



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3347

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Criminal Justice Information Act. Requires the Authority to produce a monthly Pretrial Order Report, Pretrial Bail Proceeds Report, and Pretrial Custody and Release Report. Specifies requirements for these reports. Provides that the Authority shall post each county's monthly Pretrial Order Report, Pretrial Custody and Release Report, and Pretrial Bail Proceeds Report on the Authority's website on a monthly basis and those reports shall remain on the website for at least 5 years after being posted. Amends the Counties Code and the Clerk of Courts Act to require certain reporting requirements. Amends the Criminal Code of 2012. Changes violation of bail bond to violation of conditions of pre-trial release. Amends the Code of Criminal Procedure of 1963. Abolishes monetary bail under the Code, except under the Uniform Criminal Extradition Act. Provides for considerations for granting and denying pre-trial release. Provides that a person arrested with or without a warrant on an offense for which pre-trial release may not be denied shall, except as otherwise provided, be released by the officer without appearing before a judge. Provides that the court may use a regularly validated risk assessment tool to determine conditions of release. Provides that if a risk assessment tool is used, the defendant's counsel shall be provided with the information and scoring system of the risk assessment tool used to arrive at the determination. Makes other changes. Effective immediately.

LRB101 11167 SLF 56405 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Illinois Criminal Justice Information Act is
5 amended by adding Sections 7.7 and 7.8 as follows:

6 (20 ILCS 3930/7.7 new)

7 Sec. 7.7. Pretrial Order Report.

8 (a) The Authority shall produce a monthly Pretrial Order
9 Report for the circuit court of each county with aggregated
10 data about the initial pretrial release hearings completed in
11 each county within the previous month. The Authority shall
12 collect the data needed for the Report and shall provide a data
13 submission form for the clerks of the circuit courts and the
14 sheriffs of each county to use for their submissions.

15 (b) The Authority shall post each county's monthly Pretrial
16 Order Report, Pretrial Custody and Release Report, and Pretrial
17 Bail Proceeds Report on the Authority's website on a monthly
18 basis and those reports shall remain on the website for at
19 least 5 years after being posted.

20 (c) The monthly Pretrial Order Report for the circuit court
21 of each county shall include the total number of initial
22 pretrial bond hearings conducted in that county, and of those
23 hearings:

1 (1) The number of hearings in which the court ordered
2 release on personal recognizance. Of the number of hearings
3 in which the court ordered release on personal
4 recognizance, the Report shall include the following:

5 (A) the number of hearings in which the court
6 ordered release on personal recognizance without any
7 of the other conditions under subsection (b) of Section
8 110-10 of the Code of Criminal Procedure of 1963;

9 (B) the number of hearings in which the court
10 ordered release on personal recognizance with any
11 other conditions under subsection (b) of Section
12 110-10 of the Code of Criminal Procedure of 1963;

13 (C) the number of hearings in which the court
14 ordered release on personal recognizance with the
15 condition under paragraph (12) of subsection (b) of
16 Section 110-10 of the Code of Criminal Procedure of
17 1963;

18 (D) the number of hearings in which the court
19 ordered release on personal recognizance with the
20 condition of electronic monitoring;

21 (E) the number of hearings in which the court
22 ordered release on personal recognizance with the
23 condition under paragraph (14) of subsection (b) of
24 Section 110-10 of the Code of Criminal Procedure of
25 1963 or a sheriff's office; and

26 (F) the number of hearings in which the court

1 ordered release on personal recognizance with the
2 condition under paragraph (16) of subsection (b) of
3 Section 110-10 of the Code of Criminal Procedure of
4 1963.

5 (2) The number of bond hearings in which the court
6 ordered the posting of monetary bail secured by 10% of the
7 bail amount. For such cases, the Report shall include:

8 (A) a breakdown of the dollar amount of the
9 monetary bail orders by mean, median, 25th percentile,
10 and 75th percentile;

11 (B) the number of hearings in which the court
12 ordered the posting of monetary bail without any of the
13 other conditions under subsection (b) of Section
14 110-10 of the Code of Criminal Procedure of 1963;

15 (C) the number of hearings in which the court
16 ordered the posting on monetary bail with any of the
17 other conditions under subsection (b) of Section
18 110-10 of the Code of Criminal Procedure of 1963;

19 (D) the number of hearings in which the court
20 ordered the posting of monetary bail with the condition
21 under paragraph (12) of subsection (b) of Section
22 110-10 of the Code of Criminal Procedure of 1963;

23 (E) the number of hearings in which the court
24 ordered the posting of monetary bail with the condition
25 of electronic monitoring under paragraph (13) of
26 subsection (b) of Section 110-10 of the Code of

1 Criminal Procedure of 1963;

2 (F) the number of hearings in which the court
3 ordered the posting of monetary bail with the condition
4 of electronic monitoring under paragraph (14) of
5 subsection (b) of Section 110-10 of the Code of
6 Criminal Procedure of 1963 or a sheriff's office;

7 (G) the number of hearings in which the court
8 ordered the posting of monetary bail with the condition
9 under paragraph (16) of subsection (b) of Section
10 110-10 of the Code of Criminal Procedure of 1963;

11 (H) the number of hearings in which the court
12 ordered the posting of monetary bail to secure release
13 from electronic monitoring.

14 (3) The number of hearings in which the court ordered
15 the posting of monetary bail secured by 100% of the bail
16 amount.

17 (4) The number of hearings in which the court denied
18 bail and ordered detention.

19 (5) Anonymously by judge, the number of bail orders by
20 type:

21 (A) release on personal recognizance;

22 (B) release based on posting of monetary bail
23 secured by 10% of the bail amount;

24 (C) release based on posting monetary bail secured
25 by 100% of the bail amount;

26 (D) release on personal recognizance with

1 electronic monitoring as a condition of release under
2 Section 110-10 of the Code of Criminal Procedure of
3 1963; and
4 (E) denied bail.

5 (20 ILCS 3930/7.8 new)

6 Sec. 7.8. Pretrial Custody and Release Report.

7 (a) The Authority shall produce a monthly Pretrial Custody
8 and Release Report for each county with aggregated data about
9 the individuals in jail custody awaiting trial or on electronic
10 monitoring awaiting trial in each county within the previous
11 month. The Authority shall collect data needed for the Report
12 from county sheriffs and shall provide a data submission form
13 for the sheriffs to use for their submissions. The Authority
14 shall post each county's monthly Report on the Authority's
15 website on a monthly basis and the Report shall remain on the
16 website for at least 5 years after being posted.

17 (b) The monthly Pretrial Custody and Release Report shall
18 record the following pretrial admissions data for defendants
19 admitted into the sheriff's custody during the previous month:

20 (1) the number of defendants admitted to jail, broken
21 down by demographic variables including race or ethnicity,
22 age, and sex;

23 (2) the number of defendants admitted whose most
24 serious current charge is a forcible felony as defined
25 under Section 2-8 of the Criminal Code of 2012;

1 (3) the number of defendants admitted whose most
2 serious current charge is a felony;

3 (4) the number of defendants admitted whose most
4 serious current charge is a misdemeanor; and

5 (5) the number of defendants admitted who received a
6 monetary bail order and the number of defendants admitted
7 who were denied bail.

