

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 Sections 110-4 and 110-10 as follows:

6 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

7 Sec. 110-4. Bailable Offenses.

8 (a) All persons shall be bailable before conviction, except
9 the following offenses where the proof is evident or the
10 presumption great that the defendant is guilty of the offense:

11 (1) capital offenses;

12 (2) offenses for which a sentence of life imprisonment
13 may be imposed as a consequence of conviction;

14 (3) felony offenses for which a sentence of
15 imprisonment, without conditional and revocable release,
16 shall be imposed by law as a consequence of conviction,
17 where the court after a hearing, determines that the
18 release of the defendant would pose a real and present
19 threat to the physical safety of any person or persons;

20 (4) stalking or aggravated stalking, where the court,
21 after a hearing, determines that the release of the
22 defendant would pose a real and present threat to the
23 physical safety of the alleged victim of the offense and

1 denial of bail is necessary to prevent fulfillment of the
2 threat upon which the charge is based; ~~or~~

3 (5) unlawful use of weapons in violation of item (4) of
4 subsection (a) of Section 24-1 of the Criminal Code of 1961
5 or the Criminal Code of 2012 when that offense occurred in
6 a school or in any conveyance owned, leased, or contracted
7 by a school to transport students to or from school or a
8 school-related activity, or on any public way within 1,000
9 feet of real property comprising any school, a violation of
10 Section 24-1.2, 24-1.2-5, 24-1.6, or 24-1.7 of the Criminal
11 Code of 1961 or the Criminal Code of 2012, or a violation
12 of Section 24-1.1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 if the defendant has previously been
14 convicted of a forcible felony as defined in Section 2-8 of
15 the Criminal Code of 2012, where the court, after a
16 hearing, determines that the release of the defendant would
17 pose a real and present threat to the physical safety of
18 any person and denial of bail is necessary to prevent
19 fulfillment of that threat; or

20 (6) making a terrorist threat in violation of Section
21 29D-20 of the Criminal Code of 1961 or the Criminal Code of
22 2012 or an attempt to commit the offense of making a
23 terrorist threat, where the court, after a hearing,
24 determines that the release of the defendant would pose a
25 real and present threat to the physical safety of any
26 person and denial of bail is necessary to prevent

1 fulfillment of that threat.

2 (a-5) If bail is set for any offense under this Section
3 including, but not limited to, an offense in paragraph (5) of
4 subsection (a) of this Section, the State's Attorney may
5 request a source of bail hearing under subsection (b-5) of
6 Section 110-5 of this Article.

7 (b) A person seeking release on bail who is charged with a
8 capital offense or an offense for which a sentence of life
9 imprisonment may be imposed shall not be bailable until a
10 hearing is held wherein such person has the burden of
11 demonstrating that the proof of his guilt is not evident and
12 the presumption is not great.

13 (c) Where it is alleged that bail should be denied to a
14 person upon the grounds that the person presents a real and
15 present threat to the physical safety of any person or persons,
16 the burden of proof of such allegations shall be upon the
17 State.

18 (d) When it is alleged that bail should be denied to a
19 person charged with stalking or aggravated stalking upon the
20 grounds set forth in Section 110-6.3 of this Code, the burden
21 of proof of those allegations shall be upon the State.

22 (Source: P.A. 97-1150, eff. 1-25-13.)

23 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

24 Sec. 110-10. Conditions of bail bond.

25 (a) If a person is released prior to conviction, either

1 upon payment of bail security or on his or her own
2 recognizance, the conditions of the bail bond shall be that he
3 or she will:

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

7 (2) Submit himself or herself to the orders and process
8 of the court;

9 (3) Not depart this State without leave of the court;

10 (4) Not violate any criminal statute of any
11 jurisdiction;

12 (5) At a time and place designated by the court,
13 surrender all firearms in his or her possession to a law
14 enforcement officer designated by the court to take custody
15 of and impound the firearms and physically surrender his or
16 her Firearm Owner's Identification Card to the clerk of the
17 circuit court when the offense the person has been charged
18 with is a forcible felony, stalking, aggravated stalking,
19 domestic battery, any violation of the Illinois Controlled
20 Substances Act, the Methamphetamine Control and Community
21 Protection Act, or the Cannabis Control Act that is
22 classified as a Class 2 or greater felony, or any felony
23 violation of Article 24 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 not subject to paragraph (5.5) of
25 this Section; the court may, however, forgo the imposition
26 of this condition when the circumstances of the case

1 clearly do not warrant it or when its imposition would be
2 impractical; if the Firearm Owner's Identification Card is
3 confiscated, the clerk of the circuit court shall mail the
4 confiscated card to the Department of Illinois State
5 Police; all legally possessed firearms shall be returned to
6 the person upon the charges being dismissed, or if the
7 person is found not guilty, unless the finding of not
8 guilty is by reason of insanity; ~~and~~

