



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6190

Introduced 2/11/2016, by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

730 ILCS 169/1  
730 ILCS 169/5  
730 ILCS 169/10  
730 ILCS 169/15  
730 ILCS 169/20

Amends the Accelerated Resolution Court Act. Changes the name of the Act to the Accelerated Resolution Program Act. Includes for eligibility for the Program, a defendant charged with: (1) a traffic offense, except for any offense involving fleeing or attempting to elude a peace officer or aggravated fleeing or attempting to elude a peace officer, driving under the influence, or any offense that results in bodily harm, or (2) a Class 4 felony violation of the Illinois Controlled Substances Act. Deletes provision that once referred to the Program by the Cook County Sheriff or his or her designee, written notice shall be given by the Sheriff to the Presiding Judge of the Criminal Division of the Circuit Court of Cook County. Deletes provision that if a person is released on his or her own recognizance, the conditions of the release shall be that he or she shall file written notice with the clerk of the court before which the proceeding is pending of any change in his or her address within 24 hours after the change. Deletes provision that the address of a defendant who has been released on his or her own recognizance shall at all times remain a matter of public record with the clerk of the court. Provides that the Act is repealed on June 30, 2019 (rather than June 30, 2017).

LRB099 19890 RLC 44289 b

FISCAL NOTE ACT  
MAY APPLY

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 Accelerated Resolution Court Act is amended  
5 by changing Sections 1, 5, 10, 15, and 20 as follows:

6 (730 ILCS 169/1)

7 (Section scheduled to be repealed on June 30, 2017)

8 Sec. 1. Short title. This Act may be cited as the  
9 Accelerated Resolution Program ~~Court~~ Act.

10 (Source: P.A. 99-436, eff. 8-21-15.)

11 (730 ILCS 169/5)

12 (Section scheduled to be repealed on June 30, 2017)

13 Sec. 5. Accelerated Resolution Program ~~Court~~ ~~pilot~~  
14 ~~program~~. The Accelerated Resolution Program ~~Court~~ ~~pilot~~  
15 ~~program~~ is hereby created in Cook County. Under this Program  
16 ~~pilot program~~, the Cook County Sheriff or his or her designee,  
17 acting in his or her official capacity as Director of the Cook  
18 County Department of Corrections with the approval of the Cook  
19 County State's Attorney, may refer eligible defendants to the  
20 Accelerated Resolution Program ~~Court~~ provided that notice is  
21 given to the prosecuting State's Attorney and ~~7~~ the defendant's  
22 counsel of record, ~~and the Presiding Judge of the Criminal~~

1 ~~Division of the Circuit Court of Cook County.~~

2 (Source: P.A. 99-436, eff. 8-21-15.)

3 (730 ILCS 169/10)

4 (Section scheduled to be repealed on June 30, 2017)

5 Sec. 10. Eligibility.

6 (a) To be eligible for the program the defendant must be:

7 (1) in the custody of the Cook County Department of  
8 Corrections 72 hours after bond has been set;

9 (2) unable to post bond or ineligible to be placed on  
10 electronic monitoring due to homelessness or a lack of a  
11 sufficient host site approved by the Sheriff; and

12 (3) charged with:

13 (A) retail theft of property the full retail value  
14 of which does not exceed \$300 under Section 16-25 of  
15 the Criminal Code of 2012;

16 (B) criminal trespass to real property under  
17 Section 21-3 of the Criminal Code of 2012; ~~or~~

18 (C) criminal trespass to State supported land  
19 under Section 21-5 of the Criminal Code of 2012; ~~or~~

20 (D) a traffic offense, except for any offense  
21 involving fleeing or attempting to elude a peace  
22 officer or aggravated fleeing or attempting to elude a  
23 peace officer under Section 11-204 or 11-204.1 of the  
24 Illinois Vehicle Code, driving under the influence  
25 under Section 11-501 of the Illinois Vehicle Code, or

1           any offense that results in bodily harm; or

2                   (E) a Class 4 felony violation of the Illinois  
3           Controlled Substances Act.

4           (b) A defendant shall be excluded from the program if the  
5 defendant has been convicted of, or adjudicated delinquent for,  
6 a crime of violence in the past 10 years excluding  
7 incarceration time, including, but not limited to, first degree  
8 murder, second degree murder, predatory criminal sexual  
9 assault of a child, aggravated criminal sexual assault,  
10 criminal sexual assault, armed robbery, aggravated arson,  
11 arson, aggravated kidnaping, kidnapping, aggravated battery  
12 resulting in great bodily harm or permanent disability,  
13 aggravated stalking, stalking, or any offense involving the  
14 discharge of a firearm.