8 (c) The monthly Pretrial Custody and Release Report shall
9 record the following jail population data as of the last day of
10 the prior month:

11 (1) the total jail population, broken down by
12 demographic variables including race or ethnicity, age,
13 and sex;

14 (2) the number of individuals detained in jail pretrial
15 and the number of individuals detained in jail for all
16 other reasons;

17 (3) the number of defendants admitted whose most
18 serious current charge is a forcible felony as defined
19 under Section 2-8 of the Criminal Code of 2012;

20 (4) the number of individuals detained in jail pretrial
21 whose most serious current charge is a felony;

22 (5) the number of individuals detained in jail pretrial
23 whose most serious current charge is a misdemeanor;

24 (6) the total pretrial jail population by average and
25 median length in custody;

26 (7) the total pretrial jail population by the number of

1 defendants ordered monetary bail and the number of
2 defendants denied bail; and

3 (8) the number of individuals detained in jail pretrial
4 who did not pay the monetary bail amount ordered, and of
5 those detainees, the mean, median, 25th percentile, and
6 75th percentile of the ordered bail amounts.

7 (d) The monthly Pretrial Custody and Release Report shall
8 record the following discharge data for pretrial defendants
9 released from the sheriff's custody during the previous month:

10 (1) the number of pretrial defendants discharged by the
11 following disposition types:

12 (A) convicted of a felony and sent to the Illinois
13 Department of Corrections;

14 (B) convicted of a misdemeanor and released on time
15 served;

16 (C) convicted of a felony or misdemeanor and given
17 a sentence of probation, conditional discharge, or
18 supervision;

19 (D) posted a monetary bond;

20 (E) released on personal recognizance bond or
21 electronic monitoring;

22 (F) released under earned credit, as defined in
23 Section 110-14 of the Code of Criminal Procedure of
24 1963;

25 (G) charged dismissed or any other non-conviction
26 resolution, including, but not limited to, deferred

1 prosecution;

2 (2) the average and median length of stay of pretrial
3 defendants; and

4 (3) the number of individuals discharged after
5 spending 2 days or less in jail.

6 (e) The monthly Pretrial Custody and Release Report shall
7 record the following data from the sheriff's electronic
8 monitoring program as of the last day of the prior month:

9 (1) the total number of individuals under the sheriff's
10 supervision on electronic monitoring;

11 (2) the demographics of the individuals on electronic
12 monitoring including breakdowns of race or ethnicity, age,
13 and sex;

14 (3) the number of individuals on electronic monitoring
15 whose most serious current charge is a felony;

16 (4) the number of individuals on electronic monitoring
17 whose most serious current charge is a misdemeanor; and

18 (5) the average and median length of time spent on
19 electronic monitoring.

20 (f) In order to determine the effectiveness of pretrial
21 release policies, the monthly Pretrial Custody and Release
22 Report shall include information about defendants released
23 from custody while awaiting trial. The Report shall include the
24 following data for the previous month:

25 (1) the number of pretrial defendants released within
26 24 hours of the bail hearing;

1 (2) the number of pretrial defendants released during
2 the month prior to the reporting month, and of those
3 defendants:

4 (A) the number of defendants who failed to appear
5 at least one court hearing within 30 days of their
6 release;

7 (B) the number of defendants who had at least one
8 new charge within 30 days of their release with the
9 most serious new charge being a misdemeanor or traffic
10 offense;

11 (C) the number of defendants who had at least one
12 new charge within 30 days of their release with the
13 most serious new charge being a felony; and

14 (D) the number of defendants who had at least one
15 new charge within 30 days of their release with the
16 most serious new charge being a forcible felony as
17 defined under Section 2-8 of the Criminal Code of 2012;

18 (3) the number of pretrial defendants released during
19 the month 180 days prior to the reporting month, and of
20 those defendants:

21 (A) the number of defendants who failed to appear
22 at least one court hearing within 180 days of their
23 release;

24 (B) the number of defendants who had at least one
25 new charge within 180 days of their release with the
26 most serious new charge being a misdemeanor or traffic

1 offense;

2 (C) the number of defendants who had at least one
3 new charge within 180 days of their release with the
4 most serious new charge being a felony;

5 (D) the number of defendants who had at least one
6 new charge within 30 days of their release with the
7 most serious new charge being a forcible felony as
8 defined under Section 2-8 of the Criminal Code of 2012;
9 and

10 (4) the number of pretrial defendants released during
11 the month that fell one year prior to the reporting month,
12 and of those defendants:

13 (A) the number of defendants who failed to appear
14 at least one court hearing within one year of their
15 release;

16 (B) the number of defendants who had at least one
17 new charge within one year of their release with the
18 most serious new charge being a misdemeanor or traffic
19 offense;

20 (C) the number of defendants who had at least one
21 new charge within one year of their release with the
22 most serious new charge being a felony; and

23 (D) the number of defendants who had at least one
24 new charge within 30 days of their release with the
25 most serious new charge being a forcible felony as
26 defined under Section 2-8 of the Criminal Code of 2012.

1 Section 10. The Counties Code is amended by adding Sections
2 3-6041, 3-6042, 3-6403 as follows:

3 (55 ILCS 5/3-6041 new)

4 Sec. 3-6041. Sheriff, county clerk, county board data
5 submission for Pretrial Bail Proceeds Report. Each month, the
6 sheriff, or the sheriff in consultation with the clerk of the
7 court of each county, shall submit to the Illinois Criminal
8 Justice Information Authority a data set with information
9 needed for the Illinois Criminal Justice Information Authority
10 to complete the report described in Section 7.7 of the Illinois
11 Criminal Justice Information Act. The sheriff, or the sheriff
12 in consultation with the clerk of the court, shall submit the
13 data in the form specified by the Illinois Criminal Justice
14 Information Authority.

15 (55 ILCS 5/3-6042 new)

16 Sec. 3-6042. Bail Proceeds Report. The county board of each
17 county shall, for each calendar year, prepare a report of the
18 amount of money bond collected and dispersed in the course of
19 administering bail. The report shall include:

20 (1) the amount of money received from each governmental
21 entity in the county that is entitled to collect or administer
22 a money bond;

23 (2) the name of each governmental entity, fund, or program

1 to which the county board allocates money generated by
2 collecting or administering a money bond and the amount so
3 allocated;

4 (3) the fee charged by the county sheriff for the taking of
5 all bonds on legal process, civil and criminal; and

6 (4) any study or report used to justify an increase in the
7 fee charged for the taking of all bonds on legal process, civil
8 and criminal, under Section 4-5001, if the county board has
9 increased the fee under the requirements of Section 4-5001.

