



Sen. Bill Cunningham

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LRB100 11410 SLF 23260 a

1 AMENDMENT TO SENATE BILL 1980

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1980 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 Sections 110-4 and 110-10 as follows:

6 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

7 Sec. 110-4. Bailable Offenses.

8 (a) All persons shall be bailable before conviction, except  
9 the following offenses where the proof is evident or the  
10 presumption great that the defendant is guilty of the offense:

11 (1) capital offenses;

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

14 (3) felony offenses for which a sentence of  
15 imprisonment, without conditional and revocable release,  
16 shall be imposed by law as a consequence of conviction,

1 where the court after a hearing, determines that the  
2 release of the defendant would pose a real and present  
3 threat to the physical safety of any person or persons;

4 (4) stalking or aggravated stalking, where the court,  
5 after a hearing, determines that the release of the  
6 defendant would pose a real and present threat to the  
7 physical safety of the alleged victim of the offense and  
8 denial of bail is necessary to prevent fulfillment of the  
9 threat upon which the charge is based; ~~or~~

10 (5) a violation of Section 24-1.1, 24-1.2, 24-1.2-5,  
11 24-1.6, 24-1.7, or 24-1.8 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012 or unlawful use of weapons in  
13 violation of item (4) of subsection (a) of Section 24-1 of  
14 the Criminal Code of 1961 or the Criminal Code of 2012 when  
15 that offense occurred in a school or in any conveyance  
16 owned, leased, or contracted by a school to transport  
17 students to or from school or a school-related activity, or  
18 on any public way within 1,000 feet of real property  
19 comprising any school, where the court, after a hearing,  
20 determines that the release of the defendant would pose a  
21 real and present threat to the physical safety of any  
22 person and denial of bail is necessary to prevent  
23 fulfillment of that threat; or

24 (6) making a terrorist threat in violation of Section  
25 29D-20 of the Criminal Code of 1961 or the Criminal Code of  
26 2012 or an attempt to commit the offense of making a

1 terrorist threat, where the court, after a hearing,  
2 determines that the release of the defendant would pose a  
3 real and present threat to the physical safety of any  
4 person and denial of bail is necessary to prevent  
5 fulfillment of that threat.

6 (a-5) If bail is set for any offense under this Section  
7 including, but not limited to, an offense in paragraph (5) of  
8 subsection (a) of this Section, the State's Attorney may  
9 request a source of bail hearing under subsection (b-5) of  
10 Section 110-5 of this Article.

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

17 (c) Where it is alleged that bail should be denied to a  
18 person upon the grounds that the person presents a real and  
19 present threat to the physical safety of any person or persons,  
20 the burden of proof of such allegations shall be upon the  
21 State.

22 (d) When it is alleged that bail should be denied to a  
23 person charged with stalking or aggravated stalking upon the  
24 grounds set forth in Section 110-6.3 of this Code, the burden  
25 of proof of those allegations shall be upon the State.

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

1 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

2 Sec. 110-10. Conditions of bail bond.

3 (a) If a person is released prior to conviction, either  
4 upon payment of bail security or on his or her own  
5 recognizance, the conditions of the bail bond shall be that he  
6 or she will:

7 (1) Appear to answer the charge in the court having  
8 jurisdiction on a day certain and thereafter as ordered by  
9 the court until discharged or final order of the court;

10 (2) Submit himself or herself to the orders and process  
11 of the court;

12 (3) Not depart this State without leave of the court;

13 (4) Not violate any criminal statute of any  
14 jurisdiction;

15 (5) At a time and place designated by the court,  
16 surrender all firearms in his or her possession to a law  
17 enforcement officer designated by the court to take custody  
18 of and impound the firearms and physically surrender his or  
19 her Firearm Owner's Identification Card to the clerk of the  
20 circuit court when the offense the person has been charged  
21 with is a forcible felony, stalking, aggravated stalking,  
22 domestic battery, any violation of the Illinois Controlled  
23 Substances Act, the Methamphetamine Control and Community  
24 Protection Act, or the Cannabis Control Act that is  
25 classified as a Class 2 or greater felony, or any felony

