

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 ARTICLE 1. BAIL REFORM

5 Section 1-1. This Article 1 may be referred to as the Bail
6 Reform Act of 2017.

7 Section 1-3. Legislative findings.

8 The General Assembly recognizes that the promotion of
9 public safety and protection of crime victim rights are 2 of
10 the main focuses of our State's criminal justice system; it
11 further acknowledges that protecting the rights of the accused
12 is central to the integrity of our State's criminal justice
13 system. With these focuses in mind, this amendatory Act of the
14 100th General Assembly establishes the Bail Reform Act of 2017
15 for the citizens of this State, in recognition that the
16 decision-making behind pre-trial release shall not focus on a
17 person's wealth and ability to afford monetary bail but shall
18 instead focus on a person's threat to public safety or risk of
19 failure to appear before a court of appropriate jurisdiction.

20 Section 1-5. The Criminal Code of 2012 is amended by
21 changing Section 33G-9 as follows:

1 (720 ILCS 5/33G-9)

2 (Section scheduled to be repealed on June 11, 2017)

3 Sec. 33G-9. Repeal. This Article is repealed on June 11,
4 2022 ~~5 years after it becomes law.~~

5 (Source: P.A. 97-686, eff. 6-11-12.)

6 Section 1-10. The Code of Criminal Procedure of 1963 is
7 amended by changing Sections 109-1, 110-5, 110-6, and 110-14 by
8 adding Sections 102-7.1, 102-7.2, and 110-6.4 as follows:

9 (725 ILCS 5/102-7.1 new)

10 Sec. 102-7.1. "Category A offense".

11 "Category A offense" means a Class 1 felony, Class 2
12 felony, Class X felony, first degree murder, a violation of
13 Section 11-204 of the Illinois Vehicle Code, a second or
14 subsequent violation of Section 11-501 of the Illinois Vehicle
15 Code, a violation of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, a violation of Section 11-401 of the
17 Illinois Vehicle Code if the accident results in injury and the
18 person failed to report the accident within 30 minutes, a
19 violation of Section 9-3, 9-3.4, 10-3, 10-3.1, 10-5, 11-6,
20 11-9.2, 11-20.1, 11-23.5, 11-25, 12-2, 12-3, 12-3.05, 12-3.2,
21 12-3.4, 12-4.4a, 12-5, 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
22 12C-5, 24-1.5, 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code
23 of 2012, a second or subsequent violation of 12-3.2 or 12-3.4

1 of the Criminal Code of 2012, a violation of paragraph (5) or
2 (6) of subsection (b) of Section 10-9 of the Criminal Code of
3 2012, a violation of subsection (b) or (c) or paragraph (1) or
4 (2) of subsection (a) of Section 11-1.50 of the Criminal Code
5 of 2012, a violation of Section 12-7 of the Criminal Code of
6 2012 if the defendant inflicts bodily harm on the victim to
7 obtain a confession, statement, or information, a violation of
8 Section 12-7.5 of the Criminal Code of 2012 if the action
9 results in bodily harm, a violation of paragraph (3) of
10 subsection (b) of Section 17-2 of the Criminal Code of 2012, a
11 violation of subdivision (a)(7)(ii) of Section 24-1 of the
12 Criminal Code of 2012, a violation of paragraph (6) of
13 subsection (a) of Section 24-1 of the Criminal Code of 2012, or
14 a violation of Section 10 of the Sex Offender Registration Act.

15 (725 ILCS 5/102-7.2 new)

16 Sec. 102-7.2. "Category B offense".

17 "Category B offense" means a business offense, petty
18 offense, Class C misdemeanor, Class B misdemeanor, Class A
19 misdemeanor, Class 3 felony, or Class 4 felony, which is not
20 specified in Category A.