10 (55 ILCS 5/3-6403 new)

11 Sec. 3-6403. Sheriff data submission for Pretrial Custody
12 and Release Reports. Each month, the sheriff of each county
13 shall submit to the Illinois Criminal Justice Information
14 Authority a data set with information needed for the Illinois
15 Criminal Justice Information Authority to complete the report
16 described in Section 7.8 of the Illinois Criminal Justice
17 Information Act. The sheriff shall submit the data in the form
18 specified by the Illinois Criminal Justice Information
19 Authority.

20 Section 15. The Clerks of Courts Act is amended by adding
21 Sections 30 and 31 as follows:

22 (705 ILCS 105/30 new)

23 Sec. 30. Report to Illinois Criminal Justice Information

1 Authority. Each month, the clerk of the circuit court of each
2 county shall submit to the Illinois Criminal Justice
3 Information Authority a data set with information needed for
4 the Illinois Criminal Justice Information Authority to
5 complete the reports described in Sections 7.7 and 7.8 of the
6 Illinois Criminal Justice Information Act. Each quarter, the
7 clerk of the circuit court of each county shall submit to the
8 Illinois Criminal Justice Information Authority a data set with
9 information needed for the Illinois Criminal Justice
10 Information Authority to complete the Pretrial Bail Proceeds
11 Report. The clerk of the circuit court shall submit the data in
12 the form specified by the Illinois Criminal Justice Information
13 Authority.

14 (705 ILCS 105/31 new)

15 Sec. 31. Clerk of court data submission for Pretrial Bail
16 Proceeds Report. Each quarter, the clerk of the circuit court
17 of each county shall submit to the Illinois Criminal Justice
18 Information Authority a data set with information needed for
19 the Illinois Criminal Justice Information Authority to
20 complete the report described in Section 7.7 of the Illinois
21 Criminal Justice Information Act. The clerk of the circuit
22 court shall submit the data in the form specified by the
23 Illinois Criminal Justice Information Authority. The report
24 shall include:

25 (1) the total amount of an individual money bond received

1 by the clerk;

2 (2) the total amount of a money bond received by the clerk;

3 (3) the total amount of an individual money bond forfeited;

4 (4) the total amount of a money bond forfeited;

5 (5) the total amount of an individual money bond refunded;

6 (6) the total amount of a money bond refunded;

7 (7) the total amount of money collected as a bail bond cost
8 as defined by subsection (f) of Section 110-7 of the Code of
9 Criminal Procedure of 1963;

10 (8) the total amount of a money bond collected by an
11 officer of the peace, under Section 110-9 of the Code of
12 Criminal Procedure of 1963 and Supreme Court Rules 529 and 530,
13 and deposited with the clerk of the circuit court;

14 (9) the total amount of money taken from a bond deposit for
15 finer, fees, restitution, or court costs other than a bail bond
16 cost under subsection (f) of Section 110-7 of the Code of
17 Criminal Procedure of 1963;

18 (A) this amount shall be separated by the type of fee,
19 fine, restitution, or court cost that is charged, as listed
20 in subsection (f) of Section 110-7 of the Code of Criminal
21 Procedure of 1963; and

22 (B) the clerk shall list separately the total amount of
23 fees or fines taken from a money bond associated with a
24 case finished as "not charged";

25 (10) the amount paid as reimbursement to a defendant's
26 attorney of record under subsection (f) of Section 110-7 of the

1 Code of Criminal Procedure of 1963;

2 (11) the total amount of money paid by a person posting
3 bond as any other fee, fine, restitution, or court cost not
4 described by subsection (f) of Section 110-7 of the Code of
5 Criminal Procedure of 1963 or Section 4-5001 of the Counties
6 Code. The report shall list separately the total amount of
7 money paid by a person posting a money bond as a fee to a credit
8 card processing merchant pursuant to a contractual agreement
9 between the clerk of the circuit court or county board and a
10 credit card processing merchant; and

11 (12) the total amount of money disbursed by the clerk of
12 the circuit court to each governmental entity or fund that is
13 entitled to receive fees, fines, restitution, or
14 reimbursements from a money bond deposit. These entities
15 include, but are not be limited to:

16 (A) the Office of the State's Attorney;

17 (B) the State Treasurer;

18 (C) the county general fund;

19 (D) a probation services; or

20 (E) a special fund, such as the Violent Crimes
21 Assistance Fund or the Trauma Center Fund.

22 Section 20. The Criminal Code of 2012 is amended by
23 changing Section 32-10 as follows:

24 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

1 Sec. 32-10. Violation of conditions of pre-trial release
2 ~~bail bond~~.

3 (a) Whoever, having been released under conditions of
4 pre-trial release ~~admitted to bail~~ for appearance before any
5 court of this State, incurs a violation of conditions of
6 pre-trial release ~~forfeiture of the bail~~ and knowingly fails to
7 surrender himself or herself within 30 days following the date
8 of the violation ~~forfeiture~~, commits, if the conditions of
9 pre-trial ~~bail was~~ given in connection with a charge of felony
10 or pending appeal or certiorari after conviction of any
11 offense, a Class A misdemeanor if the underlying offense is a
12 felony. If a felony of the next lower Class or a Class A
13 ~~misdemeanor if the underlying offense was a Class 4 felony; or,~~
14 ~~if~~ the conditions of pre-trial release were ~~bail was~~ given in
15 connection with a charge of committing a misdemeanor, or for
16 appearance as a witness, commits ~~a misdemeanor of the next~~
17 ~~lower Class, but not less than~~ a Class C misdemeanor.

18 (a-5) Any person who knowingly violates a condition of
19 pre-trial release ~~bail bond~~ by possessing a firearm in
20 violation of his or her conditions of pre-trial release ~~bail~~
21 commits a Class 4 felony for a first violation and a Class 3
22 felony for a second or subsequent violation.

23 (b) Whoever, having been admitted to release under
24 conditions of pre-trial release ~~bail~~ for appearance before any
25 court of this State, while charged with a criminal offense in
26 which the victim is a family or household member as defined in

1 Article 112A of the Code of Criminal Procedure of 1963,
2 knowingly violates a condition of that release as set forth in
3 Section 110-10, subsection (d) of the Code of Criminal
4 Procedure of 1963, commits a Class A misdemeanor.

5 (c) Whoever, having been admitted to release under
6 conditions of pre-trial release ~~bail~~ for appearance before any
7 court of this State for a felony, Class A misdemeanor or a
8 criminal offense in which the victim is a family or household
9 member as defined in Article 112A of the Code of Criminal
10 Procedure of 1963, is charged with any other felony, Class A
11 misdemeanor, or a criminal offense in which the victim is a
12 family or household member as defined in Article 112A of the
13 Code of Criminal Procedure of 1963 while on this release, must
14 appear before the court before bail is statutorily set.

15 (d) Nothing in this Section shall interfere with or prevent
16 the exercise by any court of its power to punishment for
17 contempt. Any sentence imposed for violation of this Section
18 shall be served consecutive to the sentence imposed for the
19 charge for which bail had been granted and with respect to
20 which the defendant has been convicted.

21 (Source: P.A. 97-1108, eff. 1-1-13.)

