—Statutory rights *[New]*
- § 28:47.30 Procedures to implement the rights of crime victims *[New]*
- § 28:47.40 Victim’s right to be heard at sentencing *[New]*
- § 28:47.45 Crime victim rights and the Prisoner Review Board *[New]*
- § 28:47.50 Responsibilities of victims and witnesses *[New]*
- § 28:48 Factors in mitigation
- § 28:49 Arguments to the court and pronouncement of sentence and admonitions
- § 28:50 Increasing the penalty after trial
- § 28:51 Sentencing after remand
- § 28:52 Changes in sentencing law
- § 28:53 Credit for time served
- § 28:54 Motion to reduce sentence
- § 28:56 Enhanced sentences—*Apprendi v. New Jersey*
- § 28:58 Sentencing individuals under the age of 18 at the time of the commission of an offense *[New]*
- § 28:59 Death of defendant *[New]*
- § 28:60 Petition by State’s Attorney to reduce sentence *[New]*

### **D. SENTENCING FOR MULTIPLE OFFENSES**

- § 28:66 Concurrent v. consecutive sentences
- § 28:67 Mandatory consecutive sentences
- § 28:68 One act—One crime rule
- § 28:69 Merger of sentences
- § 28:70 Consecutive terms—Manner served *[New]*

### **E. SENTENCING IN CAPITAL CASES**

- § 28:75 In general
- § 28:76 Initial procedure
- § 28:77 Second stage hearing
- § 28:78 Rules of evidence
- § 28:81 Death penalty and the insane defendant

### **F. HABITUAL CRIMINALS**

- § 28:100 In general
- § 28:101 Statutory procedure

### **G. SUBSTANCE USE DISORDER ACT *[Retitled]***

- § 28:106 Eligibility
- § 28:108 Court’s exercise of discretion under the act
- § 28:111 Motion to vacate judgment
- § 28:112 Acceptance for treatment as a parole condition
- § 28:113 Drug court treatment act
- § 28:114 Drug School Act *[New]*
- § 28:115 Mental Health Court Treatment Act *[New]*
- § 28:116 First offender felony prostitution *[New]*
- § 28:117 Veterans and Servicemembers Court Treatment Act *[New]*

### **H. CHECKLIST AND FORMS**

- § 28:120 Checklist

## **CHAPTER 29. VIOLATIONS OF SENTENCING ORDER**

### **A. INTRODUCTION**

- § 29:2 Default in payment of fine
- § 29:3 Revocation of periodic imprisonment

### **B. PROCEDURE PRIOR TO THE REVOCATION HEARING**

- § 29:5 Contents of the petition for revocation
- § 29:7 Notice to the defendant
- § 29:8 Tolling the term of the sentence
- § 29:9 Pretrial release in revocation proceedings *[Retitled]*
- § 29:11 Grounds for revocation

### **C. REVOCATION HEARING**

- § 29:20 Burden of proof
- § 29:24 Presence of the defendant
- § 29:25 The revocation hearing
- § 29:26 Stipulation to the petition and evidence
- § 29:27 Constitutional rights—Admonitions
- § 29:29 Constitutional rights—Exclusionary rule
- § 29:30 Double jeopardy and collateral estoppel

### **D. POST-HEARING PROCEEDINGS**

- § 29:40 Resentencing
- § 29:43 Credit for time served on probation
- § 29:45 Reversal of underlying conviction
- § 29:46 Modification of sentence

## **CHAPTER 30. APPEALS**

### **A. PREPARING FOR APPEAL**

- § 30:1 In general
- § 30:2 Determination of indigency status
- § 30:5 Advising defendant of right to appeal after negotiated plea
- § 30:6 Duties of counsel regarding appeal
- § 30:7 Release pending appeal *[Retitled]*
- § 30:8 Perfection of appeal
- § 30:9 Post-trial or post-sentencing motions and perfection of appeal
- § 30:10 Appeals in delinquent minor proceedings
- § 30:12 Mootness *[New]*
- § 30:13 Right to a speedy appeal *[New]*
- § 30:14 Sentences for uncharged offenses by reviewing court *[New]*

### **B. SUBSEQUENT APPELLATE PROCEDURE**

- § 30:16 Preparing the record

## TABLE OF CONTENTS

- § 30:17 Time for filing the report of proceedings
- § 30:18 Time for filing briefs
- § 30:20 Oral argument
- § 30:22 Appeal to the Illinois Supreme Court
- § 30:24 Appellate advocacy