21 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

22 Sec. 109-1. Person arrested.

23 (a) A person arrested with or without a warrant shall be
24 taken without unnecessary delay before the nearest and most

1 accessible judge in that county, except when such county is a
2 participant in a regional jail authority, in which event such
3 person may be taken to the nearest and most accessible judge,
4 irrespective of the county where such judge presides, and a
5 charge shall be filed. Whenever a person arrested either with
6 or without a warrant is required to be taken before a judge, a
7 charge may be filed against such person by way of a two-way
8 closed circuit television system, except that a hearing to deny
9 bail to the defendant may not be conducted by way of closed
10 circuit television.

11 (a-5) A person charged with an offense shall be allowed
12 counsel at the hearing at which bail is determined under
13 Article 110 of this Code. If the defendant desires counsel for
14 his or her initial appearance but is unable to obtain counsel,
15 the court shall appoint a public defender or licensed attorney
16 at law of this State to represent him or her for purposes of
17 that hearing.

18 (b) The judge shall:

19 (1) Inform the defendant of the charge against him and
20 shall provide him with a copy of the charge;

21 (2) Advise the defendant of his right to counsel and if
22 indigent shall appoint a public defender or licensed
23 attorney at law of this State to represent him in
24 accordance with the provisions of Section 113-3 of this
25 Code;

26 (3) Schedule a preliminary hearing in appropriate

1 cases;

2 (4) Admit the defendant to bail in accordance with the
3 provisions of Article 110 of this Code; and

4 (5) Order the confiscation of the person's passport or
5 impose travel restrictions on a defendant arrested for
6 first degree murder or other violent crime as defined in
7 Section 3 of the Rights of Crime Victims and Witnesses Act,
8 if the judge determines, based on the factors in Section
9 110-5 of this Code, that this will reasonably ensure the
10 appearance of the defendant and compliance by the defendant
11 with all conditions of release.

12 (c) The court may issue an order of protection in
13 accordance with the provisions of Article 112A of this Code.

14 (d) At the initial appearance of a defendant in any
15 criminal proceeding, the court must advise the defendant in
16 open court that any foreign national who is arrested or
17 detained has the right to have notice of the arrest or
18 detention given to his or her country's consular
19 representatives and the right to communicate with those
20 consular representatives if the notice has not already been
21 provided. The court must make a written record of so advising
22 the defendant.

23 (e) If consular notification is not provided to a defendant
24 before his or her first appearance in court, the court shall
25 grant any reasonable request for a continuance of the
26 proceedings to allow contact with the defendant's consulate.

1 Any delay caused by the granting of the request by a defendant
2 shall temporarily suspend for the time of the delay the period
3 within which a person shall be tried as prescribed by
4 subsections (a), (b), or (e) of Section 103-5 of this Code and
5 on the day of the expiration of delay the period shall continue
6 at the point at which it was suspended.

7 (Source: P.A. 98-143, eff. 1-1-14; 99-78, eff. 7-20-15; 99-190,
8 eff. 1-1-16.)

9 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

10 Sec. 110-5. Determining the amount of bail and conditions
11 of release.

12 (a) In determining the amount of monetary bail or
13 conditions of release, if any, which will reasonably assure the
14 appearance of a defendant as required or the safety of any
15 other person or the community and the likelihood of compliance
16 by the defendant with all the conditions of bail, the court
17 shall, on the basis of available information, take into account
18 such matters as the nature and circumstances of the offense
19 charged, whether the evidence shows that as part of the offense
20 there was a use of violence or threatened use of violence,
21 whether the offense involved corruption of public officials or
22 employees, whether there was physical harm or threats of
23 physical harm to any public official, public employee, judge,
24 prosecutor, juror or witness, senior citizen, child, or person
25 with a disability, whether evidence shows that during the