22 Section 25. The Code of Criminal Procedure of 1963 is
23 amended by changing Sections 109-1, 110-1, 110-2, 110-3, 110-4,
24 110-5, and 110-5.1 and by adding Section 110-1.5 as follows:

1 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

2 Sec. 109-1. Person arrested; release from law enforcement
3 custody and court appearance.

4 (a) A person arrested with or without a warrant on an
5 offense for which pre-trial release may be denied, unless
6 released by the arresting officer shall be taken without
7 unnecessary delay before the nearest and most accessible judge
8 in that county, except when such county is a participant in a
9 regional jail authority, in which event such person may be
10 taken to the nearest and most accessible judge, irrespective of
11 the county where such judge presides, and a charge shall be
12 filed. An arresting officer may release a person arrested on an
13 offense for which pre-trial release may be denied, other than
14 first degree murder, attempted first degree murder, or violent
15 sexual offense, without an appearance before a judge if release
16 of the person is in the public interest. Whenever a person
17 arrested either with or without a warrant is required to be
18 taken before a judge, a charge may be filed against such person
19 by way of a two-way closed circuit television system, except
20 that a hearing to deny pre-trial release ~~bail~~ to the defendant
21 may not be conducted by way of closed circuit television.

22 (a-3) A person arrested with or without a warrant on an
23 offense for which pre-trial release may not be denied shall,
24 except as otherwise provided in this Code, be released by the
25 officer without appearing before a judge. The releasing officer
26 shall issue the person a summons to appear or a personal

1 recognizance bond that may be conditioned on a promise to pay a
2 sum, as set by Supreme Court Rule, for willful failure to
3 appear.

4 (a-5) A person charged with an offense shall be allowed
5 counsel at the hearing at which pre-trial release ~~bail~~ is
6 determined under Article 110 of this Code. If the defendant
7 desires counsel for his or her initial appearance but is unable
8 to obtain counsel, the court shall appoint a public defender or
9 licensed attorney at law of this State to represent him or her
10 for purposes of that hearing.

11 (a-7) A presumption in favor of pre-trial release of a
12 person shall be applied by an arresting officer in the exercise
13 of his or her discretion under this Section.

14 (b) Upon initial appearance of a person before the court,
15 the ~~The~~ judge shall:

16 (1) inform ~~Inform~~ the defendant of the charge against
17 him and shall provide him with a copy of the charge;

18 (2) advise ~~Advise~~ the defendant of his right to counsel
19 and if indigent shall appoint a public defender or licensed
20 attorney at law of this State to represent him in
21 accordance with the provisions of Section 113-3 of this
22 Code;

23 (3) schedule ~~Schedule~~ a preliminary hearing in
24 appropriate cases;

25 (4) release or detain the defendant under ~~Admit the~~
26 ~~defendant to bail in accordance with the provisions of~~

1 Article 110 of this Code; and

2 (5) order ~~Order~~ the confiscation of the person's
3 passport or impose travel restrictions on a defendant
4 arrested for first degree murder or other violent crime as
5 defined in Section 3 of the Rights of Crime Victims and
6 Witnesses Act, if the judge determines, based on the
7 factors in Section 110-5 of this Code, that this will
8 reasonably ensure the appearance of the defendant and
9 compliance by the defendant with all conditions of release.

10 (b-5) A presumption in favor of pre-trial release of a
11 person shall be applied by a judge in exercising his or her
12 discretion under this Section.

13 (c) The court may issue an order of protection in
14 accordance with the provisions of Article 112A of this Code.

15 (d) At the initial appearance of a defendant in any
16 criminal proceeding, the court must advise the defendant in
17 open court that any foreign national who is arrested or
18 detained has the right to have notice of the arrest or
19 detention given to his or her country's consular
20 representatives and the right to communicate with those
21 consular representatives if the notice has not already been
22 provided. The court must make a written record of so advising
23 the defendant.

24 (e) If consular notification is not provided to a defendant
25 before his or her first appearance in court, the court shall
26 grant any reasonable request for a continuance of the

1 proceedings to allow contact with the defendant's consulate.
2 Any delay caused by the granting of the request by a defendant
3 shall temporarily suspend for the time of the delay the period
4 within which a person shall be tried as prescribed by
5 subsections (a), (b), or (e) of Section 103-5 of this Code and
6 on the day of the expiration of delay the period shall continue
7 at the point at which it was suspended.

8 (f) At the hearing at which bail is determined, the person
9 charged shall be present in-person, rather than by video,
10 phone, or any other form of electronic communication, unless
11 the physical health and safety of the person would be
12 endangered by appearing in court or the accused waives the
13 right to be present in-person.

14 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
15 eff. 1-1-18.)

16 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

17 Sec. 110-1. Definitions.

18 (a) "Bail" means a security, which may include a bond
19 without monetary conditions, required by a court for the
20 release of a person in custody set to provide reasonable
21 assurance of public safety and court appearance. "Security" is
22 ~~that which is required to be pledged to insure the payment of~~
23 ~~bail.~~

24 (a-5) "Forcible felony" has the meaning ascribed to the
25 term in Section 2-8 of the Criminal Code of 2012.

1 (b) "Sureties" encompasses the monetary and nonmonetary
2 requirements set by the court as conditions for release either
3 before or after conviction. ~~"Surety" is one who executes a bail
4 bond and binds himself to pay the bail if the person in custody
5 fails to comply with all conditions of the bail bond.~~

6 (c) The phrase "for which a sentence of imprisonment,
7 without conditional and revocable release, shall be imposed by
8 law as a consequence of conviction" means an offense for which
9 a sentence of imprisonment, without probation, periodic
10 imprisonment or conditional discharge, is required by law upon
11 conviction.

12 (d) "Real and present threat to the physical safety of any
13 person or persons", as used in this Article, includes a threat
14 to the community, person, persons or class of persons.

15 (Source: P.A. 85-892.)

16 (725 ILCS 5/110-1.5 new)

17 Sec. 110-1.5. Abolishment of monetary bail. Under this
18 amendatory Act of the 101st General Assembly, the requirement
19 of posting monetary bail is abolished, except as provided in
20 the Uniform Criminal Extradition Act which is a compact that
21 has been entered into between this State and its sister states.

22 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

23 Sec. 110-2. Release on own recognizance. It should be
24 presumed that a defendant is entitled to release on personal

1 recognizance on the condition that he or she attend all
2 required court proceedings and the defendant does not commit
3 any criminal offense. Detention or additional conditions
4 should be set only when it is determined that no other
5 conditions of release will reasonably assure the defendant's
6 appearance in court, that the defendant does not present a
7 danger to any person or the community, and that the defendant
8 will comply with all conditions of bond. If the court deems
9 that the defendant is to be released on personal recognizance,
10 the court may require ~~When from all the circumstances the court~~
11 ~~is of the opinion that the defendant will appear as required~~
12 ~~either before or after conviction and the defendant will not~~
13 ~~pose a danger to any person or the community and that the~~
14 ~~defendant will comply with all conditions of bond, which shall~~
15 ~~include the defendant's current address with that~~ a written
16 admonishment be signed by the defendant requiring ~~to the~~
17 ~~defendant~~ that he or she must comply with the provisions of
18 Section 110-12 of this Code. The ~~regarding any change in his or~~
19 ~~her address, the~~ defendant may be released on his or her own
20 recognizance upon signature. The defendant's address shall at
21 all times remain a matter of public record with the clerk of
22 the court. A failure to appear as required by such recognizance
23 shall constitute an offense subject to the penalty provided in
24 Section 32-10 of the Criminal Code of 2012 for violation of
25 conditions of pre-trial release ~~the bail bond~~, and any
26 obligated sum fixed in the recognizance shall be forfeited and

1 collected in accordance with subsection (g) of Section 110-7 of
2 this Code.

