



Sen. Ira I. Silverstein

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09800SB0039sam001

LRB098 02910 MRW 42439 a

1 AMENDMENT TO SENATE BILL 39

2 AMENDMENT NO. _____. Amend Senate Bill 39, by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 109-1 as follows:

6 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

7 Sec. 109-1. Person arrested.

8 (a) A person arrested with or without a warrant shall be
9 taken without unnecessary delay before the nearest and most
10 accessible judge in that county, except when such county is a
11 participant in a regional jail authority, in which event such
12 person may be taken to the nearest and most accessible judge,
13 irrespective of the county where such judge presides, and a
14 charge shall be filed. Whenever a person arrested either with
15 or without a warrant is required to be taken before a judge, a
16 charge may be filed against such person by way of a two-way

1 closed circuit television system, except that a hearing to deny
2 bail to the defendant may not be conducted by way of closed
3 circuit television.

4 (b) The judge shall:

5 (1) Inform the defendant of the charge against him and
6 shall provide him with a copy of the charge;

7 (2) Advise the defendant of his right to counsel and if
8 indigent shall appoint a public defender or licensed
9 attorney at law of this State to represent him in
10 accordance with the provisions of Section 113-3 of this
11 Code;

12 (3) Schedule a preliminary hearing in appropriate
13 cases; ~~and~~

14 (4) Admit the defendant to bail in accordance with the
15 provisions of Article 110 of this Code; ~~and-~~

16 (5) Order the confiscation of the person's passport or
17 impose travel restrictions on a defendant arrested for
18 first degree murder or other violent crime as defined in
19 Section 3 of the Rights of Crime Victims and Witnesses Act,
20 if the judge determines based on the factors in Section
21 110-5 of this Code, that this will reasonably assure the
22 appearance of the defendant and compliance by the defendant
23 with all conditions of release.

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

26 (Source: P.A. 97-813, eff. 7-13-12.)".