



Rep. Elgie R. Sims, Jr.

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10000SB1581ham001

LRB100 09335 SLF 27184 a

1 AMENDMENT TO SENATE BILL 1581

2 AMENDMENT NO. _____. Amend Senate Bill 1581 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Bail Reform
5 Act of 2017.

6 Section 3. Legislative findings.

7 The General Assembly recognizes that the promotion of
8 public safety and protection of crime victim rights are 2 of
9 the main focuses of our State's criminal justice system; it
10 further acknowledges that protecting the rights of the accused
11 is central to the integrity of our State's criminal justice
12 system. With these focuses in mind, this amendatory Act of the
13 100th General Assembly establishes the Bail Reform Act of 2017
14 for the citizens of this State, in recognition that the
15 decision-making behind pre-trial release shall not focus on a
16 person's wealth and ability to afford monetary bail but shall

1 instead focus on a person's threat to public safety or risk of
2 failure to appear before a court of appropriate jurisdiction.

3 Section 5. The Criminal Code of 2012 is amended by changing
4 Section 33G-9 as follows:

5 (720 ILCS 5/33G-9)

6 (Section scheduled to be repealed on June 11, 2017)

7 Sec. 33G-9. Repeal. This Article is repealed on June 11,
8 2022 ~~5 years after it becomes law.~~

9 (Source: P.A. 97-686, eff. 6-11-12.)

10 Section 10. The Code of Criminal Procedure of 1963 is
11 amended by changing Sections 109-1, 110-5, 110-6, and 110-14 by
12 adding Sections 102-7.1, 102-7.2, and 110-6.4 as follows:

13 (725 ILCS 5/102-7.1 new)

14 Sec. 102-7.1. "Category A offense".

15 "Category A offense" means a Class 2 felony, Class X
16 felony, first degree murder, a violation of Section 11-204 of
17 the Illinois Vehicle Code, a second or subsequent violation of
18 Section 11-501 of the Illinois Vehicle Code, a violation of
19 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
20 a violation of Section 11-401 of the Illinois Vehicle Code if
21 the accident results in injury and the person failed to report
22 the accident within 30 minutes, a violation of Section 9-3,

1 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
2 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
3 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.5, 24-3,
4 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or
5 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code
6 of 2012, a violation of paragraph (5) or (6) of subsection (b)
7 of Section 10-9 of the Criminal Code of 2012, a violation of
8 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)
9 of Section 11-1.50 of the Criminal Code of 2012, a violation of
10 Section 12-7 of the Criminal Code of 2012 if the defendant
11 inflicts bodily harm on the victim to obtain a confession,
12 statement, or information, a violation of Section 12-7.5 of the
13 Criminal Code of 2012 if the action results in bodily harm, a
14 violation of paragraph (3) of subsection (b) of Section 17-2 of
15 the Criminal Code of 2012, a violation of subdivision
16 (a) (7) (ii) of Section 24-1 of the Criminal Code of 2012, a
17 violation of paragraph (6) of subsection (a) of Section 24-1 of
18 the Criminal Code of 2012, or a violation of Section 10 of the
19 Sex Offender Registration Act.

20 (725 ILCS 5/102-7.2 new)

21 Sec. 102-7.2. "Category B offense".

22 "Category B offense" means a business offense, petty
23 offense, Class C misdemeanor, Class B misdemeanor, Class A
24 misdemeanor, Class 3 felony, or Class 4 felony, which is not
25 specified in Category A.

1 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

2 Sec. 109-1. Person arrested.

3 (a) A person arrested with or without a warrant shall be
4 taken without unnecessary delay before the nearest and most
5 accessible judge in that county, except when such county is a
6 participant in a regional jail authority, in which event such
7 person may be taken to the nearest and most accessible judge,
8 irrespective of the county where such judge presides, and a
9 charge shall be filed. Whenever a person arrested either with
10 or without a warrant is required to be taken before a judge, a
11 charge may be filed against such person by way of a two-way
12 closed circuit television system, except that a hearing to deny
13 bail to the defendant may not be conducted by way of closed
14 circuit television.

15 (a-5) A person charged with an offense shall be allowed
16 counsel at the hearing at which bail is determined under
17 Article 110 of this Code. If the defendant desires counsel for
18 his or her initial appearance but is unable to obtain counsel,
19 the court shall appoint a public defender or licensed attorney
20 at law of this State to represent him or her for purposes of
21 that hearing.

22 (b) The judge shall:

23 (1) Inform the defendant of the charge against him and
24 shall provide him with a copy of the charge;

25 (2) Advise the defendant of his right to counsel and if

1 indigent shall appoint a public defender or licensed
2 attorney at law of this State to represent him in
3 accordance with the provisions of Section 113-3 of this
4 Code;

5 (3) Schedule a preliminary hearing in appropriate
6 cases;

7 (4) Admit the defendant to bail in accordance with the
8 provisions of Article 110 of this Code; and

9 (5) Order the confiscation of the person's passport or
10 impose travel restrictions on a defendant arrested for
11 first degree murder or other violent crime as defined in
12 Section 3 of the Rights of Crime Victims and Witnesses Act,
13 if the judge determines, based on the factors in Section
14 110-5 of this Code, that this will reasonably ensure the
15 appearance of the defendant and compliance by the defendant
16 with all conditions of release.