3 This Section shall be liberally construed to effectuate the
4 purpose of relying upon contempt of court proceedings or
5 criminal sanctions ~~instead of financial loss~~ to assure the
6 appearance of the defendant, and that the defendant will not
7 pose a danger to any person or the community and that the
8 defendant will comply with all conditions of pre-trial release
9 ~~bond. Monetary bail should be set only when it is determined~~
10 ~~that no other conditions of release will reasonably assure the~~
11 ~~defendant's appearance in court, that the defendant does not~~
12 ~~present a danger to any person or the community and that the~~
13 ~~defendant will comply with all conditions of bond.~~

14 The State may appeal any order permitting release by
15 personal recognizance.

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

17 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

18 Sec. 110-3. Issuance of warrant. Upon failure of a person
19 to comply with any condition of pre-trial release ~~a bail bond~~
20 or recognizance the court having jurisdiction at the time of
21 such failure may on its own motion or upon motion from the
22 State, issue an order to show cause as to why he or she shall
23 not be found in contempt of court or subject to revocation or
24 forfeiture of pre-trial release. The order issued by the court
25 shall state the facts alleged to constitute the hearing to show

1 cause or otherwise why the person is subject to revocation or
2 forfeiture of pre-trial release. A certified copy of the order
3 shall be served upon the person at least 48 hours in advance of
4 the scheduled hearing. If the person does not appear at the
5 hearing to show cause or absconds, the court may, in addition
6 to any other action provided by law, issue a warrant for the
7 arrest of the person at liberty on pre-trial release ~~bail~~ or
8 his or her own recognizance. The contents of such a warrant
9 shall be the same as required for an arrest warrant issued upon
10 complaint and may modify any previously imposed conditions
11 placed upon the person, rather than revoking pre-trial release
12 or issuing a warrant for the person. When a defendant is at
13 liberty on pre-trial release ~~bail~~ or his own recognizance on a
14 felony charge and fails to appear in court as directed, the
15 court shall issue a warrant for the arrest of such person after
16 his or her failure to appear at the show for cause hearing as
17 provided in this Section. Such warrant shall be noted with a
18 directive to peace officers to arrest the person and hold such
19 person without pre-trial release ~~bail~~ and to deliver such
20 person before the court for further proceedings. The court may
21 not revoke pre-trial release and order the defendant detained
22 pending trial unless, after considering all relevant
23 circumstances including, but not limited to, the nature and
24 seriousness of the violation or criminal act alleged, the court
25 finds clear and convincing evidence that no condition or
26 combination of conditions of release would reasonably assure

1 the appearance of the defendant for later hearings and protect
2 the integrity of the judicial proceedings from a specific
3 threat to a witness or participant. A defendant who is arrested
4 or surrenders within 30 days of the issuance of such warrant
5 shall not be bailable in the case in question unless he shows
6 by the preponderance of the evidence that his failure to appear
7 was not intentional.

8 (Source: P.A. 86-298; 86-984; 86-1028.)

9 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

10 Sec. 110-4. Bailable Offenses for which pre-trial release
11 may be denied.

12 (a) All persons shall be presumed to be subject to release
13 bailable before conviction, but the presumption may be overcome
14 by clear and convincing evidence for ~~except~~ the following
15 offenses where the proof is evident or the presumption great
16 that the defendant is guilty of the offense:

17 (1) capital offenses;

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

20 (3) forcible felony offenses for which a sentence of
21 imprisonment, without conditional and revocable release,
22 shall be imposed by law as a consequence of conviction,
23 where the court after a hearing, determines that the
24 release of the defendant would pose a real and present
25 threat to the physical safety of any person or persons;

1 (4) a forcible felony without mandatory imprisonment
2 as a consequence of a conviction of stalking or aggravated
3 stalking, where the court, after a hearing, determines that
4 the release of the defendant would pose a real and present
5 threat to the physical safety of the alleged victim of the
6 offense and denial of release bail is necessary to prevent
7 fulfillment of the threat upon which the charge is based;
8 ~~or~~

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

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

1 person and denial of release ~~bail~~ is necessary to prevent
2 fulfillment of that threat; or

3 (7) a felony other than a forcible felony, if the court
4 after a hearing, determines that the release of the
5 defendant would pose a real and present threat to the
6 physical safety of the alleged victim of the offense and
7 that denial of release is necessary to prevent fulfillment
8 of the threat upon which that charge is based.

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

15 (c) Where it is alleged that pre-trial release ~~bail~~ should
16 be denied to a person upon the grounds that the person presents
17 a real and present threat to the physical safety of any person
18 or persons, the burden of proof of such allegations shall be
19 upon the State to overcome by clear and convincing evidence
20 that no condition or combination of conditions short of
21 detention could protect the community and preserve the
22 integrity of the judicial proceedings from an articulable
23 threat to a witness or participant.

24 (d) When it is alleged that pre-trial release ~~bail~~ should
25 be denied to a person charged with stalking or aggravated
26 stalking upon the grounds set forth in Section 110-6.3 of this

1 Code, the burden of proof of those allegations shall be upon
2 the State.

3 (e) If pre-trial release is denied, the court must issue in
4 writing a statement of reasons explaining the specific risks
5 posed by the person and findings of fact concerning why no
6 condition or combination of conditions could reasonably
7 mitigate those risks.

8 (f) If pre-trial release is denied, the defendant shall be
9 granted the right to an appeal upon motion of the defendant.

