

HB5542



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5542

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-4

from Ch. 38, par. 110-4

Amends the Code of Criminal Procedure of 1963. Makes a technical change in the Section concerningailable offenses.

LRB099 18645 SLF 43027 b

A BILL FOR

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 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-4 as follows:

6 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

7 Sec. 110-4. Bailable Offenses.

8 (a) All persons shall be bailable before conviction, except
9 the ~~the~~ following offenses where the proof is evident or the
10 presumption great that the defendant is guilty of the offense:
11 capital offenses; offenses for which a sentence of life
12 imprisonment may be imposed as a consequence of conviction;
13 felony offenses for which a sentence of imprisonment, without
14 conditional and revocable release, shall be imposed by law as a
15 consequence of conviction, where the court after a hearing,
16 determines that the release of the defendant would pose a real
17 and present threat to the physical safety of any person or
18 persons; stalking or aggravated stalking, where the court,
19 after a hearing, determines that the release of the defendant
20 would pose a real and present threat to the physical safety of
21 the alleged victim of the offense and denial of bail is
22 necessary to prevent fulfillment of the threat upon which the
23 charge is based; or unlawful use of weapons in violation of

1 item (4) of subsection (a) of Section 24-1 of the Criminal Code
2 of 1961 or the Criminal Code of 2012 when that offense occurred
3 in a school or in any conveyance owned, leased, or contracted
4 by a school to transport students to or from school or a
5 school-related activity, or on any public way within 1,000 feet
6 of real property comprising any school, where the court, after
7 a hearing, determines that the release of the defendant would
8 pose a real and present threat to the physical safety of any
9 person and denial of bail is necessary to prevent fulfillment
10 of that threat; or making a terrorist threat in violation of
11 Section 29D-20 of the Criminal Code of 1961 or the Criminal
12 Code of 2012 or an attempt to commit the offense of making a
13 terrorist threat, where the court, after a hearing, determines
14 that the release of the defendant would pose a real and present
15 threat to the physical safety of any person and denial of bail
16 is necessary to prevent fulfillment of that threat.

17 (b) A person seeking release on bail who is charged with a
18 capital offense or an offense for which a sentence of life
19 imprisonment may be imposed shall not be bailable until a
20 hearing is held wherein such person has the burden of
21 demonstrating that the proof of his guilt is not evident and
22 the presumption is not great.

23 (c) Where it is alleged that bail should be denied to a
24 person upon the grounds that the person presents a real and
25 present threat to the physical safety of any person or persons,
26 the burden of proof of such allegations shall be upon the

1 State.

2 (d) When it is alleged that bail should be denied to a
3 person charged with stalking or aggravated stalking upon the
4 grounds set forth in Section 110-6.3 of this Code, the burden
5 of proof of those allegations shall be upon the State.

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