

1 AN ACT in relation to 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 110-17 as follows:

6 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

7 Sec. 110-17. Unclaimed Bail Deposits. Notwithstanding the
8 provisions of the Uniform Disposition of Unclaimed Property
9 Act, any sum of money deposited by any person to secure his or
10 her release from custody which remains unclaimed by the person
11 entitled to its return for 3 years after the conditions of the
12 bail bond have been performed and the accused has been
13 discharged from all obligations in the cause shall be presumed
14 to be abandoned.

15 (a) The clerk of the circuit court, as soon thereafter as
16 practicable, shall cause notice to be published once, in
17 English, in a newspaper or newspapers of general circulation in
18 the county wherein the deposit of bond was received and shall
19 post this notice on the Internet.

20 (b) The published and posted notice shall be entitled
21 "Notice of Persons Appearing to be Owners of Abandoned
22 Property" and shall contain:

23 (1) The names, in alphabetical order, of persons to whom
24 the notice is directed.

25 (2) A statement that information concerning the amount of
26 the property may be obtained by any persons possessing an
27 interest in the property by making an inquiry at the office of
28 the clerk of the circuit court at a location designated by him
29 or her.

30 (3) A statement that if proof of claim is not presented by
31 the owner to the clerk of the circuit court and if the owner's
32 right to receive the property is not established to the

1 satisfaction of the clerk of the court within 65 days from the
2 date of the published and posted notice, the abandoned property
3 will be placed in the custody of the treasurer of the county,
4 not later than 85 days after such publication and posting, to
5 whom all further claims must thereafter be directed. If the
6 claim is established as aforesaid and after deducting an amount
7 not to exceed \$20 to cover the cost of notice publication and
8 posting and related clerical expenses, the clerk of the court
9 shall make payment to the person entitled thereto.

10 (4) The clerk of the circuit court is not required to
11 publish and post in such notice any items of less than \$100
12 unless he or she deems such publication and posting in the
13 public interest.

14 (c) Any clerk of the circuit court who has caused notice to
15 be published and posted as provided by this Section shall,
16 within 20 days after the time specified in this Section for
17 claiming the property from the clerk of the court, pay or
18 deliver to the treasurer of the county having jurisdiction of
19 the offense, whether the bond was taken there or any other
20 county, all sums deposited as specified in this section less
21 such amounts as may have been returned to the persons whose
22 rights to receive the sums deposited have been established to
23 the satisfaction of the clerk of the circuit court. Any clerk
24 of the circuit court who transfers such sums to the county
25 treasury including sums deposited by persons whose names are
26 not required to be set forth in the published notice aforesaid,
27 is relieved of all liability for such sums as have been
28 transferred as unclaimed bail deposits or any claim which then
29 exists or which thereafter may arise or be made in respect to
30 such sums.

31 (d) The treasurer of the county shall keep just and true
32 accounts of all moneys paid into the treasury, and if any
33 person appears within 5 years after the deposit of moneys by
34 the clerk of the circuit court and claims any money paid into
35 the treasury, he or she shall file a claim therefor on the form
36 prescribed by the treasurer of the county who shall consider

1 any claim filed under this Act and who may, in his or her
2 discretion, hold a hearing and receive evidence concerning it.
3 The treasurer of the county shall prepare a finding and the
4 decision in writing on each hearing, stating the substance of
5 any evidence heard by him or her, his or her findings of fact
6 in respect thereto, and the reasons for his or her decision.
7 The decision shall be a public record. All moneys not otherwise
8 claimed after 5 years shall be deposited in the county general
9 fund and used for county purposes.

10 (e) All claims which are not filed within the 5 year period
11 shall be forever barred.

12 (f) The changes made by this amendatory Act of the 93rd
13 General Assembly are applicable to bail deposits made before,
14 on, or after the effective date of this amendatory Act of the
15 93rd General Assembly.

16 (Source: P.A. 85-768.)