

1 AN ACT concerning courts.

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 102-7.1, 110-6, 110-14, and 110-17
6 as follows:

7 (725 ILCS 5/102-7.1)

8 Sec. 102-7.1. "Category A offense". "Category A offense"
9 means a Class 1 felony, Class 2 felony, Class X felony, first
10 degree murder, a violation of Section 11-204 of the Illinois
11 Vehicle Code, a second or subsequent violation of Section
12 11-501 of the Illinois Vehicle Code, a violation of subsection
13 (d) of Section 11-501 of the Illinois Vehicle Code, a violation
14 of Section 11-401 of the Illinois Vehicle Code if the accident
15 results in injury and the person failed to report the accident
16 within 30 minutes, a violation of Section 9-3, 9-3.4, 10-3,
17 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25, 12-2,
18 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6, 12-7.1,
19 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3, 25-1,
20 26.5-2, or 48-1 of the Criminal Code of 2012, a second or
21 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code
22 of 2012, a violation of paragraph (5) or (6) of subsection (b)
23 of Section 10-9 of the Criminal Code of 2012, a violation of

1 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)
2 of Section 11-1.50 of the Criminal Code of 2012, a violation of
3 Section 12-7 of the Criminal Code of 2012 if the defendant
4 inflicts bodily harm on the victim to obtain a confession,
5 statement, or information, a violation of Section 12-7.5 of the
6 Criminal Code of 2012 if the action results in bodily harm, a
7 violation of paragraph (3) of subsection (b) of Section 17-2 of
8 the Criminal Code of 2012, a violation of subdivision
9 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a
10 violation of paragraph (6) of subsection (a) of Section 24-1 of
11 the Criminal Code of 2012, a first violation of Section 24-1.6
12 of the Criminal Code of 2012 by a person 18 years of age or
13 older where the factors listed in both items (A) and (C) or
14 both items (A-5) and (C) of paragraph (3) of subsection (a) of
15 Section 24-1.6 of the Criminal Code of 2012 are present, a
16 Class 3 felony violation of paragraph (1) of subsection (a) of
17 Section 2 of the Firearm Owners Identification Card Act, or a
18 violation of Section 10 of the Sex Offender Registration Act.
19 (Source: P.A. 100-1, eff. 1-1-18.)

20 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

21 Sec. 110-6. Modification of bail or conditions.

22 (a) Upon verified application by the State or the defendant
23 or on its own motion the court before which the proceeding is
24 pending may increase or reduce the amount of bail or may alter
25 the conditions of the bail bond or grant bail where it has been

1 previously revoked or denied. If bail has been previously
2 revoked pursuant to subsection (f) of this Section or if bail
3 has been denied to the defendant pursuant to subsection (e) of
4 Section 110-6.1 or subsection (e) of Section 110-6.3, the
5 defendant shall be required to present a verified application
6 setting forth in detail any new facts not known or obtainable
7 at the time of the previous revocation or denial of bail
8 proceedings. If the court grants bail where it has been
9 previously revoked or denied, the court shall state on the
10 record of the proceedings the findings of facts and conclusion
11 of law upon which such order is based.

12 (a-5) In addition to any other available motion or
13 procedure under this Code, a person in custody solely for a
14 Category B offense due to an inability to post monetary bail
15 shall be brought before the court at the next available court
16 date or 7 calendar days from the date bail was set, whichever
17 is earlier, for a rehearing on the amount or conditions of bail
18 or release pending further court proceedings. The court may
19 reconsider conditions of release for any other person whose
20 inability to post monetary bail is the sole reason for
21 continued incarceration, including a person in custody for a
22 Category A offense or a Category A offense and a Category B
23 offense. The court may deny the rehearing permitted under this
24 subsection (a-5) if the person has failed to appear as required
25 before the court and is incarcerated based on a warrant for
26 failure to appear on the same original criminal offense.

1 (b) Violation of the conditions of Section 110-10 of this
2 Code or any special conditions of bail as ordered by the court
3 shall constitute grounds for the court to increase the amount
4 of bail, or otherwise alter the conditions of bail, or, where
5 the alleged offense committed on bail is a forcible felony in
6 Illinois or a Class 2 or greater offense under the Illinois
7 Controlled Substances Act, the Cannabis Control Act, or the
8 Methamphetamine Control and Community Protection Act, revoke
9 bail pursuant to the appropriate provisions of subsection (e)
10 of this Section.