### C. WAIVER OF ISSUES

- § 30:29 In general
- § 30:30 Exception to waiver doctrine—Plain error
- § 30:33 Harmless error

### D. INTERLOCUTORY APPEAL

- § 30:40 In general
- § 30:41 Appeal by the state
- § 30:42 Mandamus action

### E. CHECKLIST AND FORMS

- § 30:51 Notice of appeal—Form
- § 30:53 Docketing Statement—Form
- § 30:54 Certificate of counsel under Rule 604(d)—Form *[New]*
- § 30:55 Notice of appeal pretrial detention (state appellant)—Form *[New]*
- § 30:56 Notice of appeal pretrial detention (defendant appellant)—Form *[New]*

## CHAPTER 31. EXPUNGEMENTS AND SEALING RECORDS

### A. EXPUNGEMENTS

- § 31:1 Arrest records
- § 31:2 Expungement—In general
- § 31:3 Expungement procedure *[Retitled]*
- § 31:4 Expungement after identity theft
- § 31:5 Expungement after a pardon
- § 31:6.50 Expungement after honorable discharge *[New]*
- § 31:7 Expungement and sealing—Definitions *[New]*
- § 31:8 Expungement of civil violations *[New]*
- § 31:9 Expungement of minor cannabis offenses *[New]*
- § 31:9.50 Expungement of prostitution offenses *[New]*

### B. SEALING RECORDS

- § 31:10 Sealing records—In general
- § 31:11 Sealing records—Procedure
- § 31:12 Disclosure of information
- § 31:13 Conviction set aside on direct review *[Deleted]*
- § 31:14 Deleting records of innocent arrestee *[New]*
- § 31:15 Immediate sealing *[New]*

- § 31:16 Sealing or vacation and expungement of trafficking victims' crimes *[New]*

### C. FORMS

- § 31:20 Checklist
- § 31:21 Instruction guide
- § 31:22 Getting started request to expunge and impound and/or seal criminal records—Form *[Retitled]*
- § 31:23 Request to expunge and impound and/or seal criminal records—Form *[Retitled]*
- § 31:24 Additional arrests or cases for expungement—Form *[Retitled]*
- § 31:25 Order to expunge and impound and/or seal criminal records—Form *[Retitled]*
- § 31:26 Notice of filing for expungement and/or sealing—Form *[Retitled]*
- § 31:27 Additional notice of filing for expungement and/or sealing—Form *[Retitled]*
- § 31:28 Order denying request to expunge and impound and/or seal criminal records *[Retitled]*
- § 31:29 Additional arrests or cases for sealing *[Retitled]*
- § 31:30 *[Reserved]*
- § 31:31 *[Reserved]*
- § 31:32 Petition to expunge and for judicial determination of factual innocence/identity theft—Form *[New]*
- § 31:33 Order to expunge and for judicial determination of factual innocence/identity theft—Form *[New]*
- § 31:34 Getting started application for waiver of court fees *[New]*
- § 31:35 How to ask the court to participate in a court case for free—Form *[New]*
- § 31:36 Application for waiver of court fees—Form *[New]*
- § 31:37 Order for waiver of court fees—Form *[New]*

## CHAPTER 32. SEX OFFENDERS

### A. SEX OFFENDER REGISTRATION

- § 32:1 Duty to register
- § 32:2 Registration
- § 32:3 Definition of sex offender
- § 32:4 Definition of sex offense
- § 32:5 Definition of sexual predator
- § 32:6 Duties of the court
- § 32:8 Duty to report—Sexually dangerous or violent persons
- § 32:9 Duty to register yearly or after change of address
- § 32:10 Out-of-state employee or student
- § 32:11 Duration of registration
- § 32:12 Registration requirements
- § 32:14 Public disclosure
- § 32:15 Failure to register
- § 32:16 Special conditions for parole or mandatory supervised release
- § 32:17 Notification regarding juvenile offenders *[New]*

## TABLE OF CONTENTS

- § 32:18 Application of act to adjudicated juvenile delinquents *[New]*
- § 32:19 Notification and release or discharge of sex offender or sexual predator upon conviction for a felony offense committed after July 1, 2011 *[New]*

### **B. SEXUALLY DANGEROUS PERSONS**

- § 32:20 Sexually dangerous persons—In general
- § 32:21 Petition for hearing
- § 32:22 Post-hearing matters
- § 32:23 Discharge and conditional release

