

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 110-10 as follows:

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

16 (2) Submit himself or herself to the orders and
17 process of the court;

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

20 (4) Not violate any criminal statute of any
21 jurisdiction;

22 (5) At a time and place designated by the court,
23 surrender all firearms in his or her possession to a law
24 enforcement officer designated by the court to take
25 custody of and impound the firearms and physically
26 surrender his or her Firearm Owner's Identification Card
27 to the clerk of the circuit court when the offense the
28 person has been charged with is a forcible felony,
29 stalking, aggravated stalking, domestic battery, any
30 violation of either the Illinois Controlled Substances
31 Act or the Cannabis Control Act that is classified as a

1 Class 2 or greater felony, or any felony violation of
2 Article 24 of the Criminal Code of 1961; the court may,
3 however, forgo the imposition of this condition when the
4 circumstances of the case clearly do not warrant it or
5 when its imposition would be impractical; all legally
6 possessed firearms shall be returned to the person upon
7 that person completing a sentence for a conviction on a
8 misdemeanor domestic battery, upon the charges being
9 dismissed, or if the person is found not guilty, unless
10 the finding of not guilty is by reason of insanity; and

11 (6) At a time and place designated by the court,
12 submit to a psychological evaluation when the person has
13 been charged with a violation of item (4) of subsection
14 (a) of Section 24-1 of the Criminal Code of 1961 and that
15 violation 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,
18 or on any public way within 1,000 feet of real property
19 comprising any school.

20 Psychological evaluations ordered pursuant to this
21 Section shall be completed promptly and made available to the
22 State, the defendant, and the court. As a further condition
23 of bail under these circumstances, the court shall order the
24 defendant to refrain from entering upon the property of the
25 school, including any conveyance owned, leased, or contracted
26 by a school to transport students to or from school or a
27 school-related activity, or on any public way within 1,000
28 feet of real property comprising any school. Upon receipt of
29 the psychological evaluation, either the State or the
30 defendant may request a change in the conditions of bail,
31 pursuant to Section 110-6 of this Code. The court may change
32 the conditions of bail to include a requirement that the
33 defendant follow the recommendations of the psychological
34 evaluation, including undergoing psychiatric treatment. The

1 conclusions of the psychological evaluation and any
2 statements elicited from the defendant during its
3 administration are not admissible as evidence of guilt during
4 the course of any trial on the charged offense, unless the
5 defendant places his or her mental competency in issue.

6 (b) The court may impose other conditions, such as the
7 following, if the court finds that such conditions are
8 reasonably necessary to assure the defendant's appearance in
9 court, protect the public from the defendant, or prevent the
10 defendant's unlawful interference with the orderly
11 administration of justice:

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

14 (2) Refrain from possessing a firearm or other
15 dangerous weapon;

16 (3) Refrain from approaching or communicating with
17 particular persons or classes of persons;

18 (4) Refrain from going to certain described
19 geographical areas or premises;

20 (5) Refrain from engaging in certain activities or
21 indulging in intoxicating liquors or in certain drugs;

22 (6) Undergo treatment for drug addiction or
23 alcoholism;

24 (7) Undergo medical or psychiatric treatment;

25 (8) Work or pursue a course of study or vocational
26 training;

27 (9) Attend or reside in a facility designated by
28 the court;

29 (10) Support his or her dependents;

30 (11) If a minor resides with his or her parents or
31 in a foster home, attend school, attend a non-residential
32 program for youths, and contribute to his or her own
33 support at home or in a foster home;

34 (12) Observe any curfew ordered by the court;

1 (13) Remain in the custody of such designated
2 person or organization agreeing to supervise his release.
3 Such third party custodian shall be responsible for
4 notifying the court if the defendant fails to observe the
5 conditions of release which the custodian has agreed to
6 monitor, and shall be subject to contempt of court for
7 failure so to notify the court;

8 (14) Be placed under direct supervision of the
9 Pretrial Services Agency, Probation Department or Court
10 Services Department in a pretrial bond home supervision
11 capacity with or without the use of an approved
12 electronic monitoring device subject to Article 8A of
13 Chapter V of the Unified Code of Corrections;