11 (c) Reasonable notice of such application by the defendant
12 shall be given to the State.

13 (d) Reasonable notice of such application by the State
14 shall be given to the defendant, except as provided in
15 subsection (e).

16 (e) Upon verified application by the State stating facts or
17 circumstances constituting a violation or a threatened
18 violation of any of the conditions of the bail bond the court
19 may issue a warrant commanding any peace officer to bring the
20 defendant without unnecessary delay before the court for a
21 hearing on the matters set forth in the application. If the
22 actual court before which the proceeding is pending is absent
23 or otherwise unavailable another court may issue a warrant
24 pursuant to this Section. When the defendant is charged with a
25 felony offense and while free on bail is charged with a
26 subsequent felony offense and is the subject of a proceeding

1 set forth in Section 109-1 or 109-3 of this Code, upon the
2 filing of a verified petition by the State alleging a violation
3 of Section 110-10 (a) (4) of this Code, the court shall without
4 prior notice to the defendant, grant leave to file such
5 application and shall order the transfer of the defendant and
6 the application without unnecessary delay to the court before
7 which the previous felony matter is pending for a hearing as
8 provided in subsection (b) or this subsection of this Section.
9 The defendant shall be held without bond pending transfer to
10 and a hearing before such court. At the conclusion of the
11 hearing based on a violation of the conditions of Section
12 110-10 of this Code or any special conditions of bail as
13 ordered by the court the court may enter an order increasing
14 the amount of bail or alter the conditions of bail as deemed
15 appropriate.

16 (f) Where the alleged violation consists of the violation
17 of one or more felony statutes of any jurisdiction which would
18 be a forcible felony in Illinois or a Class 2 or greater
19 offense under the Illinois Controlled Substances Act, the
20 Cannabis Control Act, or the Methamphetamine Control and
21 Community Protection Act and the defendant is on bail for the
22 alleged commission of a felony, or where the defendant is on
23 bail for a felony domestic battery (enhanced pursuant to
24 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
25 or the Criminal Code of 2012), aggravated domestic battery,
26 aggravated battery, unlawful restraint, aggravated unlawful

1 restraint or domestic battery in violation of item (1) of
2 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
3 or the Criminal Code of 2012 against a family or household
4 member as defined in Section 112A-3 of this Code and the
5 violation is an offense of domestic battery against the same
6 victim the court shall, on the motion of the State or its own
7 motion, revoke bail in accordance with the following
8 provisions:

9 (1) The court shall hold the defendant without bail
10 pending the hearing on the alleged breach; however, if the
11 defendant is not admitted to bail the hearing shall be
12 commenced within 10 days from the date the defendant is
13 taken into custody or the defendant may not be held any
14 longer without bail, unless delay is occasioned by the
15 defendant. Where defendant occasions the delay, the
16 running of the 10 day period is temporarily suspended and
17 resumes at the termination of the period of delay. Where
18 defendant occasions the delay with 5 or fewer days
19 remaining in the 10 day period, the court may grant a
20 period of up to 5 additional days to the State for good
21 cause shown. The State, however, shall retain the right to
22 proceed to hearing on the alleged violation at any time,
23 upon reasonable notice to the defendant and the court.

24 (2) At a hearing on the alleged violation the State has
25 the burden of going forward and proving the violation by
26 clear and convincing evidence. The evidence shall be

1 presented in open court with the opportunity to testify, to
2 present witnesses in his behalf, and to cross-examine
3 witnesses if any are called by the State, and
4 representation by counsel and if the defendant is indigent
5 to have counsel appointed for him. The rules of evidence
6 applicable in criminal trials in this State shall not
7 govern the admissibility of evidence at such hearing.
8 Information used by the court in its findings or stated in
9 or offered in connection with hearings for increase or
10 revocation of bail may be by way of proffer based upon
11 reliable information offered by the State or defendant. All
12 evidence shall be admissible if it is relevant and reliable
13 regardless of whether it would be admissible under the
14 rules of evidence applicable at criminal trials. A motion
15 by the defendant to suppress evidence or to suppress a
16 confession shall not be entertained at such a hearing.
17 Evidence that proof may have been obtained as a result of
18 an unlawful search and seizure or through improper
19 interrogation is not relevant to this hearing.