1 offense or during the arrest the defendant possessed or used a
2 firearm, machine gun, explosive or metal piercing ammunition or
3 explosive bomb device or any military or paramilitary armament,
4 whether the evidence shows that the offense committed was
5 related to or in furtherance of the criminal activities of an
6 organized gang or was motivated by the defendant's membership
7 in or allegiance to an organized gang, the condition of the
8 victim, any written statement submitted by the victim or
9 proffer or representation by the State regarding the impact
10 which the alleged criminal conduct has had on the victim and
11 the victim's concern, if any, with further contact with the
12 defendant if released on bail, whether the offense was based on
13 racial, religious, sexual orientation or ethnic hatred, the
14 likelihood of the filing of a greater charge, the likelihood of
15 conviction, the sentence applicable upon conviction, the
16 weight of the evidence against such defendant, whether there
17 exists motivation or ability to flee, whether there is any
18 verification as to prior residence, education, or family ties
19 in the local jurisdiction, in another county, state or foreign
20 country, the defendant's employment, financial resources,
21 character and mental condition, past conduct, prior use of
22 alias names or dates of birth, and length of residence in the
23 community, the consent of the defendant to periodic drug
24 testing in accordance with Section 110-6.5, whether a foreign
25 national defendant is lawfully admitted in the United States of
26 America, whether the government of the foreign national

1 maintains an extradition treaty with the United States by which
2 the foreign government will extradite to the United States its
3 national for a trial for a crime allegedly committed in the
4 United States, whether the defendant is currently subject to
5 deportation or exclusion under the immigration laws of the
6 United States, whether the defendant, although a United States
7 citizen, is considered under the law of any foreign state a
8 national of that state for the purposes of extradition or
9 non-extradition to the United States, the amount of unrecovered
10 proceeds lost as a result of the alleged offense, the source of
11 bail funds tendered or sought to be tendered for bail, whether
12 from the totality of the court's consideration, the loss of
13 funds posted or sought to be posted for bail will not deter the
14 defendant from flight, whether the evidence shows that the
15 defendant is engaged in significant possession, manufacture,
16 or delivery of a controlled substance or cannabis, either
17 individually or in consort with others, whether at the time of
18 the offense charged he or she was on bond or pre-trial release
19 pending trial, probation, periodic imprisonment or conditional
20 discharge pursuant to this Code or the comparable Code of any
21 other state or federal jurisdiction, whether the defendant is
22 on bond or pre-trial release pending the imposition or
23 execution of sentence or appeal of sentence for any offense
24 under the laws of Illinois or any other state or federal
25 jurisdiction, whether the defendant is under parole, aftercare
26 release, mandatory supervised release, or work release from the

1 Illinois Department of Corrections or Illinois Department of
2 Juvenile Justice or any penal institution or corrections
3 department of any state or federal jurisdiction, the
4 defendant's record of convictions, whether the defendant has
5 been convicted of a misdemeanor or ordinance offense in
6 Illinois or similar offense in other state or federal
7 jurisdiction within the 10 years preceding the current charge
8 or convicted of a felony in Illinois, whether the defendant was
9 convicted of an offense in another state or federal
10 jurisdiction that would be a felony if committed in Illinois
11 within the 20 years preceding the current charge or has been
12 convicted of such felony and released from the penitentiary
13 within 20 years preceding the current charge if a penitentiary
14 sentence was imposed in Illinois or other state or federal
15 jurisdiction, the defendant's records of juvenile adjudication
16 of delinquency in any jurisdiction, any record of appearance or
17 failure to appear by the defendant at court proceedings,
18 whether there was flight to avoid arrest or prosecution,
19 whether the defendant escaped or attempted to escape to avoid
20 arrest, whether the defendant refused to identify himself or
21 herself, or whether there was a refusal by the defendant to be
22 fingerprinted as required by law. Information used by the court
23 in its findings or stated in or offered in connection with this
24 Section may be by way of proffer based upon reliable
25 information offered by the State or defendant. All evidence
26 shall be admissible if it is relevant and reliable regardless

1 of whether it would be admissible under the rules of evidence
2 applicable at criminal trials. If the State presents evidence
3 that the offense committed by the defendant was related to or
4 in furtherance of the criminal activities of an organized gang
5 or was motivated by the defendant's membership in or allegiance
6 to an organized gang, and if the court determines that the
7 evidence may be substantiated, the court shall prohibit the
8 defendant from associating with other members of the organized
9 gang as a condition of bail or release. For the purposes of
10 this Section, "organized gang" has the meaning ascribed to it
11 in Section 10 of the Illinois Streetgang Terrorism Omnibus
12 Prevention Act.

