

HB1799



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1799

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-10

from Ch. 38, par. 110-10

Amends the Code of Criminal Procedure of 1963. Provides that a person charged with a misdemeanor may depart the State without leave of the court unless, upon a showing by the State's Attorney, the court determines there is an adequate reason as to why he or she shall not depart the State without leave of the court.

LRB100 06690 SLF 16731 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-10 as follows:

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)
7 Sec. 110-10. Conditions of bail bond.

8 (a) If a person is released prior to conviction, either
9 upon payment of bail security or on his or her own
10 recognizance, the conditions of the bail bond shall be that he
11 or she will:

12 (1) Appear to answer the charge in the court having
13 jurisdiction on a day certain and thereafter as ordered by
14 the court until discharged or final order of the court;

15 (2) Submit himself or herself to the orders and process
16 of the court;

17 (3) Not depart this State without leave of the court,
18 except a person charged with a misdemeanor may depart the
19 State without leave of the court unless, upon a showing by
20 the State's Attorney, the court determines there is an
21 adequate reason as to why he or she shall not depart the
22 State without leave of the court;

23 (4) Not violate any criminal statute of any

1 jurisdiction;

2 (5) At a time and place designated by the court,
3 surrender all firearms in his or her possession to a law
4 enforcement officer designated by the court to take custody
5 of and impound the firearms and physically surrender his or
6 her Firearm Owner's Identification Card to the clerk of the
7 circuit court when the offense the person has been charged
8 with is a forcible felony, stalking, aggravated stalking,
9 domestic battery, any violation of the Illinois Controlled
10 Substances Act, the Methamphetamine Control and Community
11 Protection Act, or the Cannabis Control Act that is
12 classified as a Class 2 or greater felony, or any felony
13 violation of Article 24 of the Criminal Code of 1961 or the
14 Criminal Code of 2012; the court may, however, forgo the
15 imposition of this condition when the circumstances of the
16 case clearly do not warrant it or when its imposition would
17 be impractical; if the Firearm Owner's Identification Card
18 is confiscated, the clerk of the circuit court shall mail
19 the confiscated card to the Illinois State Police; all
20 legally possessed firearms shall be returned to the person
21 upon the charges being dismissed, or if the person is found
22 not guilty, unless the finding of not guilty is by reason
23 of insanity; and

24 (6) At a time and place designated by the court, submit
25 to a psychological evaluation when the person has been
26 charged with a violation of item (4) of subsection (a) of

1 Section 24-1 of the Criminal Code of 1961 or the Criminal
2 Code of 2012 and that violation occurred in a school or in
3 any conveyance owned, leased, or contracted by a school to
4 transport students to or from school or a school-related
5 activity, or on any public way within 1,000 feet of real
6 property comprising any school.

7 Psychological evaluations ordered pursuant to this Section
8 shall be completed promptly and made available to the State,
9 the defendant, and the court. As a further condition of bail
10 under these circumstances, the court shall order the defendant
11 to refrain from entering upon the property of the school,
12 including any conveyance owned, leased, or contracted by a
13 school to transport students to or from school or a
14 school-related activity, or on any public way within 1,000 feet
15 of real property comprising any school. Upon receipt of the
16 psychological evaluation, either the State or the defendant may
17 request a change in the conditions of bail, pursuant to Section
18 110-6 of this Code. The court may change the conditions of bail
19 to include a requirement that the defendant follow the
20 recommendations of the psychological evaluation, including
21 undergoing psychiatric treatment. The conclusions of the
22 psychological evaluation and any statements elicited from the
23 defendant during its administration are not admissible as
24 evidence of guilt during the course of any trial on the charged
25 offense, unless the defendant places his or her mental
26 competency in issue.

