



Rep. Laura Fine

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LRB100 00093 SLF 22943 a

1 AMENDMENT TO HOUSE BILL 375

2 AMENDMENT NO. _____. Amend House Bill 375 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as Sam's Act.

5 Section 5. The Illinois Police Training Act is amended by
6 changing Section 10.17 as follows:

7 (50 ILCS 705/10.17)

8 Sec. 10.17. Crisis intervention team training; mental
9 health awareness training.

10 (a) For purposes of this Section, "mental illness" means a
11 mental or emotional disorder that substantially impairs a
12 person's thought, perception of reality, emotional process,
13 judgment, behavior, or ability to cope with the ordinary
14 demands of life, including a developmental disability or
15 substance abuse disorder.

1 **(b)** The Illinois Law Enforcement Training ~~and~~ Standards
2 Board shall develop and approve a standard curriculum for a
3 certified training program in crisis intervention addressing
4 specialized policing responses to people with mental
5 illnesses. The Board shall conduct Crisis Intervention Team
6 (CIT) training programs that train officers to identify signs
7 and symptoms of mental illness, to de-escalate situations
8 involving individuals who appear to have a mental illness, and
9 connect that person in crisis to treatment. Officers who have
10 successfully completed this program shall be issued a
11 certificate attesting to their attendance of a Crisis
12 Intervention Team (CIT) training program.

13 **(c)** The Board shall require 8 hours of mental health
14 awareness training for local law enforcement officers which
15 shall include training officers to identify signs and symptoms
16 of mental illness, identify signs and behaviors of domestic
17 violence victims and perpetrators, and identify signs and
18 behaviors of persons with Alzheimer's disease or a related
19 dementia disorder. The Board shall create an introductory
20 course incorporating adult learning models that provide law
21 enforcement officers with an awareness of mental health issues
22 including a history of the mental health system, types of
23 mental health illness including signs and symptoms of mental
24 illness and common treatments and medications, and the
25 potential interactions law enforcement officers may have on a
26 regular basis with these individuals, their families, and

1 service providers including de-escalating a potential crisis
2 situation. This training, in addition to other traditional
3 learning settings, may be made available in an electronic
4 format to facilitate completion of training required in this
5 subsection (c). Training offered by law enforcement agencies
6 that currently meet the requirements of this subsection (c)
7 shall be sufficient for the purposes of this training
8 requirement. The Board may partner with local health
9 organizations, providers, and a State association dedicated to
10 Alzheimer's care, support, and research in developing and
11 assisting with the training program.

12 (Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16.)

13 Section 10. The Illinois Municipal Code is amended by
14 adding Section 11-1-14 as follows:

15 (65 ILCS 5/11-1-14 new)

16 Sec. 11-1-14. Law enforcement course. A municipality
17 located in a county with more than 3,000,000 inhabitants shall
18 require all certified local law enforcement officers to attend
19 the course established in subsection (c) of Section 10.17 of
20 the Illinois Police Training Act within 2 years of initial
21 employment or within 2 years of the effective date of this
22 amendatory Act of the 100th General Assembly. Funding for this
23 training may be provided from the Mental Health Awareness Fund
24 created in subsection (f) of Section 110-7 of the Code of

1 Criminal Procedure of 1963 as managed by the county board.

2 Section 15. The Code of Criminal Procedure of 1963 is
3 amended by changing Section 110-7 as follows:

4 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

5 Sec. 110-7. Deposit of bail security.

6 (a) The person for whom bail has been set shall execute the
7 bail bond and deposit with the clerk of the court before which
8 the proceeding is pending a sum of money equal to 10% of the
9 bail, but in no event shall such deposit be less than \$25. The
10 clerk of the court shall provide a space on each form for a
11 person other than the accused who has provided the money for
12 the posting of bail to so indicate and a space signed by an
13 accused who has executed the bail bond indicating whether a
14 person other than the accused has provided the money for the
15 posting of bail. The form shall also include a written notice
16 to such person who has provided the defendant with the money
17 for the posting of bail indicating that the bail may be used to
18 pay costs, attorney's fees, fines, or other purposes authorized
19 by the court and if the defendant fails to comply with the
20 conditions of the bail bond, the court shall enter an order
21 declaring the bail to be forfeited. The written notice must be:
22 (1) distinguishable from the surrounding text; (2) in bold type
23 or underscored; and (3) in a type size at least 2 points larger
24 than the surrounding type. When a person for whom bail has been