13 (a-5) There shall be a presumption that any conditions of
14 release imposed shall be non-monetary in nature and the court
15 shall impose the least restrictive conditions or combination of
16 conditions necessary to reasonably assure the appearance of the
17 defendant for further court proceedings and protect the
18 integrity of the judicial proceedings from a specific threat to
19 a witness or participant. Conditions of release may include,
20 but not be limited to, electronic home monitoring, curfews,
21 drug counseling, stay-away orders, and in-person reporting.
22 The court shall consider the defendant's socio-economic
23 circumstance when setting conditions of release or imposing
24 monetary bail.

25 (b) The amount of bail shall be:

26 (1) Sufficient to assure compliance with the

1 conditions set forth in the bail bond, which shall include
2 the defendant's current address with a written
3 admonishment to the defendant that he or she must comply
4 with the provisions of Section 110-12 regarding any change
5 in his or her address. The defendant's address shall at all
6 times remain a matter of public record with the clerk of
7 the court.

8 (2) Not oppressive.

9 (3) Considerate of the financial ability of the
10 accused.

11 (4) When a person is charged with a drug related
12 offense involving possession or delivery of cannabis or
13 possession or delivery of a controlled substance as defined
14 in the Cannabis Control Act, the Illinois Controlled
15 Substances Act, or the Methamphetamine Control and
16 Community Protection Act, the full street value of the
17 drugs seized shall be considered. "Street value" shall be
18 determined by the court on the basis of a proffer by the
19 State based upon reliable information of a law enforcement
20 official contained in a written report as to the amount
21 seized and such proffer may be used by the court as to the
22 current street value of the smallest unit of the drug
23 seized.

24 (b-5) Upon the filing of a written request demonstrating
25 reasonable cause, the State's Attorney may request a source of
26 bail hearing either before or after the posting of any funds.

1 If the hearing is granted, before the posting of any bail, the
2 accused must file a written notice requesting that the court
3 conduct a source of bail hearing. The notice must be
4 accompanied by justifying affidavits stating the legitimate
5 and lawful source of funds for bail. At the hearing, the court
6 shall inquire into any matters stated in any justifying
7 affidavits, and may also inquire into matters appropriate to
8 the determination which shall include, but are not limited to,
9 the following:

10 (1) the background, character, reputation, and
11 relationship to the accused of any surety; and

12 (2) the source of any money or property deposited by
13 any surety, and whether any such money or property
14 constitutes the fruits of criminal or unlawful conduct; and

15 (3) the source of any money posted as cash bail, and
16 whether any such money constitutes the fruits of criminal
17 or unlawful conduct; and

18 (4) the background, character, reputation, and
19 relationship to the accused of the person posting cash
20 bail.

21 Upon setting the hearing, the court shall examine, under
22 oath, any persons who may possess material information.

23 The State's Attorney has a right to attend the hearing, to
24 call witnesses and to examine any witness in the proceeding.
25 The court shall, upon request of the State's Attorney, continue
26 the proceedings for a reasonable period to allow the State's

1 Attorney to investigate the matter raised in any testimony or
2 affidavit. If the hearing is granted after the accused has
3 posted bail, the court shall conduct a hearing consistent with
4 this subsection (b-5). At the conclusion of the hearing, the
5 court must issue an order either approving or disapproving the
6 bail.

7 (c) When a person is charged with an offense punishable by
8 fine only the amount of the bail shall not exceed double the
9 amount of the maximum penalty.

10 (d) When a person has been convicted of an offense and only
11 a fine has been imposed the amount of the bail shall not exceed
12 double the amount of the fine.

13 (e) The State may appeal any order granting bail or setting
14 a given amount for bail.