1 (b) The court may impose other conditions, such as the
2 following, if the court finds that such conditions are
3 reasonably necessary to assure the defendant's appearance in
4 court, protect the public from the defendant, or prevent the
5 defendant's unlawful interference with the orderly
6 administration of justice:

7 (1) Report to or appear in person before such person or
8 agency as the court may direct;

9 (2) Refrain from possessing a firearm or other
10 dangerous weapon;

11 (3) Refrain from approaching or communicating with
12 particular persons or classes of persons;

13 (4) Refrain from going to certain described
14 geographical areas or premises;

15 (5) Refrain from engaging in certain activities or
16 indulging in intoxicating liquors or in certain drugs;

17 (6) Undergo treatment for drug addiction or
18 alcoholism;

19 (7) Undergo medical or psychiatric treatment;

20 (8) Work or pursue a course of study or vocational
21 training;

22 (9) Attend or reside in a facility designated by the
23 court;

24 (10) Support his or her dependents;

25 (11) If a minor resides with his or her parents or in a
26 foster home, attend school, attend a non-residential

1 program for youths, and contribute to his or her own
2 support at home or in a foster home;

3 (12) Observe any curfew ordered by the court;

4 (13) Remain in the custody of such designated person or
5 organization agreeing to supervise his release. Such third
6 party custodian shall be responsible for notifying the
7 court if the defendant fails to observe the conditions of
8 release which the custodian has agreed to monitor, and
9 shall be subject to contempt of court for failure so to
10 notify the court;

11 (14) Be placed under direct supervision of the Pretrial
12 Services Agency, Probation Department or Court Services
13 Department in a pretrial bond home supervision capacity
14 with or without the use of an approved electronic
15 monitoring device subject to Article 8A of Chapter V of the
16 Unified Code of Corrections;

17 (14.1) The court shall impose upon a defendant who is
18 charged with any alcohol, cannabis, methamphetamine, or
19 controlled substance violation and is placed under direct
20 supervision of the Pretrial Services Agency, Probation
21 Department or Court Services Department in a pretrial bond
22 home supervision capacity with the use of an approved
23 monitoring device, as a condition of such bail bond, a fee
24 that represents costs incidental to the electronic
25 monitoring for each day of such bail supervision ordered by
26 the court, unless after determining the inability of the

1 defendant to pay the fee, the court assesses a lesser fee
2 or no fee as the case may be. The fee shall be collected by
3 the clerk of the circuit court, except as provided in an
4 administrative order of the Chief Judge of the circuit
5 court. The clerk of the circuit court shall pay all monies
6 collected from this fee to the county treasurer for deposit
7 in the substance abuse services fund under Section 5-1086.1
8 of the Counties Code, except as provided in an
9 administrative order of the Chief Judge of the circuit
10 court.

11 The Chief Judge of the circuit court of the county may
12 by administrative order establish a program for electronic
13 monitoring of offenders with regard to drug-related and
14 alcohol-related offenses, in which a vendor supplies and
15 monitors the operation of the electronic monitoring
16 device, and collects the fees on behalf of the county. The
17 program shall include provisions for indigent offenders
18 and the collection of unpaid fees. The program shall not
19 unduly burden the offender and shall be subject to review
20 by the Chief Judge.

21 The Chief Judge of the circuit court may suspend any
22 additional charges or fees for late payment, interest, or
23 damage to any device;

24 (14.2) The court shall impose upon all defendants,
25 including those defendants subject to paragraph (14.1)
26 above, placed under direct supervision of the Pretrial

1 Services Agency, Probation Department or Court Services
2 Department in a pretrial bond home supervision capacity
3 with the use of an approved monitoring device, as a
4 condition of such bail bond, a fee which shall represent
5 costs incidental to such electronic monitoring for each day
6 of such bail supervision ordered by the court, unless after
7 determining the inability of the defendant to pay the fee,
8 the court assesses a lesser fee or no fee as the case may
9 be. The fee shall be collected by the clerk of the circuit
10 court, except as provided in an administrative order of the
11 Chief Judge of the circuit court. The clerk of the circuit
12 court shall pay all monies collected from this fee to the
13 county treasurer who shall use the monies collected to
14 defray the costs of corrections. The county treasurer shall
15 deposit the fee collected in the county working cash fund
16 under Section 6-27001 or Section 6-29002 of the Counties
17 Code, as the case may be, except as provided in an
18 administrative order of the Chief Judge of the circuit
19 court.

20 The Chief Judge of the circuit court of the county may
21 by administrative order establish a program for electronic
22 monitoring of offenders with regard to drug-related and
23 alcohol-related offenses, in which a vendor supplies and
24 monitors the operation of the electronic monitoring
25 device, and collects the fees on behalf of the county. The
26 program shall include provisions for indigent offenders

1 and the collection of unpaid fees. The program shall not
2 unduly burden the offender and shall be subject to review
3 by the Chief Judge.

