



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6045

Introduced 2/11/2016, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

New Act

725 ILCS 5/103-9

from Ch. 38, par. 103-9

725 ILCS 170/12

from Ch. 60, par. 12

725 ILCS 170/13

from Ch. 60, par. 13

Creates the Fugitive Apprehension and Public Safety Act. Provides that a bail bondsman or employee of a bail bondsman who enters this State to seize and transport a suspect found in this State, must notify the chief law enforcement officer of the unit of local government where the person is believed to be present. The bail bondsman shall present proof of his or her license and the appropriate order or other documents to demonstrate the authority of the bail bondsman, and a copy of any bond for liability for actions of the person or his or her employee. Provides that the Department of State Police shall be notified by the chief law enforcement officer of the local unit with registration information regarding the bail bondsman and information of the person the bail bondsman seeks to take into custody. Provides that the Department of State Police shall adopt rules regulating the registration of bail enforcement agents. Amends the Fugitive Apprehension Reward Act to only allow fugitive enforcement agents to receive a reward for apprehending and delivering a person into custody as defined in the Act. Makes corresponding changes in the Code of Criminal Procedure of 1963.

LRB099 20495 SLF 45018 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 1. Short title. This Act may be cited as the
5 Fugitive Apprehension and Public Safety Act.

6 Section 5. Definitions. In this Act:

7 "Fugitive enforcement agent" means a person engaged in the
8 business of fugitive bail enforcement, including persons
9 engaged in the bail enforcement business whose principal place
10 of business is in another state.

11 "Qualified license" means a license for a bail bond
12 enforcement agent, bail bondsman, fugitive enforcement agent,
13 or surety bondsman issued under the law of another state by a
14 state agency that requires proof of the following upon
15 application for issuance of the license and renewal of the
16 license:

17 (1) the licensee is 21 years of age or older;

18 (2) the licensee is not a peace officer;

19 (3) the licensee has not been convicted of a felony,
20 crime of violence, or fraud;

21 (4) the licensee is not addicted to narcotics;

22 (5) the licensee has completed at least 250 hours of
23 training in fugitive enforcement, including at least 20

1 hours of firearms training for bail enforcement agents, and
2 training in tactical, first aid, and other courses in
3 accordance with the U.S. Fugitive Enforcement Bureau Bail
4 Enforcement Training Manual; and

5 (6) the licensee has not been convicted of unlawful use
6 of a weapon.

7 Section 10. Registration of qualified bail bondsman
8 license.

9 (a) A bail bondsman or employee of a bail bondsman who
10 operates a bail enforcement business under the law of another
11 state and enters this State to seize and transport a person
12 found in this State who has violated the conditions of bail
13 bond posted in another state, shall not take or attempt to take
14 the person into custody without first notifying the chief law
15 enforcement officer of the unit of local government where the
16 person is believed to be present.

17 (b) A bail bondsman shall present proof of the following to
18 the chief law enforcement officer of the unit of local
19 government:

20 (1) a qualified license to operate a bail enforcement
21 business, and a demonstration that the licensee is in good
22 standing;

23 (2) the bail bond, order from the State's Attorney,
24 court order, or other documents relating to the authority
25 of the bail bondsman under the laws of the state of origin

1 to pursue the person; and

2 (3) a copy of any bond for liability for actions of the
3 bail bondsman or employee.

4 (c) Upon notification by any bail bondsman, fugitive
5 enforcement agent, or bail enforcement agent, the chief law
6 enforcement officer must notify the Department of State Police
7 with registration information regarding the bail bondsman and
8 information of the person the bail bondsman seeks to take into
9 custody, in a form prescribed by the Department of State
10 Police.

11 Section 15. Registration of bail enforcement agents. The
12 Department of State Police shall adopt rules regulating the
13 registration of bail enforcement agents. Nothing in this Act
14 shall be construed to prohibit or hinder the return of any
15 person to another state under the Uniform Criminal Extradition
16 Act.

17 Section 80. The Code of Criminal Procedure of 1963 is
18 amended by changing Section 103-9 as follows:

19 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

20 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
21 may seize or transport unwillingly any person found in this
22 State who is allegedly in violation of a bail bond posted in
23 some other state, unless the bail bondsman is a fugitive

1 enforcement agent and holds a qualified license that is
2 approved in this State. The return of any such person to
3 another state may be accomplished only as provided by the laws
4 of this State. Any bail bondsman who violates this Section is
5 fully subject to the criminal and civil penalties provided by
6 the laws of this State for his actions.

7 As used in this Section, "qualified license" has the
8 meaning ascribed to it in Section 5 of the Recognition of Bail
9 Bond Licenses Act.

10 (Source: P.A. 84-694.)

11 Section 85. The Fugitive Apprehension Reward Act is amended
12 by changing Sections 12 and 13 as follows:

13 (725 ILCS 170/12) (from Ch. 60, par. 12)

14 Sec. 12. In this Act, "fugitive enforcement agent" has the
15 same meaning ascribed to it in Section 5 of the Recognition of
16 Bail Bond Licenses Act. If any person charged with, or
17 convicted of treason, first degree murder, criminal sexual
18 assault, predatory criminal sexual assault of a child,
19 aggravated criminal sexual assault, robbery, burglary, arson,
20 theft, forgery, counterfeiting or kidnapping, shall break
21 prison, escape or flee from justice or abscond or secrete
22 himself in such cases it shall be lawful for the Governor, if
23 he shall judge it necessary, to offer any reward not exceeding
24 \$1,000, for a fugitive enforcement agent apprehending and

1 delivering such person into the custody of such sheriff or
2 other officer as he may direct. The fugitive enforcement agent
3 ~~person~~ so apprehending or delivering any such persons as
4 aforesaid and producing to the Governor the receipt of the
5 sheriff or other proper officer, for the body, it shall be
6 lawful for the Governor to certify the amount of such claim to
7 the State Comptroller, who shall issue his warrant on the
8 treasurer for the same.

9 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

10 (725 ILCS 170/13) (from Ch. 60, par. 13)

11 Sec. 13. It shall be lawful for the county board of any
12 county, by an order to be entered upon its records, to fix upon
13 a sum not exceeding \$1,000 as a reward to be paid to any
14 fugitive enforcement agent ~~person~~ who shall hereafter pursue
15 and apprehend, beyond the limits of the county where the
16 offense shall have been committed, any person guilty of any
17 felony or other high crime, which reward shall be paid by the
18 county where the offense was committed, on the conviction of
19 the criminal: Provided, nevertheless, that said reward shall
20 not disqualify the person entitled thereto from being a
21 witness.

22 (Source: R.S. 1874, p. 543.)