1 set is charged with an offense under the Illinois Controlled
2 Substances Act or the Methamphetamine Control and Community
3 Protection Act which is a Class X felony, or making a terrorist
4 threat in violation of Section 29D-20 of the Criminal Code of
5 1961 or the Criminal Code of 2012 or an attempt to commit the
6 offense of making a terrorist threat, the court may require the
7 defendant to deposit a sum equal to 100% of the bail. Where any
8 person is charged with a forcible felony while free on bail and
9 is the subject of proceedings under Section 109-3 of this Code
10 the judge conducting the preliminary examination may also
11 conduct a hearing upon the application of the State pursuant to
12 the provisions of Section 110-6 of this Code to increase or
13 revoke the bail for that person's prior alleged offense.

14 (b) Upon depositing this sum and any bond fee authorized by
15 law, the person shall be released from custody subject to the
16 conditions of the bail bond.

17 (c) Once bail has been given and a charge is pending or is
18 thereafter filed in or transferred to a court of competent
19 jurisdiction the latter court shall continue the original bail
20 in that court subject to the provisions of Section 110-6 of
21 this Code.

22 (d) After conviction the court may order that the original
23 bail stand as bail pending appeal or deny, increase or reduce
24 bail subject to the provisions of Section 110-6.2.

25 (e) After the entry of an order by the trial court allowing
26 or denying bail pending appeal either party may apply to the

1 reviewing court having jurisdiction or to a justice thereof
2 sitting in vacation for an order increasing or decreasing the
3 amount of bail or allowing or denying bail pending appeal
4 subject to the provisions of Section 110-6.2.

5 (f) When the conditions of the bail bond have been
6 performed and the accused has been discharged from all
7 obligations in the cause the clerk of the court shall return to
8 the accused or to the defendant's designee by an assignment
9 executed at the time the bail amount is deposited, unless the
10 court orders otherwise, 90% of the sum which had been deposited
11 and shall retain as bail bond costs 10% of the amount
12 deposited. However, in no event shall the amount retained by
13 the clerk as bail bond costs be less than \$5. Notwithstanding
14 the foregoing, in counties with a population of 3,000,000 or
15 more, in no event shall the amount retained by the clerk as
16 bail bond costs exceed \$110, of which \$10 shall be deposited in
17 the Mental Health Awareness Fund, a special fund created in the
18 county treasury of a county with more than 3,000,000
19 inhabitants to be used solely for paying for the costs of
20 mental health awareness training in subsection (c) of Section
21 10.17 of the Illinois Police Training Act for officers employed
22 by law enforcement agencies located in a county with more than
23 3,000,000 inhabitants ~~\$100~~. Bail bond deposited by or on behalf
24 of a defendant in one case may be used, in the court's
25 discretion, to satisfy financial obligations of that same
26 defendant incurred in a different case due to a fine, court

1 costs, restitution or fees of the defendant's attorney of
2 record. In counties with a population of 3,000,000 or more, the
3 court shall not order bail bond deposited by or on behalf of a
4 defendant in one case to be used to satisfy financial
5 obligations of that same defendant in a different case until
6 the bail bond is first used to satisfy court costs and
7 attorney's fees in the case in which the bail bond has been
8 deposited and any other unpaid child support obligations are
9 satisfied. In counties with a population of less than
10 3,000,000, the court shall not order bail bond deposited by or
11 on behalf of a defendant in one case to be used to satisfy
12 financial obligations of that same defendant in a different
13 case until the bail bond is first used to satisfy court costs
14 in the case in which the bail bond has been deposited.

