



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4388

Introduced 1/29/2020, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-2

from Ch. 38, par. 110-2

Amends the Code of Criminal Procedure of 1963. Provides that a defendant may not be released on his or her own recognizance if he or she: (1) is on release on a recognizance bond for another offense; (2) had 2 or more recognizance bonds within the 12-month period preceding his or her application for release on his or her own recognizance; or (3) had 3 or more recognizance bonds within the 24-month period preceding his or her application for release on his or her own recognizance.

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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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-2 as follows:

6 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

7 Sec. 110-2. Release on own recognizance.

8 (a) Except as otherwise provided in subsection (b), when

9 ~~when~~ from all the circumstances the court is of the opinion
10 that the defendant will appear as required either before or
11 after conviction and the defendant will not pose a danger to
12 any person or the community and that the defendant will comply
13 with all conditions of bond, which shall include the
14 defendant's current address with a written admonishment to the
15 defendant that he or she must comply with the provisions of
16 Section 110-12 of this Code regarding any change in his or her
17 address, the defendant may be released on his or her own
18 recognizance. The defendant's address shall at all times remain
19 a matter of public record with the clerk of the court. A
20 failure to appear as required by such recognizance shall
21 constitute an offense subject to the penalty provided in
22 Section 32-10 of the Criminal Code of 2012 for violation of the
23 bail bond, and any obligated sum fixed in the recognizance

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

3 (b) A defendant may not be released on his or her own
4 recognizance if he or she:

5 (1) is on release on a recognizance bond for another
6 offense;

7 (2) had 2 or more recognizance bonds within the
8 12-month period preceding his or her application for
9 release on his or her own recognizance; or

10 (3) had 3 or more recognizance bonds within the
11 24-month period preceding his or her application for
12 release on his or her own recognizance.

13 (c) This Section shall be liberally construed to effectuate
14 the purpose of relying upon contempt of court proceedings or
15 criminal sanctions instead of financial loss to assure the
16 appearance of the defendant, and that the defendant will not
17 pose a danger to any person or the community and that the
18 defendant will comply with all conditions of bond. Except as
19 otherwise provided in subsection (b), monetary ~~Monetary~~ bail
20 should be set only when it is determined that no other
21 conditions of release will reasonably assure the defendant's
22 appearance in court, that the defendant does not present a
23 danger to any person or the community and that the defendant
24 will comply with all conditions of bond.

25 (d) The State may appeal any order permitting release by
26 personal recognizance.

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