1 violation of Article 24 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012 not subject to paragraph (5.5) of  
3 this Section; the court may, however, forgo the imposition  
4 of this condition when the circumstances of the case  
5 clearly do not warrant it or when its imposition would be  
6 impractical; if the Firearm Owner's Identification Card is  
7 confiscated, the clerk of the circuit court shall mail the  
8 confiscated card to the Department of ~~Illinois~~ State  
9 Police; all legally possessed firearms shall be returned to  
10 the person upon the charges being dismissed, or if the  
11 person is found not guilty, unless the finding of not  
12 guilty is by reason of insanity; ~~and~~

13 (5.5) At a time and place designated by the court,  
14 surrender all firearms in his or her possession to a law  
15 enforcement officer designated by the court to take custody  
16 of and impound the firearms and physically surrender his or  
17 her Firearm Owner's Identification Card to the clerk of the  
18 circuit court when the offense the person has been charged  
19 with is a violation of paragraph (4) of subsection (a) of  
20 Section 24-1 of the Criminal Code of 1961 or Criminal Code  
21 of 2012, when that offense occurred in a school or in any  
22 conveyance owned, leased, or contracted by a school to  
23 transport students to or from school or a school-related  
24 activity, or on any public way within 1,000 feet of real  
25 property comprising any school, or a violation of Section  
26 24-1.1, 24-1.2, 24-1.25, 24-1.6, 24-4.7, or 24-1.8 of the

1       Criminal Code of 1961 or the Criminal Code of 2012; if the  
2       Firearm Owner's Identification Card is confiscated, the  
3       clerk of the circuit court shall mail the confiscated card  
4       to the Department of State Police; all legally possessed  
5       firearms shall be returned to the person upon the charges  
6       being dismissed, or if the person is found not guilty,  
7       unless the finding of not guilty is by reason of insanity;  
8       and

9           (6) At a time and place designated by the court, submit  
10       to a psychological evaluation when the person has been  
11       charged with a violation of item (4) of subsection (a) of  
12       Section 24-1 of the Criminal Code of 1961 or the Criminal  
13       Code of 2012 and that violation occurred in a school or in  
14       any conveyance owned, leased, or contracted by a school to  
15       transport students to or from school or a school-related  
16       activity, or on any public way within 1,000 feet of real  
17       property comprising any school.

18       Psychological evaluations ordered pursuant to this Section  
19       shall be completed promptly and made available to the State,  
20       the defendant, and the court. As a further condition of bail  
21       under these circumstances, the court shall order the defendant  
22       to refrain from entering upon the property of the school,  
23       including any conveyance owned, leased, or contracted by a  
24       school to transport students to or from school or a  
25       school-related activity, or on any public way within 1,000 feet  
26       of real property comprising any school. Upon receipt of the

1 psychological evaluation, either the State or the defendant may  
2 request a change in the conditions of bail, pursuant to Section  
3 110-6 of this Code. The court may change the conditions of bail  
4 to include a requirement that the defendant follow the  
5 recommendations of the psychological evaluation, including  
6 undergoing psychiatric treatment. The conclusions of the  
7 psychological evaluation and any statements elicited from the  
8 defendant during its administration are not admissible as  
9 evidence of guilt during the course of any trial on the charged  
10 offense, unless the defendant places his or her mental  
11 competency in issue.

12 (b) The court may impose other conditions, such as the  
13 following, if the court finds that such conditions are  
14 reasonably necessary to assure the defendant's appearance in  
15 court, protect the public from the defendant, or prevent the  
16 defendant's unlawful interference with the orderly  
17 administration of justice:

18 (1) Report to or appear in person before such person or  
19 agency as the court may direct;

20 (2) Refrain from possessing a firearm or other  
21 dangerous weapon;

22 (3) Refrain from approaching or communicating with  
23 particular persons or classes of persons;

24 (4) Refrain from going to certain described  
25 geographical areas or premises;