20 (3) Upon a finding by the court that the State has
21 established by clear and convincing evidence that the
22 defendant has committed a forcible felony or a Class 2 or
23 greater offense under the Illinois Controlled Substances
24 Act, the Cannabis Control Act, or the Methamphetamine
25 Control and Community Protection Act while admitted to
26 bail, or where the defendant is on bail for a felony

1 domestic battery (enhanced pursuant to subsection (b) of
2 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
3 Code of 2012), aggravated domestic battery, aggravated
4 battery, unlawful restraint, aggravated unlawful restraint
5 or domestic battery in violation of item (1) of subsection
6 (a) of Section 12-3.2 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 against a family or household member
8 as defined in Section 112A-3 of this Code and the violation
9 is an offense of domestic battery, against the same victim,
10 the court shall revoke the bail of the defendant and hold
11 the defendant for trial without bail. Neither the finding
12 of the court nor any transcript or other record of the
13 hearing shall be admissible in the State's case in chief,
14 but shall be admissible for impeachment, or as provided in
15 Section 115-10.1 of this Code or in a perjury proceeding.

16 (4) If the bail of any defendant is revoked pursuant to
17 paragraph (f) (3) of this Section, the defendant may demand
18 and shall be entitled to be brought to trial on the offense
19 with respect to which he was formerly released on bail
20 within 90 days after the date on which his bail was
21 revoked. If the defendant is not brought to trial within
22 the 90 day period required by the preceding sentence, he
23 shall not be held longer without bail. In computing the 90
24 day period, the court shall omit any period of delay
25 resulting from a continuance granted at the request of the
26 defendant.

1 (5) If the defendant either is arrested on a warrant
2 issued pursuant to this Code or is arrested for an
3 unrelated offense and it is subsequently discovered that
4 the defendant is a subject of another warrant or warrants
5 issued pursuant to this Code, the defendant shall be
6 transferred promptly to the court which issued such
7 warrant. If, however, the defendant appears initially
8 before a court other than the court which issued such
9 warrant, the non-issuing court shall not alter the amount
10 of bail set on such warrant unless the court sets forth on
11 the record of proceedings the conclusions of law and facts
12 which are the basis for such altering of another court's
13 bond. The non-issuing court shall not alter another courts
14 bail set on a warrant unless the interests of justice and
15 public safety are served by such action.

16 (g) The State may appeal any order where the court has
17 increased or reduced the amount of bail or altered the
18 conditions of the bail bond or granted bail where it has
19 previously been revoked.

20 (Source: P.A. 100-1, eff. 1-1-18.)

21 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

22 Sec. 110-14. Credit for incarceration onailable offense;
23 credit against monetary bail for certain offenses.

24 (a) Any person incarcerated on aailable offense who does
25 not supply bail and against whom a fine is levied on conviction

1 of the offense shall be allowed a credit of \$5 for each day so
2 incarcerated upon application of the defendant. However, in no
3 case shall the amount so allowed or credited exceed the amount
4 of the fine.

5 (b) Subsection (a) does not apply to a person incarcerated
6 for sexual assault as defined in paragraph (1) of subsection
7 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

8 (c) A person subject to bail on a Category B offense shall
9 have \$30 deducted from his or her 10% cash bond amount ~~monetary~~
10 ~~bail~~ every day the person is incarcerated. The sheriff shall
11 calculate and apply this \$30 per day reduction and send notice
12 to the circuit clerk if a defendant's 10% cash bond amount is
13 reduced to \$0, at which point the defendant shall be released
14 upon his or her own recognizance.

15 (d) The court may deny the incarceration credit in
16 subsection (c) of this Section if the person has failed to
17 appear as required before the court and is incarcerated based
18 on a warrant for failure to appear on the same original
19 criminal offense.

20 (Source: P.A. 100-1, eff. 1-1-18.)

