



Sen. Terry Link

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LRB099 07774 RLC 35917 a

1 AMENDMENT TO HOUSE BILL 2569

2 AMENDMENT NO. _____. Amend House Bill 2569 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 113-4 as follows:

6 (725 ILCS 5/113-4) (from Ch. 38, par. 113-4)

7 Sec. 113-4. Plea. (a) When called upon to plead at
8 arraignment the defendant shall be furnished with a copy of the
9 charge and shall plead guilty, guilty but mentally ill, or not
10 guilty.

11 (b) If the defendant stands mute a plea of not guilty shall
12 be entered for him or her and the trial shall proceed on the
13 ~~such~~ plea.

14 (c) If the defendant pleads guilty, the ~~such~~ plea shall not
15 be accepted until the court shall have fully explained to the
16 defendant the following:

1 (1) consequences of such plea and the maximum and
2 minimum penalty provided by law for the offense which may
3 be imposed by the court;

4 (2) any possible increased sentence by reason of the
5 fact of a prior conviction and any possibility of the
6 imposition of consecutive sentences; and

7 (3) any registration requirement that may result from
8 the plea.

9 After ~~the~~ such explanation, the court shall ask the defendant
10 in open court if the consequences of the defendant's guilty
11 plea have been fully explained by defendant's counsel. If ~~if~~
12 the defendant answers in the affirmative and understandingly
13 persists in his or her plea, it shall be accepted by the court
14 and recorded. For purposes of this subsection (c),
15 "consequences of the defendant's guilty plea" means
16 consequences that the defendant's counsel deems necessary for
17 the defendant to make an informed decision. These consequences
18 may include, but are not limited to, any possible increased
19 sentence for a future conviction, any restrictions associated
20 with a registration requirement that may result from the plea,
21 or the negative effect the plea may have on the defendant's
22 ability to retain or obtain housing, retain or obtain
23 employment, retain or obtain an occupational or driver's
24 license, retain or obtain custody of a child, acquire loans, or
25 possess a firearm.

26 (d) If the defendant pleads guilty but mentally ill, the

1 court shall not accept that ~~such a~~ plea until the defendant has
2 undergone examination by a clinical psychologist or
3 psychiatrist and the judge has examined the psychiatric or
4 psychological report or reports, held a hearing on the issue of
5 the defendant's mental condition and is satisfied that there is
6 a factual basis that the defendant was mentally ill at the time
7 of the offense to which the plea is entered.

8 (e) If a defendant pleads not guilty, the court shall
9 advise him or her at that time or at any later court date on
10 which he or she is present that if the defendant ~~he~~ escapes
11 from custody or is released on bond and fails to appear in
12 court when required by the court that his or her failure to
13 appear would constitute a waiver of his or her right to
14 confront the witnesses against him or her and trial could
15 proceed in his or her absence.

16 (Source: P.A. 82-553.)".