

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 110-6 as follows:

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

7 Sec. 110-6. (a) Upon verified application by the State  
8 or the defendant or on its own motion the court before which  
9 the proceeding is pending may increase or reduce the amount  
10 of bail or may alter the conditions of the bail bond or grant  
11 bail where it has been previously revoked or denied. If bail  
12 has been previously revoked pursuant to subsection (f) of  
13 this Section or if bail has been denied to the defendant  
14 pursuant to subsection (e) of Section 110-6.1 or subsection  
15 (e) of Section 110-6.3, the defendant shall be required to  
16 present a verified application setting forth in detail any  
17 new facts not known or obtainable at the time of the previous  
18 revocation or denial of bail proceedings. If the court  
19 grants bail where it has been previously revoked or denied,  
20 the court shall state on the record of the proceedings the  
21 findings of facts and conclusion of law upon which such order  
22 is based.

23 (b) Violation of the conditions of Section 110-10 of  
24 this Code or any special conditions of bail as ordered by the  
25 court shall constitute grounds for the court to increase the  
26 amount of bail, or otherwise alter the conditions of bail,  
27 or, where the alleged offense committed on bail is a forcible  
28 felony in Illinois or a Class 2 or greater offense under the  
29 Controlled Substances Act or Cannabis Control Act, revoke  
30 bail pursuant to the appropriate provisions of subsection (e)  
31 of this section.

1 (c) Reasonable notice of such application by the  
2 defendant shall be given to the State.

3 (d) Reasonable notice of such application by the State  
4 shall be given to the defendant, except as provided in  
5 subsection (e) or (f-5).

6 (e) Upon verified application by the State stating facts  
7 or circumstances constituting a violation or a threatened  
8 violation of any of the conditions of the bail bond the court  
9 may issue a warrant commanding any peace officer to bring the  
10 defendant without unnecessary delay before the court for a  
11 hearing on the matters set forth in the application. If the  
12 actual court before which the proceeding is pending is absent  
13 or otherwise unavailable another court may issue a warrant  
14 pursuant to this Section. When the defendant is charged with  
15 a felony offense and while free on bail is charged with a  
16 subsequent felony offense and is the subject of a proceeding  
17 set forth in Section 109-1 or 109-3 of this Code, upon the  
18 filing of a verified petition by the State alleging a  
19 violation of Section 110-10 (a) (4) of this Code, the court  
20 shall without prior notice to the defendant, grant leave to  
21 file such application and shall order the transfer of the  
22 defendant and the application without unnecessary delay to  
23 the court before which the previous felony matter is pending  
24 for a hearing as provided in subsection (b) or this  
25 subsection of this Section. The defendant shall be held  
26 without bond pending transfer to and a hearing before such  
27 court. At the conclusion of the hearing based on a violation  
28 of the conditions of Section 110-10 of this Code or any  
29 special conditions of bail as ordered by the court the court  
30 may enter an order increasing the amount of bail or alter the  
31 conditions of bail as deemed appropriate.

32 (f) Where the alleged violation consists of the  
33 violation of one or more felony statutes of any jurisdiction  
34 which would be a forcible felony in Illinois or a Class 2 or

1 greater offense under the Illinois Controlled Substances Act  
2 or Cannabis Control Act and the defendant is on bail for the  
3 alleged commission of a felony, the court shall, on the  
4 motion of the State or its own motion, revoke bail in  
5 accordance with the following provisions:

6 (1) The court shall hold the defendant without bail  
7 pending the hearing on the alleged breach; however, if  
8 the defendant is not admitted to bail the hearing shall  
9 be commenced within 10 days from the date the defendant  
10 is taken into custody or the defendant may not be held  
11 any longer without bail, unless delay is occasioned by  
12 the defendant. Where defendant occasions the delay, the  
13 running of the 10 day period is temporarily suspended and  
14 resumes at the termination of the period of delay. Where  
15 defendant occasions the delay with 5 or fewer days  
16 remaining in the 10 day period, the court may grant a  
17 period of up to 5 additional days to the State for good  
18 cause shown. The State, however, shall retain the right  
19 to proceed to hearing on the alleged violation at any  
20 time, upon reasonable notice to the defendant and the  
21 court.