21 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

22 Sec. 110-17. Unclaimed Bail Deposits. Any ~~Notwithstanding~~
23 ~~the provisions of the Revised Uniform Unclaimed Property Act,~~
24 ~~any~~ sum of money deposited by any person to secure his or her
25 release from custody which remains unclaimed by the person

1 entitled to its return for 3 years after the conditions of the
2 bail bond have been performed and the accused has been
3 discharged from all obligations in the cause shall be presumed
4 to be abandoned and subject to disposition under the Revised
5 Uniform Unclaimed Property Act.

6 (a) (Blank). ~~The clerk of the circuit court, as soon~~
7 ~~thereafter as practicable, shall cause notice to be published~~
8 ~~once, in English, in a newspaper or newspapers of general~~
9 ~~circulation in the county wherein the deposit of bond was~~
10 ~~received.~~

11 (b) (Blank). ~~The published notice shall be entitled "Notice~~
12 ~~of Persons Appearing to be Owners of Abandoned Property" and~~
13 ~~shall contain:~~

14 ~~(1) The names, in alphabetical order, of persons to~~
15 ~~whom the notice is directed.~~

16 ~~(2) A statement that information concerning the amount~~
17 ~~of the property may be obtained by any persons possessing~~
18 ~~an interest in the property by making an inquiry at the~~
19 ~~office of the clerk of the circuit court at a location~~
20 ~~designated by him.~~

21 ~~(3) A statement that if proof of claim is not presented~~
22 ~~by the owner to the clerk of the circuit court and if the~~
23 ~~owner's right to receive the property is not established to~~
24 ~~the satisfaction of the clerk of the court within 65 days~~
25 ~~from the date of the published notice, the abandoned~~
26 ~~property will be placed in the custody of the treasurer of~~

1 ~~the county, not later than 85 days after such publication,~~
2 ~~to whom all further claims must thereafter be directed. If~~
3 ~~the claim is established as aforesaid and after deducting~~
4 ~~an amount not to exceed \$20 to cover the cost of notice~~
5 ~~publication and related clerical expenses, the clerk of the~~
6 ~~court shall make payment to the person entitled thereto.~~

7 ~~(4) The clerk of the circuit court is not required to~~
8 ~~publish in such notice any items of less than \$100 unless~~
9 ~~he deems such publication in the public interest.~~

10 (c) (Blank). ~~Any clerk of the circuit court who has caused~~
11 ~~notice to be published as provided by this Section shall,~~
12 ~~within 20 days after the time specified in this Section for~~
13 ~~claiming the property from the clerk of the court, pay or~~
14 ~~deliver to the treasurer of the county having jurisdiction of~~
15 ~~the offense, whether the bond was taken there or any other~~
16 ~~county, all sums deposited as specified in this section less~~
17 ~~such amounts as may have been returned to the persons whose~~
18 ~~rights to receive the sums deposited have been established to~~
19 ~~the satisfaction of the clerk of the circuit court. Any clerk~~
20 ~~of the circuit court who transfers such sums to the county~~
21 ~~treasury including sums deposited by persons whose names are~~
22 ~~not required to be set forth in the published notice aforesaid,~~
23 ~~is relieved of all liability for such sums as have been~~
24 ~~transferred as unclaimed bail deposits or any claim which then~~
25 ~~exists or which thereafter may arise or be made in respect to~~
26 ~~such sums.~~

1 (d) (Blank). ~~The treasurer of the county shall keep just~~
2 ~~and true accounts of all moneys paid into the treasury, and if~~
3 ~~any person appears within 5 years after the deposit of moneys~~
4 ~~by the clerk of the circuit court and claims any money paid~~
5 ~~into the treasury, he shall file a claim therefor on the form~~
6 ~~prescribed by the treasurer of the county who shall consider~~
7 ~~any claim filed under this Act and who may, in his discretion,~~
8 ~~hold a hearing and receive evidence concerning it. The~~
9 ~~treasurer of the county shall prepare a finding and the~~
10 ~~decision in writing on each hearing, stating the substance of~~
11 ~~any evidence heard by him, his findings of fact in respect~~
12 ~~thereto, and the reasons for his decision. The decision shall~~
13 ~~be a public record.~~

14 (e) (Blank). ~~All claims which are not filed within the 5~~
15 ~~year period shall be forever barred.~~

16 (Source: P.A. 100-22, eff. 1-1-18.)