### **C. SEXUALLY VIOLENT PERSONS**

- § 32:30 Sexually violent persons—In general
- § 32:31 Notice to the attorney general and state’s attorney
- § 32:32 Sexually violent person petition
- § 32:33 Rights of persons subject to petition
- § 32:34 Detention and probable cause hearing
- § 32:35 Trial
- § 32:36 Commitment
- § 32:39 Periodic reexamination and report
- § 32:40 Petition for conditional release
- § 32:41 Petition for discharge
- § 32:42 Additional discharge petitions
- § 32:44 Appeals *[New]*

### **D. SEX OFFENDER MANAGEMENT**

- § 32:50 Sex offender management

### **E. CHECKLISTS AND FORMS**

- § 32:55 Checklist—Sexually Violent Person *[Retitled]*

## **CHAPTER 33. FORFEITURES**

### **A. ARTICLE 36 FORFEITURES**

- § 33:1 General provisions
- § 33:1.10 Seizure *[New]*
- § 33:1.20 Receipt for seized property *[New]*
- § 33:1.30 Safekeeping of seized property pending disposition *[New]*
- § 33:1.40 Notice to State’s Attorney *[New]*
- § 33:2 Preliminary review *[Retitled]*
- § 33:3 Complaint for forfeiture *[Retitled]*
- § 33:4 Notice to owner or interest holder *[Retitled]*
- § 33:4.50 Replevin prohibited: return of personal property inside seized conveyance *[New]*
- § 33:5 Judicial in re procedures *[Retitled]*
- § 33:5.30 Innocent owner hearing *[New]*
- § 33:5.70 Exemptions from forfeiture *[New]*

- § 33:6 Return of property, damages and costs *[Retitled]*
- § 33:7 *[Reserved]*
- § 33:8 Role of the attorney general
- § 33:10 Proportionality, forfeiture of assets and attorneys' fees  
*[Retitled]*

## **B. DRUG ASSET FORFEITURES**

- § 33:20 Forfeiture of property under act 150
- § 33:21 Drug asset forfeiture procedure act
- § 33:21.10 Seizure *[New]*
- § 33:21.20 Receipt for seized property *[New]*
- § 33:21.30 Safekeeping of seized property pending disposition *[New]*
- § 33:21.40 Preliminary review under Drug Asset Forfeiture Procedure Act *[New]*
- § 33:21.50 Notice to owner or interest holder *[New]*
- § 33:21.60 Notice to State's Attorney *[New]*
- § 33:21.70 Replevin prohibited: return of personal property inside seized conveyance *[New]*
- § 33:21.80 Non-Judicial Forfeiture *[New]*
- § 33:22 Presumptions and inferences *[Retitled]*
- § 33:23 Exemptions
- § 33:24 Judicial in rem procedures
- § 33:24.50 Innocent owner hearing *[New]*
- § 33:25 Forfeiture of property and the eighth amendment
- § 33:27 Settlement of claims *[Retitled]*
- § 33:28 Judicial review *[New]*
- § 33:29 Return of property, damages and costs *[New]*

## **C. CHECKLISTS AND FORMS**

- § 33:30 Checklist—Article 36 forfeitures
- § 33:31 Checklist—Drug asset forfeitures
- § 33:32 Complaint for forfeiture and seizure under 720 ILCS 5/36-1—Form
- § 33:32.10 Order of Court Finding Probable Cause—Form *[New]*
- § 33:32.20 Motion and Affidavit(s) Alleging Substantial Hardship Regarding Seized Conveyance 720 ILCS 5/36-1.4—Form *[New]*
- § 33:32.30 Motion and Affidavit(s) for Innocent Owner Hearing 720 ILCS 5/36-2.7—Form *[New]*
- § 33:32.40 Order of Court (hardship)—Form *[New]*
- § 33:32.50 Order of Court (innocent owner)—Form *[New]*
- § 33:33 Article 36 Forfeitures—Notice of filing—Proof of service—Form *[Retitled]*
- § 33:38 Order of court forfeiting property—form
- § 33:39 Drug Asset Forfeitures—Notice of filing—Proof of service—Form *[Retitled]*
- § 33:40 Complaint for forfeiture and seizure under Drug Asset Forfeiture Procedure Act—Form
- § 33:42.10 Motion and Affidavit(s) for Innocent Owner Hearing 725 ILCS 150/9.1—Form *[New]*