22 (2) At a hearing on the alleged violation the State  
23 has the burden of going forward and proving the violation  
24 by clear and convincing evidence. The evidence shall be  
25 presented in open court with the opportunity to testify,  
26 to present witnesses in his behalf, and to cross-examine  
27 witnesses if any are called by the State, and  
28 representation by counsel and if the defendant is  
29 indigent to have counsel appointed for him. The rules of  
30 evidence applicable in criminal trials in this State  
31 shall not govern the admissibility of evidence at such  
32 hearing. Information used by the court in its findings or  
33 stated in or offered in connection with hearings for  
34 increase or revocation of bail may be by way of proffer

1 based upon reliable information offered by the State or  
2 defendant. All evidence shall be admissible if it is  
3 relevant and reliable regardless of whether it would be  
4 admissible under the rules of evidence applicable at  
5 criminal trials. A motion by the defendant to suppress  
6 evidence or to suppress a confession shall not be  
7 entertained at such a hearing. Evidence that proof may  
8 have been obtained as a result of an unlawful search and  
9 seizure or through improper interrogation is not relevant  
10 to this hearing.

11 (3) Upon a finding by the court that the State has  
12 established by clear and convincing evidence that the  
13 defendant has committed a forcible felony or a Class 2 or  
14 greater offense under the Controlled Substances Act or  
15 Cannabis Control Act while admitted to bail, the court  
16 shall revoke the bail of the defendant and hold the  
17 defendant for trial without bail. Neither the finding of  
18 the court nor any transcript or other record of the  
19 hearing shall be admissible in the State's case in chief,  
20 but shall be admissible for impeachment, or as provided  
21 in Section 115-10.1 of this Code or in a perjury  
22 proceeding.

23 (4) If the bail of any defendant is revoked  
24 pursuant to paragraph (f) (3) of this Section, the  
25 defendant may demand and shall be entitled to be brought  
26 to trial on the offense with respect to which he was  
27 formerly released on bail within 90 days after the date  
28 on which his bail was revoked. If the defendant is not  
29 brought to trial within the 90 day period required by the  
30 preceding sentence, he shall not be held longer without  
31 bail. In computing the 90 day period, the court shall  
32 omit any period of delay resulting from a continuance  
33 granted at the request of the defendant.

34 (5) If the defendant either is arrested on a

1 warrant issued pursuant to this Code or is arrested for  
2 an unrelated offense and it is subsequently discovered  
3 that the defendant is a subject of another warrant or  
4 warrants issued pursuant to this Code, the defendant  
5 shall be transferred promptly to the court which issued  
6 such warrant. If, however, the defendant appears  
7 initially before a court other than the court which  
8 issued such warrant, the non-issuing court shall not  
9 alter the amount of bail heretofore set on such warrant  
10 unless the court sets forth on the record of proceedings  
11 the conclusions of law and facts which are the basis for  
12 such altering of another court's bond. The non-issuing  
13 court shall not alter another courts bail set on a  
14 warrant unless the interests of justice and public safety  
15 are served by such action.

16 (f-5) Upon a certificate executed by a physician,  
17 clinical psychologist, or qualified examiner, as these terms  
18 are defined in the Mental Health and Developmental  
19 Disabilities Code, stating that the defendant charged with a  
20 felony is a person with a mental illness and is in need of  
21 immediate hospitalization because the defendant is reasonably  
22 expected to inflict serious physical harm upon himself,  
23 herself, or others in the near future, or is unable to  
24 provide for his or her basic physical needs to guard himself  
25 or herself from serious physical harm, the court may revoke  
26 the defendant's bond and order the defendant to appear before  
27 the court to determine whether immediate hospitalization is  
28 necessary.

29 (g) The State may appeal any order where the court has  
30 increased or reduced the amount of bail or altered the  
31 conditions of the bail bond or granted bail where it has  
32 previously been revoked.

33 (Source: P.A. 86-984; 87-870; 87-871.)

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.