4 The Chief Judge of the circuit court may suspend any
5 additional charges or fees for late payment, interest, or
6 damage to any device;

7 (14.3) The Chief Judge of the Judicial Circuit may
8 establish reasonable fees to be paid by a person receiving
9 pretrial services while under supervision of a pretrial
10 services agency, probation department, or court services
11 department. Reasonable fees may be charged for pretrial
12 services including, but not limited to, pretrial
13 supervision, diversion programs, electronic monitoring,
14 victim impact services, drug and alcohol testing, DNA
15 testing, GPS electronic monitoring, assessments and
16 evaluations related to domestic violence and other
17 victims, and victim mediation services. The person
18 receiving pretrial services may be ordered to pay all costs
19 incidental to pretrial services in accordance with his or
20 her ability to pay those costs;

21 (14.4) For persons charged with violating Section
22 11-501 of the Illinois Vehicle Code, refrain from operating
23 a motor vehicle not equipped with an ignition interlock
24 device, as defined in Section 1-129.1 of the Illinois
25 Vehicle Code, pursuant to the rules promulgated by the
26 Secretary of State for the installation of ignition

1 interlock devices. Under this condition the court may allow
2 a defendant who is not self-employed to operate a vehicle
3 owned by the defendant's employer that is not equipped with
4 an ignition interlock device in the course and scope of the
5 defendant's employment;

6 (15) Comply with the terms and conditions of an order
7 of protection issued by the court under the Illinois
8 Domestic Violence Act of 1986 or an order of protection
9 issued by the court of another state, tribe, or United
10 States territory;

11 (16) Under Section 110-6.5 comply with the conditions
12 of the drug testing program; and

13 (17) Such other reasonable conditions as the court may
14 impose.

15 (c) When a person is charged with an offense under Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
17 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, involving a victim who is a minor under
19 18 years of age living in the same household with the defendant
20 at the time of the offense, in granting bail or releasing the
21 defendant on his own recognizance, the judge shall impose
22 conditions to restrict the defendant's access to the victim
23 which may include, but are not limited to conditions that he
24 will:

25 1. Vacate the household.

26 2. Make payment of temporary support to his dependents.

1 3. Refrain from contact or communication with the child
2 victim, except as ordered by the court.

3 (d) When a person is charged with a criminal offense and
4 the victim is a family or household member as defined in
5 Article 112A, conditions shall be imposed at the time of the
6 defendant's release on bond that restrict the defendant's
7 access to the victim. Unless provided otherwise by the court,
8 the restrictions shall include requirements that the defendant
9 do the following:

10 (1) refrain from contact or communication with the
11 victim for a minimum period of 72 hours following the
12 defendant's release; and

13 (2) refrain from entering or remaining at the victim's
14 residence for a minimum period of 72 hours following the
15 defendant's release.

16 (e) Local law enforcement agencies shall develop
17 standardized bond forms for use in cases involving family or
18 household members as defined in Article 112A, including
19 specific conditions of bond as provided in subsection (d).
20 Failure of any law enforcement department to develop or use
21 those forms shall in no way limit the applicability and
22 enforcement of subsections (d) and (f).

23 (f) If the defendant is admitted to bail after conviction
24 the conditions of the bail bond shall be that he will, in
25 addition to the conditions set forth in subsections (a) and (b)
26 hereof:

- 1 (1) Duly prosecute his appeal;
- 2 (2) Appear at such time and place as the court may
3 direct;
- 4 (3) Not depart this State without leave of the court;
- 5 (4) Comply with such other reasonable conditions as the
6 court may impose; and
- 7 (5) If the judgment is affirmed or the cause reversed
8 and remanded for a new trial, forthwith surrender to the
9 officer from whose custody he was bailed.
- 10 (g) Upon a finding of guilty for any felony offense, the
11 defendant shall physically surrender, at a time and place
12 designated by the court, any and all firearms in his or her
13 possession and his or her Firearm Owner's Identification Card
14 as a condition of remaining on bond pending sentencing.
- 15 (Source: P.A. 99-797, eff. 8-12-16.)