

STATE OF ILLINOIS  
IN CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER 2023-9-11

FILED  
SEP 11 2023  
JUSTIN MAZE  
CLERK OF THE CIRCUIT COURT

The Circuit Courts for Alexander, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, and Williamson Counties in the First Judicial Circuit adopt the following:

**WHEREAS**, 725 ILCS 5/110-6(a) provides:

**725 ILCS 5/110-6. Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release.**

(a) When a defendant has previously been granted pretrial release under this Section for a felony or Class A misdemeanor, that pretrial release may be revoked only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release after a hearing on the courts own motion or upon the filing of a verified petition by the State.

When a defendant released pretrial is charged with a violation of a protective order or was previously convicted of a violation of a protective order and the subject of the protective order is the same person as the victim in the current underlying matter, the State shall file a verified petition seeking revocation of pretrial release.

Upon the filing of a petition or upon motion of the court seeking revocation, the court shall order the transfer of the defendant and the petition or motion to the court before which the previous felony or Class A misdemeanor is pending. The defendant may be held in custody pending transfer to and a hearing before such court. The defendant shall be transferred to the court before which the previous matter is pending without unnecessary delay, and the revocation hearing shall occur within 72 hours of the filing of the States petition or the courts motion for revocation.

**A hearing at which pretrial release may be revoked must be conducted in person (and not by way of two-way audio-visual communication) unless the accused waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months. (Emphasis added).**

**WHEREAS** 725 ILCS 5/109-1(f) provides:

**725 ILCS 5/109-1. Person arrested; release from law enforcement custody and court appearance; geographic constraints prevent in-person appearances.**

(f) At the hearing at which conditions of pretrial release are determined, the person charged shall be present in person rather than by two-way audio-video communication system unless the accused waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, **or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person.** Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months. (Emphasis added).

**WHEREAS**, the Chief Judge of the First Judicial Circuit has polled the Presiding, Circuit, and Associate Judges of this Circuit as to the operational challenges of conducting hearings pursuant to 725 ILCS 5/110-6(a) and/or 725 ILCS 5/109-1(f) in person;

**WHEREAS**, the responses from the polling revealed significant operational challenges of conducting hearings pursuant to 725 ILCS 5/110-6(a) and/or 725 ILCS 5/109-1(f) in person. These operational challenges exist in at least one, and in some cases, multiple counties of the First Judicial Circuit;

**WHEREAS**, the Chief Judge has documented and approved, as operational challenges of conducting hearings pursuant to 725 ILCS 5/110-6(a) and/or 725 ILCS 5/109-1(f) in person, the following:

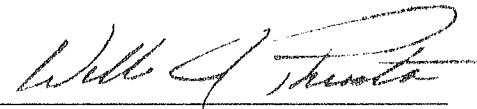
1. The large geographical area of the First Judicial Circuit;
2. Numerous Counties in the First Judicial Circuit employ part-time Public Defenders. The employment agreements/contracts provide for the Public Defenders to appear in person only on certain days of the week;
3. Of those part-time Public Defenders, many maintain concurrent employment in multiple counties in the circuit, or maintain private law practices;
4. Bailiff's, Transport personnel, and other detention facility employees are employed pursuant to collective bargaining agreements, and the terms of their employment are dictated pursuant to existing and binding collective bargaining agreements;
5. Numerous counties do not maintain their own detention facilities, and utilize neighboring counties to house detainees. Often the terms of these affiliations are pursuant to contract;
6. The proximity between detention facilities and courthouses is significant. It is not unusual for a detainee to be transported in excess of twenty, and as much as thirty miles for an in-person court appearance;

**WHEREAS**, a plan to address the above-listed operational challenges, through reasonable efforts, is in constant and ongoing development, and shall be presented to the Administrative Office of the Illinois Courts for its approval every 6 months.

**THEREFORE, IT IS ORDERED:** Hearings conducted pursuant to 725 ILCS 5/110-6 and/or 725 ILCS 5/109-1(f), due to the operational challenges which exist in the First Judicial Circuit, shall be conducted in-person, remotely, or in a hybrid fashion. This Administrative Order is effective *instanter*.

DATED this 11<sup>th</sup> day of September, 2023

**ENTERED:**



**William J. Thurston**  
Chief Judge of the Circuit Court  
First Judicial Circuit of Illinois