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

11 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

12 Sec. 110-5. Determining the ~~amount of bail and~~ conditions
13 of pre-trial release.

14 (a) In determining ~~the amount of monetary bail or~~
15 conditions of pre-trial release, if any, which will reasonably
16 assure the appearance of a defendant as required or the safety
17 of any other person or the community and the likelihood of
18 compliance by the defendant with all the conditions of
19 pre-trial release ~~bail~~, the court may ~~shall~~, on the basis of
20 available information, take into account such matters as:

21 (1) the nature and circumstances of the offense
22 charged;

23 (2) the weight of the evidence against the eligible
24 defendant, except that the court may consider the
25 admissibility of any evidence sought to be excluded;

1 (3) The history and characteristics of the eligible
2 defendant, including:

3 (A) the eligible defendant's character, physical
4 and mental condition, family ties, employment,
5 financial resources, length of residence in the
6 community, community ties, past conduct, history
7 relating to drug or alcohol abuse, criminal history,
8 and record concerning appearance at court proceedings;
9 and

10 (B) whether, at the time of the current offense or
11 arrest, the eligible defendant was on probation,
12 parole, or on other release pending trial, sentencing,
13 appeal, or completion of sentence for an offense under
14 federal law, or the law of this or any other state;

15 (4) the nature and seriousness of the danger to any
16 other person or the community that would be posed by the
17 eligible defendant's release, if applicable;

18 (5) the nature and seriousness of the risk of
19 obstructing or attempting to obstruct the criminal justice
20 process that would be posed by the eligible defendant's
21 release, if applicable; and

22 (6) the release recommendation of the pretrial
23 services program obtained using a risk assessment
24 instrument under subsection (b-5) of Section 110-5.1. ~~the~~
25 ~~nature and circumstances of the offense charged, whether~~
26 ~~the evidence shows that as part of the offense there was a~~

1 ~~use of violence or threatened use of violence, whether the~~
2 ~~offense involved corruption of public officials or~~
3 ~~employees, whether there was physical harm or threats of~~
4 ~~physical harm to any public official, public employee,~~
5 ~~judge, prosecutor, juror or witness, senior citizen,~~
6 ~~child, or person with a disability, whether evidence shows~~
7 ~~that during the offense or during the arrest the defendant~~
8 ~~possessed or used a firearm, machine gun, explosive or~~
9 ~~metal piercing ammunition or explosive bomb device or any~~
10 ~~military or paramilitary armament, whether the evidence~~
11 ~~shows that the offense committed was related to or in~~
12 ~~furtherance of the criminal activities of an organized gang~~
13 ~~or was motivated by the defendant's membership in or~~
14 ~~allegiance to an organized gang, the condition of the~~
15 ~~victim, any written statement submitted by the victim or~~
16 ~~proffer or representation by the State regarding the impact~~
17 ~~which the alleged criminal conduct has had on the victim~~
18 ~~and the victim's concern, if any, with further contact with~~
19 ~~the defendant if released on bail, whether the offense was~~
20 ~~based on racial, religious, sexual orientation or ethnic~~
21 ~~hatred, the likelihood of the filing of a greater charge,~~
22 ~~the likelihood of conviction, the sentence applicable upon~~
23 ~~conviction, the weight of the evidence against such~~
24 ~~defendant, whether there exists motivation or ability to~~
25 ~~flee, whether there is any verification as to prior~~
26 ~~residence, education, or family ties in the local~~

1 ~~jurisdiction, in another county, state or foreign country,~~
2 ~~the defendant's employment, financial resources, character~~
3 ~~and mental condition, past conduct, prior use of alias~~
4 ~~names or dates of birth, and length of residence in the~~
5 ~~community, the consent of the defendant to periodic drug~~
6 ~~testing in accordance with Section 110-6.5, whether a~~
7 ~~foreign national defendant is lawfully admitted in the~~
8 ~~United States of America, whether the government of the~~
9 ~~foreign national maintains an extradition treaty with the~~
10 ~~United States by which the foreign government will~~
11 ~~extradite to the United States its national for a trial for~~
12 ~~a crime allegedly committed in the United States, whether~~
13 ~~the defendant is currently subject to deportation or~~
14 ~~exclusion under the immigration laws of the United States,~~
15 ~~whether the defendant, although a United States citizen, is~~
16 ~~considered under the law of any foreign state a national of~~
17 ~~that state for the purposes of extradition or~~
18 ~~non extradition to the United States, the amount of~~
19 ~~unrecovered proceeds lost as a result of the alleged~~
20 ~~offense, the source of bail funds tendered or sought to be~~
21 ~~tendered for bail, whether from the totality of the court's~~
22 ~~consideration, the loss of funds posted or sought to be~~
23 ~~posted for bail will not deter the defendant from flight,~~
24 ~~whether the evidence shows that the defendant is engaged in~~
25 ~~significant possession, manufacture, or delivery of a~~
26 ~~controlled substance or cannabis, either individually or~~

1 ~~in consort with others, whether at the time of the offense~~
2 ~~charged he or she was on bond or pre-trial release pending~~
3 ~~trial, probation, periodic imprisonment or conditional~~
4 ~~discharge pursuant to this Code or the comparable Code of~~
5 ~~any other state or federal jurisdiction, whether the~~
6 ~~defendant is on bond or pre trial release pending the~~
7 ~~imposition or execution of sentence or appeal of sentence~~
8 ~~for any offense under the laws of Illinois or any other~~
9 ~~state or federal jurisdiction, whether the defendant is~~
10 ~~under parole, aftercare release, mandatory supervised~~
11 ~~release, or work release from the Illinois Department of~~
12 ~~Corrections or Illinois Department of Juvenile Justice or~~
13 ~~any penal institution or corrections department of any~~
14 ~~state or federal jurisdiction, the defendant's record of~~
15 ~~convictions, whether the defendant has been convicted of a~~
16 ~~misdemeanor or ordinance offense in Illinois or similar~~
17 ~~offense in other state or federal jurisdiction within the~~
18 ~~10 years preceding the current charge or convicted of a~~
19 ~~felony in Illinois, whether the defendant was convicted of~~
20 ~~an offense in another state or federal jurisdiction that~~
21 ~~would be a felony if committed in Illinois within the 20~~
22 ~~years preceding the current charge or has been convicted of~~
23 ~~such felony and released from the penitentiary within 20~~
24 ~~years preceding the current charge if a penitentiary~~
25 ~~sentence was imposed in Illinois or other state or federal~~
26 ~~jurisdiction, the defendant's records of juvenile~~

1 ~~adjudication of delinquency in any jurisdiction, any~~
2 ~~record of appearance or failure to appear by the defendant~~
3 ~~at court proceedings, whether there was flight to avoid~~
4 ~~arrest or prosecution, whether the defendant escaped or~~
5 ~~attempted to escape to avoid arrest, whether the defendant~~
6 ~~refused to identify himself or herself, or whether there~~
7 ~~was a refusal by the defendant to be fingerprinted as~~
8 ~~required by law. Information used by the court in its~~
9 ~~findings or stated in or offered in connection with this~~
10 ~~Section may be by way of proffer based upon reliable~~
11 ~~information offered by the State or defendant. All evidence~~
12 ~~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. If the~~
15 ~~State presents evidence that the offense committed by the~~
16 ~~defendant was related to or in furtherance of the criminal~~
17 ~~activities of an organized gang or was motivated by the~~
18 ~~defendant's membership in or allegiance to an organized~~
19 ~~gang, and if the court determines that the evidence may be~~
20 ~~substantiated, the court shall prohibit the defendant from~~
21 ~~associating with other members of the organized gang as a~~
22 ~~condition of bail or release. For the purposes of this~~
23 ~~Section, "organized gang" has the meaning ascribed to it in~~
24 ~~Section 10 of the Illinois Streetgang Terrorism Omnibus~~
25 ~~Prevention Act.~~

26 (a-5) There shall be a presumption that any conditions of

1 release imposed shall be non-monetary in nature and the court
2 shall impose the least restrictive conditions or combination of
3 conditions necessary to reasonably assure the appearance of the
4 defendant for further court proceedings and protect the
5 integrity of the judicial proceedings from a specific threat to
6 a witness or participant. Conditions of release may include,
7 but not be limited to, electronic home monitoring, curfews,
8 drug counseling, stay-away orders, and in-person reporting.
9 The court shall consider the defendant's socio-economic
10 circumstance when setting conditions of release ~~or imposing~~
11 ~~monetary bail.~~

12 (a-10) Access to money shall not be a factor in what
13 conditions are made available to the defendant nor shall
14 inability to pay fees or costs prevent a defendant from being
15 eligible for or accessing the least restrictive conditions
16 ordered by the court.