9 (5.5) At a time and place designated by the court,
10 surrender all firearms in his or her possession to a law
11 enforcement officer designated by the court to take custody
12 of and impound the firearms and physically surrender his or
13 her Firearm Owner's Identification Card to the clerk of the
14 circuit court when the offense the person has been charged
15 with is a violation of paragraph (4) of subsection (a) of
16 Section 24-1 of the Criminal Code of 1961 or Criminal Code
17 of 2012, when that offense occurred in a school or in any
18 conveyance owned, leased, or contracted by a school to
19 transport students to or from school or a school-related
20 activity, or on any public way within 1,000 feet of real
21 property comprising any school, a violation of Section
22 24-1.2, 24-1.25, 24-1.6, or 24-4.7 of the Criminal Code of
23 1961 or the Criminal Code of 2012, or a violation of
24 Section 24-1.1 of the Criminal Code of 1961 or the Criminal
25 Code of 2012 if the defendant has previously been convicted
26 of a forcible felony as defined in Section 2-8 of the

1 Criminal Code of 2012; if the Firearm Owner's
2 Identification Card is confiscated, the clerk of the
3 circuit court shall mail the confiscated card to the
4 Department of State Police; all legally possessed firearms
5 shall be returned to the person upon the charges being
6 dismissed, or if the person is found not guilty, unless the
7 finding of not guilty is by reason of insanity; or

8 (6) At a time and place designated by the court, submit
9 to a psychological evaluation when the person has been
10 charged with a violation of item (4) of subsection (a) of
11 Section 24-1 of the Criminal Code of 1961 or the Criminal
12 Code of 2012 and that violation occurred in a school or in
13 any conveyance owned, leased, or contracted by a school to
14 transport students to or from school or a school-related
15 activity, or on any public way within 1,000 feet of real
16 property comprising any school.

17 Psychological evaluations ordered pursuant to this Section
18 shall be completed promptly and made available to the State,
19 the defendant, and the court. As a further condition of bail
20 under these circumstances, the court shall order the defendant
21 to refrain from entering upon the property of the school,
22 including any conveyance owned, leased, or contracted by a
23 school to transport students to or from school or a
24 school-related activity, or on any public way within 1,000 feet
25 of real property comprising any school. Upon receipt of the
26 psychological evaluation, either the State or the defendant may

1 request a change in the conditions of bail, pursuant to Section
2 110-6 of this Code. The court may change the conditions of bail
3 to include a requirement that the defendant follow the
4 recommendations of the psychological evaluation, including
5 undergoing psychiatric treatment. The conclusions of the
6 psychological evaluation and any statements elicited from the
7 defendant during its administration are not admissible as
8 evidence of guilt during the course of any trial on the charged
9 offense, unless the defendant places his or her mental
10 competency in issue.

11 (b) The court may impose other conditions, such as the
12 following, if the court finds that such conditions are
13 reasonably necessary to assure the defendant's appearance in
14 court, protect the public from the defendant, or prevent the
15 defendant's unlawful interference with the orderly
16 administration of justice:

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

19 (2) Refrain from possessing a firearm or other
20 dangerous weapon;

21 (3) Refrain from approaching or communicating with
22 particular persons or classes of persons;

23 (4) Refrain from going to certain described
24 geographical areas or premises;

25 (5) Refrain from engaging in certain activities or
26 indulging in intoxicating liquors or in certain drugs;

1 (6) Undergo treatment for drug addiction or
2 alcoholism;

3 (7) Undergo medical or psychiatric treatment;

4 (8) Work or pursue a course of study or vocational
5 training;

6 (9) Attend or reside in a facility designated by the
7 court;

8 (10) Support his or her dependents;

9 (11) If a minor resides with his or her parents or in a
10 foster home, attend school, attend a non-residential
11 program for youths, and contribute to his or her own
12 support at home or in a foster home;

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

14 (13) Remain in the custody of such designated person or
15 organization agreeing to supervise his release. Such third
16 party custodian shall be responsible for notifying the
17 court if the defendant fails to observe the conditions of
18 release which the custodian has agreed to monitor, and
19 shall be subject to contempt of court for failure so to
20 notify the court;

21 (14) Be placed under direct supervision of the Pretrial
22 Services Agency, Probation Department or Court Services
23 Department in a pretrial bond home supervision capacity
24 with or without the use of an approved electronic
25 monitoring device subject to Article 8A of Chapter V of the
26 Unified Code of Corrections;

1 (14.1) The court shall impose upon a defendant who is
2 charged with any alcohol, cannabis, methamphetamine, or
3 controlled substance violation and is placed under direct
4 supervision of the Pretrial Services Agency, Probation
5 Department or Court Services Department in a pretrial bond
6 home supervision capacity with the use of an approved
7 monitoring device, as a condition of such bail bond, a fee
8 that represents costs incidental to the electronic
9 monitoring for each day of such bail supervision ordered by
10 the court, unless after determining the inability of the
11 defendant to pay the fee, the court assesses a lesser fee
12 or no fee as the case may be. The fee shall be collected by
13 the clerk of the circuit court, except as provided in an
14 administrative order of the Chief Judge of the circuit
15 court. The clerk of the circuit court shall pay all monies
16 collected from this fee to the county treasurer for deposit
17 in the substance abuse services fund under Section 5-1086.1
18 of the Counties Code, except as provided in an
19 administrative order of the Chief Judge of the circuit
20 court.