15 (f) When a person is charged with a violation of an order
16 of protection under Section 12-3.4 or 12-30 of the Criminal
17 Code of 1961 or the Criminal Code of 2012 or when a person is
18 charged with domestic battery, aggravated domestic battery,
19 kidnapping, aggravated kidnapping, unlawful restraint,
20 aggravated unlawful restraint, stalking, aggravated stalking,
21 cyberstalking, harassment by telephone, harassment through
22 electronic communications, or an attempt to commit first degree
23 murder committed against an intimate partner regardless
24 whether an order of protection has been issued against the
25 person,

26 (1) whether the alleged incident involved harassment

1 or abuse, as defined in the Illinois Domestic Violence Act
2 of 1986;

3 (2) whether the person has a history of domestic
4 violence, as defined in the Illinois Domestic Violence Act,
5 or a history of other criminal acts;

6 (3) based on the mental health of the person;

7 (4) whether the person has a history of violating the
8 orders of any court or governmental entity;

9 (5) whether the person has been, or is, potentially a
10 threat to any other person;

11 (6) whether the person has access to deadly weapons or
12 a history of using deadly weapons;

13 (7) whether the person has a history of abusing alcohol
14 or any controlled substance;

15 (8) based on the severity of the alleged incident that
16 is the basis of the alleged offense, including, but not
17 limited to, the duration of the current incident, and
18 whether the alleged incident involved the use of a weapon,
19 physical injury, sexual assault, strangulation, abuse
20 during the alleged victim's pregnancy, abuse of pets, or
21 forcible entry to gain access to the alleged victim;

22 (9) whether a separation of the person from the alleged
23 victim or a termination of the relationship between the
24 person and the alleged victim has recently occurred or is
25 pending;

26 (10) whether the person has exhibited obsessive or

1 controlling behaviors toward the alleged victim,
2 including, but not limited to, stalking, surveillance, or
3 isolation of the alleged victim or victim's family member
4 or members;

5 (11) whether the person has expressed suicidal or
6 homicidal ideations;

7 (12) based on any information contained in the
8 complaint and any police reports, affidavits, or other
9 documents accompanying the complaint,

10 the court may, in its discretion, order the respondent to
11 undergo a risk assessment evaluation using a recognized,
12 evidence-based instrument conducted by an Illinois Department
13 of Human Services approved partner abuse intervention program
14 provider, pretrial service, probation, or parole agency. These
15 agencies shall have access to summaries of the defendant's
16 criminal history, which shall not include victim interviews or
17 information, for the risk evaluation. Based on the information
18 collected from the 12 points to be considered at a bail hearing
19 under this subsection (f), the results of any risk evaluation
20 conducted and the other circumstances of the violation, the
21 court may order that the person, as a condition of bail, be
22 placed under electronic surveillance as provided in Section
23 5-8A-7 of the Unified Code of Corrections. Upon making a
24 determination whether or not to order the respondent to undergo
25 a risk assessment evaluation or to be placed under electronic
26 surveillance and risk assessment, the court shall document in

1 the record the court's reasons for making those determinations.
2 The cost of the electronic surveillance and risk assessment
3 shall be paid by, or on behalf, of the defendant. As used in
4 this subsection (f), "intimate partner" means a spouse or a
5 current or former partner in a cohabitation or dating
6 relationship.

7 (Source: P.A. 98-558, eff. 1-1-14; 98-1012, eff. 1-1-15;
8 99-143, eff. 7-27-15.)

9 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

10 Sec. 110-6. Modification of bail or conditions.

11 (a) Upon verified application by the State or the defendant
12 or on its own motion the court before which the proceeding is
13 pending may increase or reduce the amount of bail or may alter
14 the conditions of the bail bond or grant bail where it has been
15 previously revoked or denied. If bail has been previously
16 revoked pursuant to subsection (f) of this Section or if bail
17 has been denied to the defendant pursuant to subsection (e) of
18 Section 110-6.1 or subsection (e) of Section 110-6.3, the
19 defendant shall be required to present a verified application
20 setting forth in detail any new facts not known or obtainable
21 at the time of the previous revocation or denial of bail
22 proceedings. If the court grants bail where it has been
23 previously revoked or denied, the court shall state on the
24 record of the proceedings the findings of facts and conclusion
25 of law upon which such order is based.