17 (b) (Blank). ~~The amount of bail shall be:~~

18 ~~(1) Sufficient to assure compliance with the~~
19 ~~conditions set forth in the bail bond, which shall include~~
20 ~~the defendant's current address with a written~~
21 ~~admonishment to the defendant that he or she must comply~~
22 ~~with the provisions of Section 110-12 regarding any change~~
23 ~~in his or her address. The defendant's address shall at all~~
24 ~~times remain a matter of public record with the clerk of~~
25 ~~the court.~~

26 ~~(2) Not oppressive.~~

1 ~~(3) Considerate of the financial ability of the~~
2 ~~accused.~~

3 ~~(4) When a person is charged with a drug related~~
4 ~~offense involving possession or delivery of cannabis or~~
5 ~~possession or delivery of a controlled substance as defined~~
6 ~~in the Cannabis Control Act, the Illinois Controlled~~
7 ~~Substances Act, or the Methamphetamine Control and~~
8 ~~Community Protection Act, the full street value of the~~
9 ~~drugs seized shall be considered. "Street value" shall be~~
10 ~~determined by the court on the basis of a proffer by the~~
11 ~~State based upon reliable information of a law enforcement~~
12 ~~official contained in a written report as to the amount~~
13 ~~seized and such proffer may be used by the court as to the~~
14 ~~current street value of the smallest unit of the drug~~
15 ~~seized.~~

16 (b-5) (Blank). ~~Upon the filing of a written request~~
17 ~~demonstrating reasonable cause, the State's Attorney may~~
18 ~~request a source of bail hearing either before or after the~~
19 ~~posting of any funds. If the hearing is granted, before the~~
20 ~~posting of any bail, the accused must file a written notice~~
21 ~~requesting that the court conduct a source of bail hearing. The~~
22 ~~notice must be accompanied by justifying affidavits stating the~~
23 ~~legitimate and lawful source of funds for bail. At the hearing,~~
24 ~~the court shall inquire into any matters stated in any~~
25 ~~justifying affidavits, and may also inquire into matters~~
26 ~~appropriate to the determination which shall include, but are~~

1 ~~not limited to, the following:~~

2 ~~(1) the background, character, reputation, and~~
3 ~~relationship to the accused of any surety; and~~

4 ~~(2) the source of any money or property deposited by~~
5 ~~any surety, and whether any such money or property~~
6 ~~constitutes the fruits of criminal or unlawful conduct; and~~

7 ~~(3) the source of any money posted as cash bail, and~~
8 ~~whether any such money constitutes the fruits of criminal~~
9 ~~or unlawful conduct; and~~

10 ~~(4) the background, character, reputation, and~~
11 ~~relationship to the accused of the person posting cash~~
12 ~~bail.~~

13 ~~Upon setting the hearing, the court shall examine, under~~
14 ~~oath, any persons who may possess material information.~~

15 ~~The State's Attorney has a right to attend the hearing, to~~
16 ~~call witnesses and to examine any witness in the proceeding.~~
17 ~~The court shall, upon request of the State's Attorney, continue~~
18 ~~the proceedings for a reasonable period to allow the State's~~
19 ~~Attorney to investigate the matter raised in any testimony or~~
20 ~~affidavit. If the hearing is granted after the accused has~~
21 ~~posted bail, the court shall conduct a hearing consistent with~~
22 ~~this subsection (b-5). At the conclusion of the hearing, the~~
23 ~~court must issue an order either approving of disapproving the~~
24 ~~bail.~~

25 (c) (Blank). ~~When a person is charged with an offense~~
26 ~~punishable by fine only the amount of the bail shall not exceed~~

1 ~~double the amount of the maximum penalty.~~

2 (d) (Blank). ~~When a person has been convicted of an offense~~
3 ~~and only a fine has been imposed the amount of the bail shall~~
4 ~~not exceed double the amount of the fine.~~

5 (e) (Blank). ~~The State may appeal any order granting bail~~
6 ~~or setting a given amount for bail.~~

7 (f) When a person is charged with a violation of an order
8 of protection under Section 12-3.4 or 12-30 of the Criminal
9 Code of 1961 or the Criminal Code of 2012 or when a person is
10 charged with domestic battery, aggravated domestic battery,
11 kidnapping, aggravated kidnaping, unlawful restraint,
12 aggravated unlawful restraint, stalking, aggravated stalking,
13 cyberstalking, harassment by telephone, harassment through
14 electronic communications, or an attempt to commit first degree
15 murder committed against an intimate partner regardless
16 whether an order of protection has been issued against the
17 person,

18 (1) whether the alleged incident involved harassment
19 or abuse, as defined in the Illinois Domestic Violence Act
20 of 1986;

21 (2) whether the person has a history of domestic
22 violence, as defined in the Illinois Domestic Violence Act,
23 or a history of other criminal acts;

24 (3) based on the mental health of the person;

25 (4) whether the person has a history of violating the
26 orders of any court or governmental entity;

1 (5) whether the person has been, or is, potentially a
2 threat to any other person;

3 (6) whether the person has access to deadly weapons or
4 a history of using deadly weapons;

5 (7) whether the person has a history of abusing alcohol
6 or any controlled substance;

7 (8) based on the severity of the alleged incident that
8 is the basis of the alleged offense, including, but not
9 limited to, the duration of the current incident, and
10 whether the alleged incident involved the use of a weapon,
11 physical injury, sexual assault, strangulation, abuse
12 during the alleged victim's pregnancy, abuse of pets, or
13 forcible entry to gain access to the alleged victim;

14 (9) whether a separation of the person from the alleged
15 victim or a termination of the relationship between the
16 person and the alleged victim has recently occurred or is
17 pending;

18 (10) whether the person has exhibited obsessive or
19 controlling behaviors toward the alleged victim,
20 including, but not limited to, stalking, surveillance, or
21 isolation of the alleged victim or victim's family member
22 or members;

23 (11) whether the person has expressed suicidal or
24 homicidal ideations;

25 (12) based on any information contained in the
26 complaint and any police reports, affidavits, or other

1 documents accompanying the complaint,
2 the court may, in its discretion, order the respondent to
3 undergo a risk assessment evaluation using a recognized,
4 evidence-based instrument conducted by an Illinois Department
5 of Human Services approved partner abuse intervention program
6 provider, pretrial service, probation, or parole agency. These
7 agencies shall have access to summaries of the defendant's
8 criminal history, which shall not include victim interviews or
9 information, for the risk evaluation. Based on the information
10 collected from the 12 points to be considered at a pre-trial
11 release bail hearing under this subsection (f), the results of
12 any risk evaluation conducted and the other circumstances of
13 the violation, the court may order that the person, as a
14 condition of pre-trial release bail, be placed under electronic
15 surveillance as provided in Section 5-8A-7 of the Unified Code
16 of Corrections. Upon making a determination whether or not to
17 order the respondent to undergo a risk assessment evaluation or
18 to be placed under electronic surveillance and risk assessment,
19 the court shall document in the record the court's reasons for
20 making those determinations. The cost of the electronic
21 surveillance and risk assessment shall be paid by, or on
22 behalf, of the defendant. As used in this subsection (f),
23 "intimate partner" means a spouse or a current or former
24 partner in a cohabitation or dating relationship.