26 (5) Refrain from engaging in certain activities or

- 1 indulging in intoxicating liquors or in certain drugs;
- 2 (6) Undergo treatment for drug addiction or  
3 alcoholism;
- 4 (7) Undergo medical or psychiatric treatment;
- 5 (8) Work or pursue a course of study or vocational  
6 training;
- 7 (9) Attend or reside in a facility designated by the  
8 court;
- 9 (10) Support his or her dependents;
- 10 (11) If a minor resides with his or her parents or in a  
11 foster home, attend school, attend a non-residential  
12 program for youths, and contribute to his or her own  
13 support at home or in a foster home;
- 14 (12) Observe any curfew ordered by the court;
- 15 (13) Remain in the custody of such designated person or  
16 organization agreeing to supervise his release. Such third  
17 party custodian shall be responsible for notifying the  
18 court if the defendant fails to observe the conditions of  
19 release which the custodian has agreed to monitor, and  
20 shall be subject to contempt of court for failure so to  
21 notify the court;
- 22 (14) Be placed under direct supervision of the Pretrial  
23 Services Agency, Probation Department or Court Services  
24 Department in a pretrial bond home supervision capacity  
25 with or without the use of an approved electronic  
26 monitoring device subject to Article 8A of Chapter V of the



1 Unified Code of Corrections;

2 (14.1) The court shall impose upon a defendant who is  
3 charged with any alcohol, cannabis, methamphetamine, or  
4 controlled substance violation and is placed under direct  
5 supervision of the Pretrial Services Agency, Probation  
6 Department or Court Services Department in a pretrial bond  
7 home supervision capacity with the use of an approved  
8 monitoring device, as a condition of such bail bond, a fee  
9 that represents costs incidental to the electronic  
10 monitoring for each day of such bail supervision ordered by  
11 the court, unless after determining the inability of the  
12 defendant to pay the fee, the court assesses a lesser fee  
13 or no fee as the case may be. The fee shall be collected by  
14 the clerk of the circuit court, except as provided in an  
15 administrative order of the Chief Judge of the circuit  
16 court. The clerk of the circuit court shall pay all monies  
17 collected from this fee to the county treasurer for deposit  
18 in the substance abuse services fund under Section 5-1086.1  
19 of the Counties Code, except as provided in an  
20 administrative order of the Chief Judge of the circuit  
21 court.

22 The Chief Judge of the circuit court of the county may  
23 by administrative order establish a program for electronic  
24 monitoring of offenders with regard to drug-related and  
25 alcohol-related offenses, in which a vendor supplies and  
26 monitors the operation of the electronic monitoring

1 device, and collects the fees on behalf of the county. The  
2 program shall include provisions for indigent offenders  
3 and the collection of unpaid fees. The program shall not  
4 unduly burden the offender and shall be subject to review  
5 by the Chief Judge.

6 The Chief Judge of the circuit court may suspend any  
7 additional charges or fees for late payment, interest, or  
8 damage to any device;

9 (14.2) The court shall impose upon all defendants,  
10 including those defendants subject to paragraph (14.1)  
11 above, placed under direct supervision of the Pretrial  
12 Services Agency, Probation Department or Court Services  
13 Department in a pretrial bond home supervision capacity  
14 with the use of an approved monitoring device, as a  
15 condition of such bail bond, a fee which shall represent  
16 costs incidental to such electronic monitoring for each day  
17 of such bail supervision ordered by the court, unless after  
18 determining the inability of the defendant to pay the fee,  
19 the court assesses a lesser fee or no fee as the case may  
20 be. The fee shall be collected by the clerk of the circuit  
21 court, except as provided in an administrative order of the  
22 Chief Judge of the circuit court. The clerk of the circuit  
23 court shall pay all monies collected from this fee to the  
24 county treasurer who shall use the monies collected to  
25 defray the costs of corrections. The county treasurer shall  
26 deposit the fee collected in the county working cash fund

1 under Section 6-27001 or Section 6-29002 of the Counties  
2 Code, as the case may be, except as provided in an  
3 administrative order of the Chief Judge of the circuit  
4 court.

5 The Chief Judge of the circuit court of the county may  
6 by administrative order establish a program for electronic  
7 monitoring of offenders with regard to drug-related and  
8 alcohol-related offenses, in which a vendor supplies and  
9 monitors the operation of the electronic monitoring  
10 device, and collects the fees on behalf of the county. The  
11 program shall include provisions for indigent offenders  
12 and the collection of unpaid fees. The program shall not  
13 unduly burden the offender and shall be subject to review  
14 by the Chief Judge.