1 (a-5) In addition to any other available motion or
2 procedure under this Code, a person in custody for a Category B
3 offense due to an inability to post monetary bail shall be
4 brought before the court at the next available court date or 7
5 calendar days from the date bail was set, whichever is earlier,
6 for a rehearing on the amount or conditions of bail or release
7 pending further court proceedings. The court may reconsider
8 conditions of release for any other person whose inability to
9 post monetary bail is the sole reason for continued
10 incarceration, including a person in custody for a Category A
11 offense.

12 (b) Violation of the conditions of Section 110-10 of this
13 Code or any special conditions of bail as ordered by the court
14 shall constitute grounds for the court to increase the amount
15 of bail, or otherwise alter the conditions of bail, or, where
16 the alleged offense committed on bail is a forcible felony in
17 Illinois or a Class 2 or greater offense under the Illinois
18 Controlled Substances Act, the Cannabis Control Act, or the
19 Methamphetamine Control and Community Protection Act, revoke
20 bail pursuant to the appropriate provisions of subsection (e)
21 of this Section.

22 (c) Reasonable notice of such application by the defendant
23 shall be given to the State.

24 (d) Reasonable notice of such application by the State
25 shall be given to the defendant, except as provided in
26 subsection (e).

1 (e) Upon verified application by the State stating facts or
2 circumstances constituting a violation or a threatened
3 violation of any of the conditions of the bail bond the court
4 may issue a warrant commanding any peace officer to bring the
5 defendant without unnecessary delay before the court for a
6 hearing on the matters set forth in the application. If the
7 actual court before which the proceeding is pending is absent
8 or otherwise unavailable another court may issue a warrant
9 pursuant to this Section. When the defendant is charged with a
10 felony offense and while free on bail is charged with a
11 subsequent felony offense and is the subject of a proceeding
12 set forth in Section 109-1 or 109-3 of this Code, upon the
13 filing of a verified petition by the State alleging a violation
14 of Section 110-10 (a) (4) of this Code, the court shall without
15 prior notice to the defendant, grant leave to file such
16 application and shall order the transfer of the defendant and
17 the application without unnecessary delay to the court before
18 which the previous felony matter is pending for a hearing as
19 provided in subsection (b) or this subsection of this Section.
20 The defendant shall be held without bond pending transfer to
21 and a hearing before such court. At the conclusion of the
22 hearing based on a violation of the conditions of Section
23 110-10 of this Code or any special conditions of bail as
24 ordered by the court the court may enter an order increasing
25 the amount of bail or alter the conditions of bail as deemed
26 appropriate.

1 (f) Where the alleged violation consists of the violation
2 of one or more felony statutes of any jurisdiction which would
3 be a forcible felony in Illinois or a Class 2 or greater
4 offense under the Illinois Controlled Substances Act, the
5 Cannabis Control Act, or the Methamphetamine Control and
6 Community Protection Act and the defendant is on bail for the
7 alleged commission of a felony, or where the defendant is on
8 bail for a felony domestic battery (enhanced pursuant to
9 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
10 or the Criminal Code of 2012), aggravated domestic battery,
11 aggravated battery, unlawful restraint, aggravated unlawful
12 restraint or domestic battery in violation of item (1) of
13 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
14 or the Criminal Code of 2012 against a family or household
15 member as defined in Section 112A-3 of this Code and the
16 violation is an offense of domestic battery against the same
17 victim the court shall, on the motion of the State or its own
18 motion, revoke bail in accordance with the following
19 provisions:

20 (1) The court shall hold the defendant without bail
21 pending the hearing on the alleged breach; however, if the
22 defendant is not admitted to bail the hearing shall be
23 commenced within 10 days from the date the defendant is
24 taken into custody or the defendant may not be held any
25 longer without bail, unless delay is occasioned by the
26 defendant. Where defendant occasions the delay, the

1 running of the 10 day period is temporarily suspended and
2 resumes at the termination of the period of delay. Where
3 defendant occasions the delay with 5 or fewer days
4 remaining in the 10 day period, the court may grant a
5 period of up to 5 additional days to the State for good
6 cause shown. The State, however, shall retain the right to
7 proceed to hearing on the alleged violation at any time,
8 upon reasonable notice to the defendant and the court.