15           (Source: P.A. 99-436, eff. 8-21-15.)

16           (730 ILCS 169/15)

17           (Section scheduled to be repealed on June 30, 2017)

18           Sec. 15. Procedure.

19           (a) Once referred to the Accelerated Resolution Program  
20 ~~Court~~ by the Cook County Sheriff or his or her designee,  
21 written notice shall be given by the Sheriff to the prosecuting  
22 State's Attorney and ~~and~~ the defendant's counsel of record, ~~and~~  
23 ~~the Presiding Judge of the Criminal Division of the Circuit~~  
24 ~~Court of Cook County~~. Proof of the notice shall be filed with  
25 the Clerk of the Circuit Court of Cook County. Any referred

1 case shall be adjudicated within 30 days of the date of  
2 assignment by the presiding judge, excluding any delay  
3 occasioned by the defendant.

4 (b) If a case within the Accelerated Resolution Program  
5 ~~Court~~ is not resolved within 30 days of the date of assignment  
6 by the presiding judge, the time period provided in subsection  
7 (a), then the defendant shall be released from custody on his  
8 or her own recognizance or released on electronic monitoring.  
9 Any person released under this Section must agree to the terms  
10 and conditions of release provided by the court.

11 (c) Nothing in this Act shall be construed as prohibiting a  
12 defendant from requesting a continuance. Any continuance  
13 granted on behalf of the defendant shall toll the 30-day  
14 requirement of this Act. Lack of participation by the victim or  
15 other continuances required on behalf of the State do not toll  
16 the 30-day requirement of this Act.

17 (d) If a person is released on his or her own recognizance,  
18 the conditions of the release shall be that he or she shall:

19 (1) appear to answer the charge in the court having  
20 jurisdiction on a day certain and thereafter ordered by the  
21 court until discharged or final order of the court;

22 (2) submit himself or herself to the orders and process  
23 of the court;

24 (3) not depart this State without leave of the court;

25 (4) not violate any criminal statute of any  
26 jurisdiction;

1 (5) at a time and place designated by the court,  
2 surrender all firearms in his or her possession to a law  
3 enforcement officer as required under paragraph (5) of  
4 subsection (a) of Section 110-10 of the Code of Criminal  
5 Procedure of 1963; and

6 (6) (blank). ~~file written notice with the clerk of the~~  
7 ~~court before which the proceeding is pending of any change~~  
8 ~~in his or her address within 24 hours after the change. The~~  
9 ~~address of a defendant who has been released on his or her~~  
10 ~~own recognizance shall at all times remain a matter of~~  
11 ~~public record with the clerk of the court.~~

12 (e) If the court finds that additional conditions are  
13 reasonably necessary to assure the defendant's appearance in  
14 court, protect the public from the defendant, or prevent the  
15 defendant's unlawful interference with the orderly  
16 administration of justice, the court may require the defendant  
17 to:

18 (1) refrain from going to certain described  
19 geographical areas or premises;

20 (2) refrain from engaging in certain activities or  
21 indulging in intoxicating liquors or in certain drugs;

22 (3) undergo mental health treatment or treatment for  
23 drug addiction or alcoholism;

24 (4) attend or reside in a facility designated by the  
25 court; or

26 (5) comply with other reasonable conditions as the

1 court may impose.

2 (f) A failure to appear as required by the recognizance  
3 shall constitute an offense subject to the penalty provided in  
4 Section 32-10 of the Criminal Code of 2012 for violation of  
5 bail bond.

6 (g) The State may object to the referral of a case under  
7 Section 15 by providing written notice to the Cook County  
8 Sheriff's Office and the Office of the Public Defender.

9 (h) The State may object to any order permitting release by  
10 personal recognizance or electronic monitoring.

11 (Source: P.A. 99-436, eff. 8-21-15.)

12 (730 ILCS 169/20)

13 (Section scheduled to be repealed on June 30, 2017)

14 Sec. 20. Repeal. This Act is repealed on June 30, 2019  
15 ~~2017~~.

16 (Source: P.A. 99-436, eff. 8-21-15.)