TABLE OF CONTENTS

§ 33:42.20 Order of Court Returning Property (innocent owner)—Form  
*[New]*

§ 33:42.30 Order of Court Finding Probable Cause—Form *[New]*

**D. OTHER FORFEITURES *[New]***

§ 33:50 In general *[New]*

**CHAPTER 34. EXTRADITION AND  
DETAINEES**

**A. EXTRADITION IN GENERAL**

§ 34:3 Extraditable persons

**D. DETAINERS**

§ 34:64 Request by inmate for disposition of detainee

**CHAPTER 35. JUVENILE PROCEEDINGS**

**A. GENERAL CONSIDERATIONS**

§ 35:1 Introduction to the Juvenile Court Act

§ 35:2 Terminology

§ 35:3 Exclusive jurisdiction *[New]*

**B. RIGHTS OF THE PARTIES**

§ 35:5 Due process rights under the United States Constitution

§ 35:6 Statutory rights

§ 35:7 Admissibility of statements by minors in homicide cases

§ 35:10 Admissibility of statements by minor—Evaluations *[New]*

**C. PREADJUDICATION PROCEDURES**

§ 35:15 Taking the minor into custody

§ 35:16 Filing a petition for wardship

§ 35:17 Service of summons

§ 35:18 Notice to parties

§ 35:19 Detention hearings

§ 35:20 Pretrial release and pretrial conditions order *[Retitled]*

**D. PROSECUTION OF THE MINOR AS AN ADULT**

§ 35:30 Concurrent jurisdiction

§ 35:31 Excluded jurisdiction—Mandatory prosecution of minors as  
adults

§ 35:32 Processing of juvenile in possession of a firearm *[Retitled]*

§ 35:33 Transfer of jurisdiction—Presumptive transfers

§ 35:34 Transfer of jurisdiction—Discretionary transfers

§ 35:36 Extended jurisdiction juvenile prosecutions

## **E. PROCEDURES PRIOR TO THE TRIAL**

- § 35:42 Admitting the petition
- § 35:43 Right to a speedy hearing
- § 35:44 Guardian ad litem and appointment of attorney *[New]*

## **F. TRIAL STAGE**

- § 35:50 Procedures at the adjudicatory hearing

## **G. SENTENCING STAGE**

- § 35:61 Continuance under supervision
- § 35:62 Dispositions available for wards of the court
- § 35:62.50 Fines and assessments *[New]*
- § 35:63 Sentencing hearing
- § 35:65 Violation of probation, conditional discharge and supervision
- § 35:66 Juvenile electronic monitoring and home detention law *[New]*
- § 35:67 Aftercare release *[New]*

## **H. HABITUAL JUVENILE OFFENDERS**

- § 35:75 General provisions
- § 35:78 Dispositional hearing on prior adjudications

## **I. JUVENILE RECORDS**

- § 35:85 Juvenile law enforcement and municipal ordinance violation records *[Retitled]*
- § 35:86 Juvenile court records
- § 35:87 Expungement of juvenile law enforcement and juvenile court records *[Retitled]*

## **K. CHECKLIST AND FORMS**

- § 35:105 Checklist
- § 35:113 *[Reserved]*
- § 35:114 *[Reserved]*
- § 35:115 *[Reserved]*
- § 35:116 *[Reserved]*
- § 35:117 *[Reserved]*
- § 35:118 Presumptive transfer motion under 705 ILCS 405/5-805(2)(a)—Form *[Retitled]*
- § 35:127 Petition to expunge juvenile records—705 ILCS 405/5-915(1) and (2)—Form *[Retitled]*
- § 35:128 How to expunge juvenile records *[Retitled]*
- § 35:130 Order of expungement—Form
- § 35:132 Request to expunge juvenile records—Form *[New]*
- § 35:133 Notice of filing for juvenile expungement—Form *[New]*
- § 35:134 Order to expunge juvenile records—Form *[New]*
- § 35:135 Additional juvenile records—Form *[New]*
- § 35:136 Change of address—Form *[New]*

TABLE OF CONTENTS

§ 35:137 Additional arresting agencies—Form *[New]*

**CHAPTER 36. ORDINANCE AND CIVIL VIOLATIONS *[Retitled]***

**A. ORDINANCE AND CIVIL VIOLATIONS *[Retitled]***

§ 36:1 Municipal ordinances—In general

§ 36:2 Commencement of prosecution

§ 36:4 Service of process

§ 36:5 Pre-trial procedure

§ 36:9 Appeals

§ 36:10 Supreme Court Rules in ordinance prosecutions *[New]*

§ 36:11 Civil violations *[New]*

§ 36:12 Civil violations and Illinois Supreme Court rules *[New]*

§ 36:13 Administrative hearings *[New]*

**Table of Laws and Rules**

**Table of Cases**

**Index**