9 (2) At a hearing on the alleged violation the State has
10 the burden of going forward and proving the violation by
11 clear and convincing evidence. The evidence shall be
12 presented in open court with the opportunity to testify, to
13 present witnesses in his behalf, and to cross-examine
14 witnesses if any are called by the State, and
15 representation by counsel and if the defendant is indigent
16 to have counsel appointed for him. The rules of evidence
17 applicable in criminal trials in this State shall not
18 govern the admissibility of evidence at such hearing.
19 Information used by the court in its findings or stated in
20 or offered in connection with hearings for increase or
21 revocation of bail may be by way of proffer based upon
22 reliable information offered by the State or defendant. All
23 evidence shall be admissible if it is relevant and reliable
24 regardless of whether it would be admissible under the
25 rules of evidence applicable at criminal trials. A motion
26 by the defendant to suppress evidence or to suppress a

1 confession shall not be entertained at such a hearing.
2 Evidence that proof may have been obtained as a result of
3 an unlawful search and seizure or through improper
4 interrogation is not relevant to this hearing.

5 (3) Upon a finding by the court that the State has
6 established by clear and convincing evidence that the
7 defendant has committed a forcible felony or a Class 2 or
8 greater offense under the Illinois Controlled Substances
9 Act, the Cannabis Control Act, or the Methamphetamine
10 Control and Community Protection Act while admitted to
11 bail, or where the defendant is on bail for a felony
12 domestic battery (enhanced pursuant to subsection (b) of
13 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
14 Code of 2012), aggravated domestic battery, aggravated
15 battery, unlawful restraint, aggravated unlawful restraint
16 or domestic battery in violation of item (1) of subsection
17 (a) of Section 12-3.2 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 against a family or household member
19 as defined in Section 112A-3 of this Code and the violation
20 is an offense of domestic battery, against the same victim,
21 the court shall revoke the bail of the defendant and hold
22 the defendant for trial without bail. Neither the finding
23 of the court nor any transcript or other record of the
24 hearing shall be admissible in the State's case in chief,
25 but shall be admissible for impeachment, or as provided in
26 Section 115-10.1 of this Code or in a perjury proceeding.

1 (4) If the bail of any defendant is revoked pursuant to
2 paragraph (f) (3) of this Section, the defendant may demand
3 and shall be entitled to be brought to trial on the offense
4 with respect to which he was formerly released on bail
5 within 90 days after the date on which his bail was
6 revoked. If the defendant is not brought to trial within
7 the 90 day period required by the preceding sentence, he
8 shall not be held longer without bail. In computing the 90
9 day period, the court shall omit any period of delay
10 resulting from a continuance granted at the request of the
11 defendant.

12 (5) If the defendant either is arrested on a warrant
13 issued pursuant to this Code or is arrested for an
14 unrelated offense and it is subsequently discovered that
15 the defendant is a subject of another warrant or warrants
16 issued pursuant to this Code, the defendant shall be
17 transferred promptly to the court which issued such
18 warrant. If, however, the defendant appears initially
19 before a court other than the court which issued such
20 warrant, the non-issuing court shall not alter the amount
21 of bail ~~heretofore~~ set on such warrant unless the court
22 sets forth on the record of proceedings the conclusions of
23 law and facts which are the basis for such altering of
24 another court's bond. The non-issuing court shall not alter
25 another courts bail set on a warrant unless the interests
26 of justice and public safety are served by such action.

1 (g) The State may appeal any order where the court has
2 increased or reduced the amount of bail or altered the
3 conditions of the bail bond or granted bail where it has
4 previously been revoked.

