

Rule ____. **Hearings on Pretrial Release.**

(a) Determination of Entitlement to Pretrial Release. In making a determination of whether an accused is entitled to pretrial release, the court shall impose the least restrictive conditions or combination of conditions necessary to reasonably assure the appearance of the accused, the safety of any person or the community, and the integrity of judicial proceedings.

(1) Upon presentment of the accused after arrest, the court shall conduct a hearing to determine whether pretrial release is appropriate pursuant to the provisions of 725 ILCS 5/110 et seq.

(2) Where the court determines that pretrial release is not appropriate pursuant to 725 ILCS 5/110-4, 6.1, and 6.3 because of the nature of the offense charged, for which the proof is evident or the presumption great that the defendant is guilty, and because the State has presented clear and convincing evidence in an adversarial hearing to support a finding that release of the accused would pose a real and present threat to the physical safety of any person or the community, the court shall enter an order denying pretrial release that includes sufficient written findings supporting that denial, including a finding that there is no condition or combination of conditions that could reasonably mitigate any specific danger posed.

(b) Setting Conditions of Pretrial Release. Where the court determines that pretrial release is appropriate:

(1) Monetary Conditions. There shall be a presumption that any condition of release shall be non-monetary in nature, and no monetary condition may be imposed unless:

A. The court conducts an inquiry into the accused's financial resources and ability to pay monetary security, and

B. The court enters a written finding on the record that the accused has the current financial ability to pay the proposed amount of monetary security.

(2) Nonmonetary Conditions. The court shall impose the least restrictive non-monetary conditions that the court determines are necessary to assure the accused's appearance, protect the community from the accused or ensure the orderly administration of justice pursuant to 725 ILCS 5/110-10. Where the court determines that non-monetary conditions of release are necessary and the accused is indigent or otherwise qualifies for appointment of counsel, the accused will not be charged financial costs in connection with such conditions.

(c) Findings of record. All written findings required by this Rule shall be recorded in an approved form and made a part of the record in every case.