M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered December 9, 2020.

(Deleted material is struck through, and new material is underscored.)

Effective immediately, Illinois Supreme Court Rule 14 is adopted, as follows.

New Rule 14

Rule 14. Text Message Notification Programs

(a) Any court or clerk of court may implement a text message notification program(s). Any text message notification program developed within a judicial circuit shall be approved by the chief circuit judge prior to implementation.

(1) The court implementing the program shall have the discretion to determine the content and scope of the text message notification program. A text message notification program may include, without limitation, notifications and reminders regarding court, mediation, and arbitration dates; probation-related events; court-required appointments, events, deadlines, and activities; new court filings; and general court announcements.

(2) The court implementing the program shall have the discretion to determine who may participate in the text message notification program(s) but shall not unlawfully discriminate in the use of that discretion.

(3) Text message notification programs shall afford participants the ability to opt out of the program at any time.

(b) Courts and clerks of the court are authorized to collect the mobile telephone information belonging to a person, including but not limited to telephone number and carrier, for the sole purpose of inclusion of that person in a text message notification program.

(1) A court or clerk of court may collect such mobile telephone information in anticipation of the implementation of a text message notification program in that jurisdiction even if no program currently exists.

(2) Mobile telephone information provided and collected for the purpose of inclusion in a text message notification program under this Rule shall not be made part of the official public court record, shall be kept confidential, and shall not be utilized or disclosed for any other purpose.

(c) Unless otherwise indicated in Supreme Court Rule or statute, a text message notification program is a supplement and not a substitute for any notification required by Supreme Court Rule

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or statute.

(d) Failure to participate in or receipt of a notification pursuant to a text messaging program under this Rule shall not be considered or used as evidence against the person in any court proceeding including but not limited to default proceedings, criminal proceedings, and contempt proceedings.

(e) Courts may adopt local rules for text message notification programs that are consistent with this Rule.

Adopted Dec. 9, 2020, eff. immediately.

Committee Comments
(December 9, 2020)

This Rule recognizes the prevalence of and reliance on mobile phones by the public and encourages the implementation of text message reminders and notifications in the court system. Some jurisdictions have already implemented such programs with success. Such programs can decrease the number of failures to appear in court or at court-required activities and appointments such as probation appointments. This in turn reduces the number of pretrial detentions and probation violations in criminal cases and contributes to the efficient adjudication of all cases. Text messaging programs can also be utilized to make general court announcements and emergency announcements such as court closures. While jurisdictions have the discretion to decide who may participate in text message notification programs, this Rule does not limit text message notification programs to parties and counsel of record. These programs may allow, for example, the media and members of the public to also opt into the text message notification program. The purpose of paragraph (c) is to clarify that this Rule does not supersede or serve as satisfaction of any notification requirements required under other Illinois Supreme Court Rules or statutes. The purpose of paragraph (d) is to encourage participation in these programs by prohibiting participation in the program from being used against a person in court proceedings and to ensure nonparticipation in the program is not used against a person who may have a valid reason for not participating, such as not owning a cellular telephone.