

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT

STATE OF ILLINOIS

IN THE MATTER OF:

PROBABLE CAUSE HEARINGS -

ARREST WITHOUT WARRANT

(ADMINISTRATIVE ORDER NO. 91-16 Revised)

(PROBABLE CAUSE HEARINGS - ARREST WITHOUT WARRANT)

(1) Administrative Order No. 91-16 is hereby withdrawn and revised as follows:

(2) Upon the arrest without a warrant of any person in the Sixth Judicial Circuit, a law enforcement officer shall complete a sworn affidavit in substantially the same form as Attachment 1 of this Administrative Order. The affidavit shall state the name of the person arrested, time and date of the arrest, place of arrest, nature of the offense and the facts which caused the officer to believe that an offense has been committed and that the person arrested committed said offense.

(3) The affidavit shall forthwith be presented to the State's Attorney of the county in which the person was arrested. If the person arrested is not released on a Notice to Appear, or by posting statutory bond, the State's Attorney shall present such affidavit to the court within 48 hours of the arrest. The court shall forthwith make a finding on the affidavit whether or not probable cause exists

for further detention and shall mark thereon the time and date of such finding. If there is a finding of no probable cause for further detention, the person arrested shall forthwith be released from jail within such 48 hour period.

(4) If a judge is not available in the county, the State's Attorney, or if the State's Attorney is not available, the Sheriff, or his designated deputy shall, by facsimile transmission, send such affidavit to a judge of the Sixth Judicial Circuit. The judge shall, by return facsimile transmission, indicate on the affidavit whether probable cause exists for further detention, designating the time and date of such finding on the affidavit.

(5) Such affidavit is not required if, within 48 hours of the arrest without a warrant, the State's Attorney, based upon the report of the arresting officer together with other pertinent information, provides the court with a sworn oral statement of facts and circumstances sufficient to warrant the court in believing the defendant committed an offense. The time and date of such finding by the court shall be made a part of the record.

(6) When the offense is a felony, the court may set bond if it finds probable cause for further detention. The amount of bond shall be subscribed on the affidavit. If bond is not set on the affidavit, or if the person arrested is not present when bond is set,

such person shall be brought before a judge for further proceedings within two judicial days (excluding Saturday, Sunday and court holidays) after the day of arrest.

ENTERED AND EFFECTIVE THIS

12<sup>th</sup> DAY OF September 1991

Rodney A. Scott  
CHIEF JUDGE  
SIXTH JUDICIAL CIRCUIT