



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1587

Introduced 2/15/2005, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

725 ILCS 5/104-20

from Ch. 38, par. 104-20

Amends the Code of Criminal Procedure of 1963. Provides that when the court receives a progress report from the supervisor of a defendant who is unfit to stand trial, the court shall set a first hearing within 21 days for a determination of whether the defendant has attained fitness to stand trial or to plead and if not whether the defendant is making progress under treatment toward attainment of fitness within one year from the date of the original finding of unfitness. Effective immediately.

LRB094 10539 RLC 40816 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 104-20 as follows:

6 (725 ILCS 5/104-20) (from Ch. 38, par. 104-20)

7 Sec. 104-20. Ninety-Day Hearings; Continuing Treatment.)

8 (a) Upon entry or continuation of any order to undergo
9 treatment, the court shall set a date for hearing to reexamine
10 the issue of the defendant's fitness not more than 90 days
11 thereafter. In addition, whenever the court receives a report
12 from the supervisor of the defendant's treatment pursuant to
13 subparagraph (2) or (3) of paragraph (a) of Section 104-18, the
14 court shall forthwith set the matter for a first hearing within
15 21 days. On the date set or upon conclusion of the matter then
16 pending before it, the court, sitting without a jury, shall
17 conduct a hearing, unless waived by the defense, and shall
18 determine:

19 (1) Whether the defendant is fit to stand trial or to
20 plead; and if not,

21 (2) Whether the defendant is making progress under
22 treatment toward attainment of fitness within one year from the
23 date of the original finding of unfitness.

24 (b) If the court finds the defendant to be fit pursuant to
25 this Section, the court shall set the matter for trial;
26 provided that if the defendant is in need of continued care or
27 treatment and the supervisor of the defendant's treatment
28 agrees to continue to provide it, the court may enter any order
29 it deems appropriate for the continued care or treatment of the
30 defendant by the facility or program pending the conclusion of
31 the criminal proceedings.

32 (c) If the court finds that the defendant is still unfit

1 but that he is making progress toward attaining fitness, the
2 court may continue or modify its original treatment order
3 entered pursuant to Section 104-17.

4 (d) If the court finds that the defendant is still unfit
5 and that he is not making progress toward attaining fitness
6 such that there is not a substantial probability that he will
7 attain fitness within one year from the date of the original
8 finding of unfitness, the court shall proceed pursuant to
9 Section 104-23. However, if the defendant is in need of
10 continued care and treatment and the supervisor of the
11 defendant's treatment agrees to continue to provide it, the
12 court may enter any order it deems appropriate for the
13 continued care or treatment by the facility or program pending
14 the conclusion of the criminal proceedings.

15 (Source: P.A. 81-1217.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.