

HB3395



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3395

Introduced 2/22/2021, by Rep. Chris Bos

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-4

from Ch. 38, par. 110-4

Amends the Code of Criminal Procedure of 1963. Provides that a person who has 2 or more convictions for firearm offenses shall be denied bail when appearing in front of judge for a bail hearing on a felony offense.

LRB102 12365 KMF 17702 b

A BILL FOR

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 110-4 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,
9 except the following offenses where the proof is evident or
10 the presumption great that the defendant is guilty of the
11 offense: capital offenses; offenses for which a sentence of
12 life imprisonment may be imposed as a consequence of
13 conviction; felony offenses for which a sentence of
14 imprisonment, without conditional and revocable release, shall
15 be imposed by law as a consequence of conviction, felony
16 offenses when the defendant has 2 or more convictions for
17 firearms offenses, where the court after a hearing, determines
18 that the release of the defendant would pose a real and present
19 threat to the physical safety of any person or persons;
20 stalking or aggravated stalking, where the court, after a
21 hearing, determines that the release of the defendant would
22 pose a real and present threat to the physical safety of the
23 alleged victim of the offense and denial of bail is necessary

1 to prevent fulfillment of the threat upon which the charge is
2 based; or unlawful use of weapons in violation of item (4) of
3 subsection (a) of Section 24-1 of the Criminal Code of 1961 or
4 the Criminal Code of 2012 when that offense occurred in a
5 school or in any conveyance owned, leased, or contracted by a
6 school to transport students to or from school or a
7 school-related activity, or on any public way within 1,000
8 feet of real property comprising any school, where the court,
9 after a hearing, determines that the release of the defendant
10 would pose a real and present threat to the physical safety of
11 any person and denial of bail is necessary to prevent
12 fulfillment of that threat; or making a terrorist threat in
13 violation of Section 29D-20 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 or an attempt to commit the offense of
15 making a terrorist threat, where the court, after a hearing,
16 determines that the release of the defendant would pose a real
17 and present threat to the physical safety of any person and
18 denial of bail is necessary to prevent fulfillment of that
19 threat.

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

26 (c) Where it is alleged that bail should be denied to a

1 person upon the grounds that the person presents a real and
2 present threat to the physical safety of any person or
3 persons, the burden of proof of such allegations shall be upon
4 the State.

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

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