

1 AMENDMENT TO HOUSE BILL 506

2 AMENDMENT NO. _____. Amend House Bill 506 as follows:
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Criminal Procedure of 1963 is
6 amended by changing Section 110-5 as follows:

7 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

8 Sec. 110-5. Determining the amount of bail and conditions
9 of release.

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

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

1 although a United States citizen, is considered under the law
2 of any foreign state a national of that state for the
3 purposes of extradition or non-extradition to the United
4 States, the amount of unrecovered proceeds lost as a result
5 of the alleged offense, the source of bail funds tendered or
6 sought to be tendered for bail, whether from the totality of
7 the court's consideration, the loss of funds posted or sought
8 to be posted for bail will not deter the defendant from
9 flight, whether the evidence shows that the defendant is
10 engaged in significant possession, manufacture, or delivery
11 of a controlled substance or cannabis, either individually or
12 in consort with others, whether at the time of the offense
13 charged he was on bond or pre-trial release pending trial,
14 probation, periodic imprisonment or conditional discharge
15 pursuant to this Code or the comparable Code of any other
16 state or federal jurisdiction, whether the defendant is on
17 bond or pre-trial release pending the imposition or execution
18 of sentence or appeal of sentence for any offense under the
19 laws of Illinois or any other state or federal jurisdiction,
20 whether the defendant is under parole or mandatory supervised
21 release or work release from the Illinois Department of
22 Corrections or any penal institution or corrections
23 department of any state or federal jurisdiction, the
24 defendant's record of convictions, whether the defendant has
25 been convicted of a misdemeanor or ordinance offense in
26 Illinois or similar offense in other state or federal
27 jurisdiction within the 10 years preceding the current charge
28 or convicted of a felony in Illinois, whether the defendant
29 was convicted of an offense in another state or federal
30 jurisdiction that would be a felony if committed in Illinois
31 within the 20 years preceding the current charge or has been
32 convicted of such felony and released from the penitentiary
33 within 20 years preceding the current charge if a
34 penitentiary sentence was imposed in Illinois or other state

1 or federal jurisdiction, the defendant's records of juvenile
2 adjudication of delinquency in any jurisdiction, any record
3 of appearance or failure to appear by the defendant at court
4 proceedings, whether there was flight to avoid arrest or
5 prosecution, whether the defendant escaped or attempted to
6 escape to avoid arrest, whether the defendant refused to
7 identify himself, or whether there was a refusal by the
8 defendant to be fingerprinted as required by law.
9 Information used by the court in its findings or stated in or
10 offered in connection with this Section may be by way of
11 proffer based upon reliable information offered by the State
12 or defendant. All evidence shall be admissible if it is
13 relevant and reliable regardless of whether it would be
14 admissible under the rules of evidence applicable at criminal
15 trials. If the State presents evidence that the offense
16 committed by the defendant was related to or in furtherance
17 of the criminal activities of an organized gang or was
18 motivated by the defendant's membership in or allegiance to
19 an organized gang, and if the court determines that the
20 evidence may be substantiated, the court shall prohibit the
21 defendant from associating with other members of the
22 organized gang as a condition of bail or release. For the
23 purposes of this Section, "organized gang" has the meaning
24 ascribed to it in Section 10 of the Illinois Streetgang
25 Terrorism Omnibus Prevention Act.

26 (b) The amount of bail shall be:

27 (1) Sufficient to assure compliance with the
28 conditions set forth in the bail bond, which shall
29 include the defendant's current address with a written
30 admonishment to the defendant that he or she must comply
31 with the provisions of Section 110-12 regarding any
32 change in his or her address. The defendant's address
33 shall at all times remain a matter of public record with
34 the clerk of the court.

1 (2) Not oppressive.

2 (3) Considerate of the financial ability of the
3 accused.

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

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

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

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

24 (Source: P.A. 88-677, eff. 12-15-94; 88-679, eff. 7-1-95;
25 89-235, eff. 8-4-95; 89-377, eff. 8-18-95.)".