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

6 (725 ILCS 5/110-6.4 new)

7 Sec. 110-6.4. Statewide risk assessment tool.

8 The Supreme Court may establish a statewide
9 risk-assessment tool to be used in proceedings to assist the
10 court in establishing bail for a defendant by assessing the
11 defendant's likelihood of appearing at future court
12 proceedings or determining if the defendant poses a real and
13 present threat to the physical safety of any person or persons.
14 The Supreme Court shall consider establishing a
15 risk-assessment tool that does not discriminate on the basis of
16 race, gender, educational level, socio-economic status, or
17 neighborhood. If a risk assessment tool is utilized within a
18 circuit that does not require a personal interview to be
19 completed, the Chief Judge of the circuit or the Director of
20 the Pre-trial Services Agency may exempt the requirement under
21 Section 9 and subsection (a) of Section 7 of the Pretrial
22 Services Act.

23 For the purpose of this Section, "risk assessment tool"
24 means an empirically validated, evidence-based screening
25 instrument that demonstrates reduced instances of a

1 defendant's failure to appear for further court proceedings or
2 prevents future criminal activity.

3 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

4 Sec. 110-14. Credit for incarceration on bailable offense;
5 credit against monetary bail for certain offenses
6 ~~Incarceration on Bailable Offense.~~

7 (a) Any person incarcerated on a bailable offense who does
8 not supply bail and against whom a fine is levied on conviction
9 of the ~~such~~ offense shall be allowed a credit of \$5 for each
10 day so incarcerated upon application of the defendant. However,
11 in no case shall the amount so allowed or credited exceed the
12 amount of the fine.

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

16 (c) A person subject to bail on a Category B offense shall
17 have \$30 deducted from his or her monetary bail every day the
18 person is incarcerated.

19 (Source: P.A. 93-699, eff. 1-1-05.)

20 ARTICLE 5. THREATENING PUBLIC OFFICIALS

21 Section 5-5. The Criminal Code of 2012 is amended by
22 changing Section 12-9 as follows:

1 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

2 Sec. 12-9. Threatening public officials; human service
3 providers.

4 (a) A person commits threatening a public official or human
5 service provider when:

6 (1) that person knowingly delivers or conveys,
7 directly or indirectly, to a public official or human
8 service provider by any means a communication:

9 (i) containing a threat that would place the public
10 official or human service provider or a member of his
11 or her immediate family in reasonable apprehension of
12 immediate or future bodily harm, sexual assault,
13 confinement, or restraint; or

14 (ii) containing a threat that would place the
15 public official or human service provider or a member
16 of his or her immediate family in reasonable
17 apprehension that damage will occur to property in the
18 custody, care, or control of the public official or his
19 or her immediate family; and

20 (2) the threat was conveyed because of the performance
21 or nonperformance of some public duty or duty as a human
22 service provider, because of hostility of the person making
23 the threat toward the status or position of the public
24 official or the human service provider, or because of any
25 other factor related to the official's public existence.

26 (a-5) For purposes of a threat to a sworn law enforcement

1 officer, the threat must contain specific facts indicative of a
2 unique threat to the person, family or property of the officer
3 and not a generalized threat of harm.

4 (a-6) For purposes of a threat to a social worker,
5 caseworker, investigator, or human service provider, the
6 threat must contain specific facts indicative of a unique
7 threat to the person, family or property of the individual and
8 not a generalized threat of harm.

9 (b) For purposes of this Section:

10 (1) "Public official" means a person who is elected to
11 office in accordance with a statute or who is appointed to
12 an office which is established, and the qualifications and
13 duties of which are prescribed, by statute, to discharge a
14 public duty for the State or any of its political
15 subdivisions or in the case of an elective office any
16 person who has filed the required documents for nomination
17 or election to such office. "Public official" includes a
18 duly appointed assistant State's Attorney, assistant
19 Attorney General, or Appellate Prosecutor; a sworn law
20 enforcement or peace officer; a social worker, caseworker,
21 attorney, or investigator employed by the Department of
22 Healthcare and Family Services, the Department of Human
23 Services, ~~or~~ the Department of Children and Family
24 Services, or the Guardianship and Advocacy Commission; or
25 an assistant public guardian, attorney, social worker,
26 case manager, or investigator employed by a duly appointed