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

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

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

8 (14.2) The court shall impose upon all defendants,
9 including those defendants subject to paragraph (14.1)
10 above, placed under direct supervision of the Pretrial
11 Services Agency, Probation Department or Court Services
12 Department in a pretrial bond home supervision capacity
13 with the use of an approved monitoring device, as a
14 condition of such bail bond, a fee which shall represent
15 costs incidental to such electronic monitoring for each day
16 of such bail supervision ordered by the court, unless after
17 determining the inability of the defendant to pay the fee,
18 the court assesses a lesser fee or no fee as the case may
19 be. The fee shall be collected by the clerk of the circuit
20 court, except as provided in an administrative order of the
21 Chief Judge of the circuit court. The clerk of the circuit
22 court shall pay all monies collected from this fee to the
23 county treasurer who shall use the monies collected to
24 defray the costs of corrections. The county treasurer shall
25 deposit the fee collected in the county working cash fund
26 under Section 6-27001 or Section 6-29002 of the Counties

1 Code, as the case may be, except as provided in an
2 administrative order of the Chief Judge of the circuit
3 court.

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

14 The Chief Judge of the circuit court may suspend any
15 additional charges or fees for late payment, interest, or
16 damage to any device;

17 (14.3) The Chief Judge of the Judicial Circuit may
18 establish reasonable fees to be paid by a person receiving
19 pretrial services while under supervision of a pretrial
20 services agency, probation department, or court services
21 department. Reasonable fees may be charged for pretrial
22 services including, but not limited to, pretrial
23 supervision, diversion programs, electronic monitoring,
24 victim impact services, drug and alcohol testing, DNA
25 testing, GPS electronic monitoring, assessments and
26 evaluations related to domestic violence and other

1 victims, and victim mediation services. The person
2 receiving pretrial services may be ordered to pay all costs
3 incidental to pretrial services in accordance with his or
4 her ability to pay those costs;

5 (14.4) For persons charged with violating Section
6 11-501 of the Illinois Vehicle Code, refrain from operating
7 a motor vehicle not equipped with an ignition interlock
8 device, as defined in Section 1-129.1 of the Illinois
9 Vehicle Code, pursuant to the rules promulgated by the
10 Secretary of State for the installation of ignition
11 interlock devices. Under this condition the court may allow
12 a defendant who is not self-employed to operate a vehicle
13 owned by the defendant's employer that is not equipped with
14 an ignition interlock device in the course and scope of the
15 defendant's employment;

16 (15) Comply with the terms and conditions of an order
17 of protection issued by the court under the Illinois
18 Domestic Violence Act of 1986 or an order of protection
19 issued by the court of another state, tribe, or United
20 States territory;

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

23 (17) Such other reasonable conditions as the court may
24 impose.

25 (c) When a person is charged with an offense under Section
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,

1 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, involving a victim who is a minor under
3 18 years of age living in the same household with the defendant
4 at the time of the offense, in granting bail or releasing the
5 defendant on his own recognizance, the judge shall impose
6 conditions to restrict the defendant's access to the victim
7 which may include, but are not limited to conditions that he
8 will:

9 1. Vacate the household.

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

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

13 (d) When a person is charged with a criminal offense and
14 the victim is a family or household member as defined in
15 Article 112A, conditions shall be imposed at the time of the
16 defendant's release on bond that restrict the defendant's
17 access to the victim. Unless provided otherwise by the court,
18 the restrictions shall include requirements that the defendant
19 do the following:

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

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

26 (e) Local law enforcement agencies shall develop

1 standardized bond forms for use in cases involving family or
2 household members as defined in Article 112A, including
3 specific conditions of bond as provided in subsection (d).
4 Failure of any law enforcement department to develop or use
5 those forms shall in no way limit the applicability and
6 enforcement of subsections (d) and (f).

7 (f) If the defendant is admitted to bail after conviction
8 the conditions of the bail bond shall be that he will, in
9 addition to the conditions set forth in subsections (a) and (b)
10 hereof:

11 (1) Duly prosecute his appeal;

12 (2) Appear at such time and place as the court may
13 direct;

14 (3) Not depart this State without leave of the court;

15 (4) Comply with such other reasonable conditions as the
16 court may impose; and

17 (5) If the judgment is affirmed or the cause reversed
18 and remanded for a new trial, forthwith surrender to the
19 officer from whose custody he was bailed.

20 (g) Upon a finding of guilty for any felony offense, the
21 defendant shall physically surrender, at a time and place
22 designated by the court, any and all firearms in his or her
23 possession and his or her Firearm Owner's Identification Card
24 as a condition of remaining on bond pending sentencing.

25 (Source: P.A. 99-797, eff. 8-12-16.)