15 The Chief Judge of the circuit court may suspend any  
16 additional charges or fees for late payment, interest, or  
17 damage to any device;

18 (14.3) The Chief Judge of the Judicial Circuit may  
19 establish reasonable fees to be paid by a person receiving  
20 pretrial services while under supervision of a pretrial  
21 services agency, probation department, or court services  
22 department. Reasonable fees may be charged for pretrial  
23 services including, but not limited to, pretrial  
24 supervision, diversion programs, electronic monitoring,  
25 victim impact services, drug and alcohol testing, DNA  
26 testing, GPS electronic monitoring, assessments and

1 evaluations related to domestic violence and other  
2 victims, and victim mediation services. The person  
3 receiving pretrial services may be ordered to pay all costs  
4 incidental to pretrial services in accordance with his or  
5 her ability to pay those costs;

6 (14.4) For persons charged with violating Section  
7 11-501 of the Illinois Vehicle Code, refrain from operating  
8 a motor vehicle not equipped with an ignition interlock  
9 device, as defined in Section 1-129.1 of the Illinois  
10 Vehicle Code, pursuant to the rules promulgated by the  
11 Secretary of State for the installation of ignition  
12 interlock devices. Under this condition the court may allow  
13 a defendant who is not self-employed to operate a vehicle  
14 owned by the defendant's employer that is not equipped with  
15 an ignition interlock device in the course and scope of the  
16 defendant's employment;

17 (15) Comply with the terms and conditions of an order  
18 of protection issued by the court under the Illinois  
19 Domestic Violence Act of 1986 or an order of protection  
20 issued by the court of another state, tribe, or United  
21 States territory;

22 (16) Under Section 110-6.5 comply with the conditions  
23 of the drug testing program; and

24 (17) Such other reasonable conditions as the court may  
25 impose.

26 (c) When a person is charged with an offense under Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
2 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, involving a victim who is a minor under  
4 18 years of age living in the same household with the defendant  
5 at the time of the offense, in granting bail or releasing the  
6 defendant on his own recognizance, the judge shall impose  
7 conditions to restrict the defendant's access to the victim  
8 which may include, but are not limited to conditions that he  
9 will:

10 1. Vacate the household.

11 2. Make payment of temporary support to his dependents.

12 3. Refrain from contact or communication with the child  
13 victim, except as ordered by the court.

14 (d) When a person is charged with a criminal offense and  
15 the victim is a family or household member as defined in  
16 Article 112A, conditions shall be imposed at the time of the  
17 defendant's release on bond that restrict the defendant's  
18 access to the victim. Unless provided otherwise by the court,  
19 the restrictions shall include requirements that the defendant  
20 do the following:

21 (1) refrain from contact or communication with the  
22 victim for a minimum period of 72 hours following the  
23 defendant's release; and

24 (2) refrain from entering or remaining at the victim's  
25 residence for a minimum period of 72 hours following the  
26 defendant's release.

1           (e) Local law enforcement agencies shall develop  
2 standardized bond forms for use in cases involving family or  
3 household members as defined in Article 112A, including  
4 specific conditions of bond as provided in subsection (d).  
5 Failure of any law enforcement department to develop or use  
6 those forms shall in no way limit the applicability and  
7 enforcement of subsections (d) and (f).

8           (f) If the defendant is admitted to bail after conviction  
9 the conditions of the bail bond shall be that he will, in  
10 addition to the conditions set forth in subsections (a) and (b)  
11 hereof:

12                 (1) Duly prosecute his appeal;

13                 (2) Appear at such time and place as the court may  
14 direct;

15                 (3) Not depart this State without leave of the court;

16                 (4) Comply with such other reasonable conditions as the  
17 court may impose; and

18                 (5) If the judgment is affirmed or the cause reversed  
19 and remanded for a new trial, forthwith surrender to the  
20 officer from whose custody he was bailed.

21           (g) Upon a finding of guilty for any felony offense, the  
22 defendant shall physically surrender, at a time and place  
23 designated by the court, any and all firearms in his or her  
24 possession and his or her Firearm Owner's Identification Card  
25 as a condition of remaining on bond pending sentencing.

26           (Source: P.A. 99-797, eff. 8-12-16.)"