15 At the request of the defendant the court may order such
16 90% of defendant's bail deposit, or whatever amount is
17 repayable to defendant from such deposit, to be paid to
18 defendant's attorney of record.

19 (g) If the accused does not comply with the conditions of
20 the bail bond the court having jurisdiction shall enter an
21 order declaring the bail to be forfeited. Notice of such order
22 of forfeiture shall be mailed forthwith to the accused at his
23 last known address. If the accused does not appear and
24 surrender to the court having jurisdiction within 30 days from
25 the date of the forfeiture or within such period satisfy the
26 court that appearance and surrender by the accused is

1 impossible and without his fault the court shall enter judgment
2 for the State if the charge for which the bond was given was a
3 felony or misdemeanor, or if the charge was quasi-criminal or
4 traffic, judgment for the political subdivision of the State
5 which prosecuted the case, against the accused for the amount
6 of the bail and costs of the court proceedings; however, in
7 counties with a population of less than 3,000,000, instead of
8 the court entering a judgment for the full amount of the bond
9 the court may, in its discretion, enter judgment for the cash
10 deposit on the bond, less costs, retain the deposit for further
11 disposition or, if a cash bond was posted for failure to appear
12 in a matter involving enforcement of child support or
13 maintenance, the amount of the cash deposit on the bond, less
14 outstanding costs, may be awarded to the person or entity to
15 whom the child support or maintenance is due. The deposit made
16 in accordance with paragraph (a) shall be applied to the
17 payment of costs. If judgment is entered and any amount of such
18 deposit remains after the payment of costs it shall be applied
19 to payment of the judgment and transferred to the treasury of
20 the municipal corporation wherein the bond was taken if the
21 offense was a violation of any penal ordinance of a political
22 subdivision of this State, or to the treasury of the county
23 wherein the bond was taken if the offense was a violation of
24 any penal statute of this State. The balance of the judgment
25 may be enforced and collected in the same manner as a judgment
26 entered in a civil action.

1 (h) After a judgment for a fine and court costs or either
2 is entered in the prosecution of a cause in which a deposit had
3 been made in accordance with paragraph (a) the balance of such
4 deposit, after deduction of bail bond costs, shall be applied
5 to the payment of the judgment.

6 (i) When a court appearance is required for an alleged
7 violation of the Criminal Code of 1961, the Criminal Code of
8 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
9 and Aquatic Life Code, the Child Passenger Protection Act, or a
10 comparable offense of a unit of local government as specified
11 in Supreme Court Rule 551, and if the accused does not appear
12 in court on the date set for appearance or any date to which
13 the case may be continued and the court issues an arrest
14 warrant for the accused, based upon his or her failure to
15 appear when having so previously been ordered to appear by the
16 court, the accused upon his or her admission to bail shall be
17 assessed by the court a fee of \$75. Payment of the fee shall be
18 a condition of release unless otherwise ordered by the court.
19 The fee shall be in addition to any bail that the accused is
20 required to deposit for the offense for which the accused has
21 been charged and may not be used for the payment of court costs
22 or fines assessed for the offense. The clerk of the court shall
23 remit \$70 of the fee assessed to the arresting agency who
24 brings the offender in on the arrest warrant. If the Department
25 of State Police is the arresting agency, \$70 of the fee
26 assessed shall be remitted by the clerk of the court to the

1 State Treasurer within one month after receipt for deposit into
2 the State Police Operations Assistance Fund. The clerk of the
3 court shall remit \$5 of the fee assessed to the Circuit Court
4 Clerk Operation and Administrative Fund as provided in Section
5 27.3d of the Clerks of Courts Act.
6 (Source: P.A. 99-412, eff. 1-1-16.)".