25 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18.)

1 (725 ILCS 5/110-5.1)

2 Sec. 110-5.1. Pre-trial release ~~Bail~~; certain persons
3 charged with violent crimes against family or household
4 members.

5 (a) Subject to subsection (c), a person who is charged with
6 a violent crime shall appear before the court for the setting
7 of conditions of pre-trial release ~~bail~~ if the alleged victim
8 was a family or household member at the time of the alleged
9 offense, and if any of the following applies:

10 (1) the person charged, at the time of the alleged
11 offense, was subject to the terms of an order of protection
12 issued under Section 112A-14 of this Code or Section 214 of
13 the Illinois Domestic Violence Act of 1986 or previously
14 was convicted of a violation of an order of protection
15 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
16 or the Criminal Code of 2012 or a violent crime if the
17 victim was a family or household member at the time of the
18 offense or a violation of a substantially similar municipal
19 ordinance or law of this or any other state or the United
20 States if the victim was a family or household member at
21 the time of the offense;

22 (2) the arresting officer indicates in a police report
23 or other document accompanying the complaint any of the
24 following:

25 (A) that the arresting officer observed on the
26 alleged victim objective manifestations of physical

1 harm that the arresting officer reasonably believes
2 are a result of the alleged offense;

3 (B) that the arresting officer reasonably believes
4 that the person had on the person's person at the time
5 of the alleged offense a deadly weapon;

6 (C) that the arresting officer reasonably believes
7 that the person presents a credible threat of serious
8 physical harm to the alleged victim or to any other
9 person if released on bail before trial.

10 (b) To the extent that information about any of the
11 following is available to the court, the court shall consider
12 all of the following, in addition to any other circumstances
13 considered by the court, before determining conditions of
14 pre-trial release ~~setting bail~~ for a person who appears before
15 the court under ~~pursuant to~~ subsection (a):

16 (1) whether the person has a history of domestic
17 violence or a history of other violent acts;

18 (2) the mental health of the person;

19 (3) whether the person has a history of violating the
20 orders of any court or governmental entity;

21 (4) whether the person is potentially a threat to any
22 other person;

23 (5) whether the person has access to deadly weapons or
24 a history of using deadly weapons;

25 (6) whether the person has a history of abusing alcohol
26 or any controlled substance;

1 (7) the severity of the alleged violence that is the
2 basis of the alleged offense, including, but not limited
3 to, the duration of the alleged violent incident, and
4 whether the alleged violent incident involved serious
5 physical injury, sexual assault, strangulation, abuse
6 during the alleged victim's pregnancy, abuse of pets, or
7 forcible entry to gain access to the alleged victim;

8 (8) whether a separation of the person from the alleged
9 victim or a termination of the relationship between the
10 person and the alleged victim has recently occurred or is
11 pending;

12 (9) whether the person has exhibited obsessive or
13 controlling behaviors toward the alleged victim,
14 including, but not limited to, stalking, surveillance, or
15 isolation of the alleged victim;

16 (10) whether the person has expressed suicidal or
17 homicidal ideations;

18 (11) any information contained in the complaint and any
19 police reports, affidavits, or other documents
20 accompanying the complaint.

21 (b-5) The court may use a regularly validated risk
22 assessment tool to determine conditions of release. Risk
23 assessment tools may not be used as the basis to deny pre-trial
24 release. If a risk assessment tool is used, the defendant's
25 counsel shall be provided with the information and scoring
26 system of the risk assessment tool used to arrive at the

1 determination. The defendant retains the right to challenge the
2 validity of a risk assessment tool used by the court and to
3 present evidence relevant to the defendant's challenge.

4 (c) Upon the court's own motion or the motion of a party
5 and upon any terms that the court may direct, a court may
6 permit a person who is required to appear before it by
7 subsection (a) to appear by video conferencing equipment. If,
8 in the opinion of the court, the appearance in person or by
9 video conferencing equipment of a person who is charged with a
10 misdemeanor and who is required to appear before the court by
11 subsection (a) is not practicable, the court may waive the
12 appearance and release the person. ~~on bail on one or both of~~
13 ~~the following types of bail in an amount set by the court:~~

14 ~~(1) a bail bond secured by a deposit of 10% of the~~
15 ~~amount of the bond in cash;~~

16 ~~(2) a surety bond, a bond secured by real estate or~~
17 ~~securities as allowed by law, or the deposit of cash, at~~
18 ~~the option of the person.~~

19 Subsection (a) does not create a right in a person to
20 appear before the court for determining conditions of pre-trial
21 release ~~the setting of bail~~ or prohibit a court from requiring
22 any person charged with a violent crime who is not described in
23 subsection (a) from appearing before the court for the setting
24 of bail.

25 (c-5) The pre-trial release hearing may be reopened before
26 or after a determination by the court under this Section before

1 trial begins at the request of the defendant if 2 court days
2 notice is given to the State.

3 (d) As used in this Section:

4 (1) "Violent crime" has the meaning ascribed to it in
5 Section 3 of the Rights of Crime Victims and Witnesses Act.

6 (2) "Family or household member" has the meaning
7 ascribed to it in Section 112A-3 of this Code.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	20 ILCS 3930/7.7 new	
4	20 ILCS 3930/7.8 new	
5	55 ILCS 5/3-6041 new	
6	55 ILCS 5/3-6042 new	
7	55 ILCS 5/3-6403 new	
8	705 ILCS 105/30 new	
9	705 ILCS 105/31 new	
10	720 ILCS 5/32-10	from Ch. 38, par. 32-10
11	725 ILCS 5/109-1	from Ch. 38, par. 109-1
12	725 ILCS 5/110-1	from Ch. 38, par. 110-1
13	725 ILCS 5/110-1.5 new	
14	725 ILCS 5/110-2	from Ch. 38, par. 110-2
15	725 ILCS 5/110-3	from Ch. 38, par. 110-3
16	725 ILCS 5/110-4	from Ch. 38, par. 110-4
17	725 ILCS 5/110-5	from Ch. 38, par. 110-5
18	725 ILCS 5/110-5.1	