

**Standards for Accepting
Electronic Pleas of Guilty
Pursuant to Supreme Court Rules 529, 530 & 531
(Revised Effective July 1, 2019)**

It has been the continued policy of the Supreme Court to embrace the use of technology in a safe and secure manner while providing the citizens of Illinois with greater access to the trial courts. Through the establishment of these Standards, an orderly process was created for clerks of the circuit court to implement the acceptance of electronic pleas of guilty in minor traffic and conservation violations where a court appearance is not required. The authorization to implement these Standards in a county fulfills the intent of the General Assembly, through the enactment of Public Act 93-0391. At the same time, the violator is assured that the plea and payment will have the same force and effect as if it had been received by the clerk in a conventional manner. The acceptance of an electronic plea of guilty in any county does not relieve the clerk of the circuit court of his/her responsibility to insure the security and integrity of court records as may be required by Supreme Court Rule, statute or order.

A) Program Purpose and Notification Prior to Implementation.

The purpose of these *Standards for Accepting Electronic Pleas of Guilty Pursuant to Supreme Court Rules 529, 530 & 531 (Standards)* is to guide courts in the acceptance and retention of electronic pleas of guilty which are made to the circuit clerk. Pleas made pursuant to the provisions contained in these Standards meet the requirements provided under Supreme Court Rules 529, 530 & 531 regarding pleas of guilty to the circuit clerk.

The Chief Circuit Judge and Clerk of the Circuit Court in a county may implement an Electronic Plea of Guilty program (e-Guilty Program) upon notification to the Administrative Director of the Administrative Office of the Illinois Courts. The notification shall include an affirmation that the county's e-Guilty Program is consistent with the standards provided herein and the anticipated date such system shall go into effect. Quarterly statistical information shall be required pursuant to the provisions contained Manual on Recordkeeping.

B) Eligible Violations.

Electronic pleas of guilty may be accepted for minor traffic and conservation offenses that do not require a court appearance for which the clerk of the circuit court is authorized to accept a plea of guilty pursuant to Supreme Court Rules 529, 530 & 531.

C) Authentication of Violator and Court Case.

Before an electronic plea of guilty may be accepted, the clerk of the circuit court must authenticate that the person conducting the transaction is the violator and has a pending case filed in the county for which an electronic guilty plea may be accepted. At a minimum the clerk must:

- 1) Request the violator provide at least two forms of identification from the below list.
 - Traffic or Conservation Citation Number
 - Driver's license number
 - Date of birth
 - Zip Code
- 2) Verify the violator has pending minor traffic or conservation case(s) maintained in the clerk's case management system.
- 3) Confirm that the offense is an eligible violation.

D) Electronic Plea of Guilty.

- 1) The violator must be presented with a process to electronically acknowledge a plea of guilty by using methods such as a "click," "stylus," "touch screen," etc., which provides the following admonishment and waiver.

Electronic Plea of Guilty and Waiver

By submitting this electronic acknowledgment, I do hereby plead guilty to the charge identified herein and noted on the front side of the ticket issued to me, which does not require a court appearance. I understand my right to a trial, that my electronic acknowledgment to this plea of guilty will have the same force and effect as a conviction entered by the court and that a record will be sent to the Secretary of State of Illinois (or of the State where I received my license to drive). I hereby PLEAD GUILTY to the said offense on the ticket, GIVE UP my right to trial, and agree to pay the amount required.

- 2) If the county has been authorized by the Conference of Chief Circuit Judges to accept supervision by mail for minor traffic offenses pursuant to Rule 529(b), the approved supervision plea agreement provided on the paper instructions provided to the violator at the time of the stop must also be available to the violator for review and indication as to whether or not the violator elects to select supervision, prior to submitting an electronic plea of guilty.
- 3) A copy of the electronic plea of guilty, including a detailed receipt of payment, must be made available to the violator to download and print. If a violator provides an email address as part of the process, a copy of the plea of guilty and detailed receipt, along with an email, shall be sent to the email address, if requested.

E) Payment Processing.

The clerk of the circuit court must be able to accept electronic payments and, at a minimum, perform the following:

- 1) Accept electronic payments via credit card, other electronic funds transfer, or allow for the reclassification of bail posted, if any.

- 2) Assure all court monies, including those processed by a third party, are deposited into an account held by the clerk of the court and the payment detail is posted to the clerk's case management system within 4 business days of their acceptance.
- 3) Confirm the violator acknowledges the full payment amount, including all service fees, prior to the final acceptance of an electronic plea of guilty.
- 4) Prompt the violator to print a receipt of the detailed payment, including all service fees, and, if an email address is provided by the violator, forward a copy of the detailed payment receipt to the violator's email address.
- 5) Collect and maintain the violator's payment method, i.e. credit card, and all service fees amounts for 12 months.

F) Retention of Electronic Plea of Guilty.

The clerk of the circuit court shall accept into the case management system and retain the receipt and payment information associated with the acceptance of an electronic guilty plea as follows:

- 1) An indication that the violator submitted an electronic plea of guilty must be recorded in the clerk of the court's case management system within 1 business day of being received.
- 2) The acknowledgment of the electronic plea must be maintained permanently by the case management system and become the guilty plea in the Traffic, Ordinance and Conservation Index as required by the *Manual on Recordkeeping*.
- 3) Upon receipt of the acceptance of an electronic plea of guilty by the clerk's case management system, the final disposition indicating a conviction or disposition of supervision, resulting from the acceptance of the plea, must be recorded in the clerk of the circuit court's case management system and become part of the Traffic, Ordinance and Conservation Index as required by the *Manual on Recordkeeping*.
- 4) For each electronic guilty plea submitted, the clerk of the circuit court shall retain, in either electronic or paper form, the information provided below for the same period of time for which the case is required to be maintained as provided by the *Manual on Recordkeeping*.
 - A notation indicating an electronic plea of guilty or an electronic plea of guilty and request for court supervision was received.
 - The date and time an electronic plea of guilty was submitted.
 - The information used to authenticate the violator (i.e., citation number, date of birth, driver's license number, or zip code).
 - All payment information (detailed payment amount, service fee, and payment authorization number).
 - The date and time an electronic plea and payment were posted to the clerk's case management system.

G) Vacate Process.

A motion to vacate an electronic guilty plea will be considered by the court in the same manner as pleas submitted in any other form.

H) Disaster Recovery.

The clerk of the circuit court shall establish and maintain a disaster recovery process that allows for the recovery of an electronic plea of guilty from the point of its submission through its posting to the clerk's case management system. Thereafter, the clerk shall provide for backup and disaster recovery procedures to assure that information contained in the case management system is safely stored off-site and can be recovered in the event of a disaster. In addition, the compatibility of backup and restoration systems for on-site and off-site media generated must be maintained, including periodic verification of the data stored on all removable media.

I) Ownership of Court Data.

The clerk of the circuit court shall not enter into any agreement with a third party that would allow the third party to have any ownership or allow dissemination of court data associated with the acceptance of an electronic plea of guilty, except as may be necessary to assist the clerk in accepting electronic pleas of guilty or processing payments associated with the same.

J) Modification.

The Administrative Director may, from time to time, amend the Standards for Accepting Electronic Pleas of Guilty as deemed necessary.