14 (14.1) The court shall impose upon a defendant who
15 is charged with any alcohol, cannabis or controlled
16 substance violation and is placed under direct
17 supervision of the Pretrial Services Agency, Probation
18 Department or Court Services Department in a pretrial
19 bond home supervision capacity with the use of an
20 approved monitoring device, as a condition of such bail
21 bond, a fee that represents costs incidental to the
22 electronic monitoring for each day of such bail
23 supervision ordered by the court, unless after
24 determining the inability of the defendant to pay the
25 fee, the court assesses a lesser fee or no fee as the
26 case may be. The fee shall be collected by the clerk of
27 the circuit court. The clerk of the circuit court shall
28 pay all monies collected from this fee to the county
29 treasurer for deposit in the substance abuse services
30 fund under Section 5-1086.1 of the Counties Code;

31 (14.2) The court shall impose upon all defendants,
32 including those defendants subject to paragraph (14.1)
33 above, placed under direct supervision of the Pretrial
34 Services Agency, Probation Department or Court Services

1 Department in a pretrial bond home supervision capacity
2 with the use of an approved monitoring device, as a
3 condition of such bail bond, a fee which shall represent
4 costs incidental to such electronic monitoring for each
5 day of such bail supervision ordered by the court, unless
6 after determining the inability of the defendant to pay
7 the fee, the court assesses a lesser fee or no fee as the
8 case may be. The fee shall be collected by the clerk of
9 the circuit court. The clerk of the circuit court shall
10 pay all monies collected from this fee to the county
11 treasurer who shall use the monies collected to defray
12 the costs of corrections. The county treasurer shall
13 deposit the fee collected in the county working cash fund
14 under Section 6-27001 or Section 6-29002 of the Counties
15 Code, as the case may be;

16 (14.3) The Chief Judge of the Judicial Circuit may
17 establish reasonable fees to be paid by a person
18 receiving pretrial services while under supervision of a
19 pretrial services agency, probation department, or court
20 services department. Reasonable fees may be charged for
21 pretrial services including, but not limited to, pretrial
22 supervision, diversion programs, electronic monitoring,
23 victim impact services, drug and alcohol testing, and
24 victim mediation services. The person receiving pretrial
25 services may be ordered to pay all costs incidental to
26 pretrial services in accordance with his or her ability
27 to pay those costs;

28 (14.4) For persons charged with violating Section
29 11-501 of the Illinois Vehicle Code, refrain from
30 operating a motor vehicle not equipped with an ignition
31 interlock device, as defined in Section 1-129.1 of the
32 Illinois Vehicle Code, pursuant to the rules promulgated
33 by the Secretary of State for the installation of
34 ignition interlock devices. Under this condition the

1 court may allow a defendant who is not self-employed to
 2 operate a vehicle owned by the defendant's employer that
 3 is not equipped with an ignition interlock device in the
 4 course and scope of the defendant's employment;

5 (15) Comply with the terms and conditions of an
 6 order of protection issued by the court under the
 7 Illinois Domestic Violence Act of 1986 or an order of
 8 protection issued by the court of another state, tribe,
 9 or United States territory;

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

12 (17) Such other reasonable conditions as the court
 13 may impose.

14 (c) When a person is charged with an offense under
 15 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
 16 "Criminal Code of 1961", involving a victim who is a minor
 17 under 18 years of age living in the same household with the
 18 defendant at the time of the offense, in granting bail or
 19 releasing the defendant on his own recognizance, the judge
 20 shall impose conditions to restrict the defendant's access to
 21 the victim which may include, but are not limited to
 22 conditions that he will:

- 23 1. Vacate the Household.
- 24 2. Make payment of temporary support to his
- 25 dependents.
- 26 3. Refrain from contact or communication with the
- 27 child victim, except as ordered by the court.

28 (d) When a person is charged with a criminal offense and
 29 the victim is a family or household member as defined in
 30 Article 112A, conditions shall be imposed at the time of the
 31 defendant's release on bond that restrict the defendant's
 32 access to the victim. Unless provided otherwise by the court,
 33 the restrictions shall include requirements that the
 34 defendant do the following:

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

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

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

14 (f) If the defendant is admitted to bail after
15 conviction the conditions of the bail bond shall be that he
16 will, in addition to the conditions set forth in subsections
17 (a) and (b) hereof:

18 (1) Duly prosecute his appeal;

19 (2) Appear at such time and place as the court may
20 direct;

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

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

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

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

34 (Source: P.A. 91-11, eff. 6-4-99; 91-312, eff. 1-1-00;

- 1 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-329, eff.
- 2 8-9-01; 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)