



Rep. Kelly M. Cassidy

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10000HB1464ham001

LRB100 03288 SLF 29895 a

1 AMENDMENT TO HOUSE BILL 1464

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1464 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 adding Section 110-5.2 as follows:

6 (725 ILCS 5/110-5.2 new)

7 Sec. 110-5.2. Bail; pregnant pre-trial detainee.

8 (a) It is the policy of this State that a pre-trial  
9 detainee shall not be required to deliver a child while in  
10 custody absent a finding by the court that continued pre-trial  
11 custody is necessary to protect the public or the victim of the  
12 offense on which the charge is based.

13 (b) If the court reasonably believes that a pre-trial  
14 detainee will give birth while in custody, the court shall  
15 order an alternative to custody unless, after a hearing, the  
16 court determines:

1           (1) that the release of the pregnant pre-trial detainee  
2           would pose a real and present threat to the physical safety  
3           of the alleged victim of the offense and continuing custody  
4           is necessary to prevent the fulfillment of the threat upon  
5           which the charge is based; or

6           (2) that the release of the pregnant pre-trial detainee  
7           would pose a real and present threat to the physical safety  
8           of any person or persons or the general public.

9           (c) The court may order a pregnant or post-partum detainee  
10          to be subject to electronic monitoring as a condition of  
11          pre-trial release or order other condition or combination of  
12          conditions the court reasonably determines are in the best  
13          interest of the detainee and the public.

14          (d) This Section shall be applicable to a pregnant  
15          pre-trial detainee in custody on or after the effective date of  
16          this amendatory Act of the 100th General Assembly."