



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4396

Introduced 1/29/2020, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-14

from Ch. 38, par. 110-14

Amends the Code of Criminal Procedure of 1963 concerning bail. Provides that the incarceration credit does not apply to a person incarcerated for a felony offense who committed the offense when he or she was released on bond, on pretrial release, in pretrial detention, or serving a sentence of incarceration for a separate offense. Effective immediately.

LRB101 15693 RLC 65048 b

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 110-14 as follows:

6 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

7 Sec. 110-14. Credit for incarceration on bailable offense;
8 credit against monetary bail for certain offenses.

9 (a) Any person incarcerated on a bailable offense who does
10 not supply bail and against whom a fine is levied on conviction
11 of the offense shall be allowed a credit of \$30 for each day so
12 incarcerated upon application of the defendant. However, in no
13 case shall the amount so allowed or credited exceed the amount
14 of the fine.

15 (b) Subsection (a) does not apply to a person incarcerated
16 for sexual assault as defined in paragraph (1) of subsection
17 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

18 (b-5) Subsection (a) does not apply to a person
19 incarcerated for a felony offense who committed the offense
20 when he or she was released on bond, on pretrial release, in
21 pretrial detention, or serving a sentence of incarceration for
22 a separate offense.

23 (c) A person subject to bail on a Category B offense shall

1 have \$30 deducted from his or her 10% cash bond amount every
2 day the person is incarcerated. The sheriff shall calculate and
3 apply this \$30 per day reduction and send notice to the circuit
4 clerk if a defendant's 10% cash bond amount is reduced to \$0,
5 at which point the defendant shall be released upon his or her
6 own recognizance.

7 (d) The court may deny the incarceration credit in
8 subsection (c) of this Section if the person has failed to
9 appear as required before the court and is incarcerated based
10 on a warrant for failure to appear on the same original
11 criminal offense.

12 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
13 101-408, eff. 1-1-20.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.