17 (c) The court may issue an order of protection in
18 accordance with the provisions of Article 112A of this Code.

19 (d) At the initial appearance of a defendant in any
20 criminal proceeding, the court must advise the defendant in
21 open court that any foreign national who is arrested or
22 detained has the right to have notice of the arrest or
23 detention given to his or her country's consular
24 representatives and the right to communicate with those
25 consular representatives if the notice has not already been
26 provided. The court must make a written record of so advising

1 the defendant.

2 (e) If consular notification is not provided to a defendant
3 before his or her first appearance in court, the court shall
4 grant any reasonable request for a continuance of the
5 proceedings to allow contact with the defendant's consulate.
6 Any delay caused by the granting of the request by a defendant
7 shall temporarily suspend for the time of the delay the period
8 within which a person shall be tried as prescribed by
9 subsections (a), (b), or (e) of Section 103-5 of this Code and
10 on the day of the expiration of delay the period shall continue
11 at the point at which it was suspended.

12 (Source: P.A. 98-143, eff. 1-1-14; 99-78, eff. 7-20-15; 99-190,
13 eff. 1-1-16.)

14 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

15 Sec. 110-5. Determining the amount of bail and conditions
16 of release.

17 (a) In determining the amount of monetary bail or
18 conditions of release, if any, which will reasonably assure the
19 appearance of a defendant as required or the safety of any
20 other person or the community and the likelihood of compliance
21 by the defendant with all the conditions of bail, the court
22 shall, on the basis of available information, take into account
23 such matters as the nature and circumstances of the offense
24 charged, whether the evidence shows that as part of the offense
25 there was a use of violence or threatened use of violence,

1 whether the offense involved corruption of public officials or
2 employees, whether there was physical harm or threats of
3 physical harm to any public official, public employee, judge,
4 prosecutor, juror or witness, senior citizen, child, or person
5 with a disability, whether evidence shows that during the
6 offense or during the arrest the defendant possessed or used a
7 firearm, machine gun, explosive or metal piercing ammunition or
8 explosive bomb device or any military or paramilitary armament,
9 whether the evidence shows that the offense committed was
10 related to or in furtherance of the criminal activities of an
11 organized gang or was motivated by the defendant's membership
12 in or allegiance to an organized gang, the condition of the
13 victim, any written statement submitted by the victim or
14 proffer or representation by the State regarding the impact
15 which the alleged criminal conduct has had on the victim and
16 the victim's concern, if any, with further contact with the
17 defendant if released on bail, whether the offense was based on
18 racial, religious, sexual orientation or ethnic hatred, the
19 likelihood of the filing of a greater charge, the likelihood of
20 conviction, the sentence applicable upon conviction, the
21 weight of the evidence against such defendant, whether there
22 exists motivation or ability to flee, whether there is any
23 verification as to prior residence, education, or family ties
24 in the local jurisdiction, in another county, state or foreign
25 country, the defendant's employment, financial resources,
26 character and mental condition, past conduct, prior use of

1 alias names or dates of birth, and length of residence in the
2 community, the consent of the defendant to periodic drug
3 testing in accordance with Section 110-6.5, whether a foreign
4 national defendant is lawfully admitted in the United States of
5 America, whether the government of the foreign national
6 maintains an extradition treaty with the United States by which
7 the foreign government will extradite to the United States its
8 national for a trial for a crime allegedly committed in the
9 United States, whether the defendant is currently subject to
10 deportation or exclusion under the immigration laws of the
11 United States, whether the defendant, although a United States
12 citizen, is considered under the law of any foreign state a
13 national of that state for the purposes of extradition or
14 non-extradition to the United States, the amount of unrecovered
15 proceeds lost as a result of the alleged offense, the source of
16 bail funds tendered or sought to be tendered for bail, whether
17 from the totality of the court's consideration, the loss of
18 funds posted or sought to be posted for bail will not deter the
19 defendant from flight, whether the evidence shows that the
20 defendant is engaged in significant possession, manufacture,
21 or delivery of a controlled substance or cannabis, either
22 individually or in consort with others, whether at the time of
23 the offense charged he or she was on bond or pre-trial release
24 pending trial, probation, periodic imprisonment or conditional
25 discharge pursuant to this Code or the comparable Code of any
26 other state or federal jurisdiction, whether the defendant is

1 on bond or pre-trial release pending the imposition or
2 execution of sentence or appeal of sentence for any offense
3 under the laws of Illinois or any other state or federal
4 jurisdiction, whether the defendant is under parole, aftercare
5 release, mandatory supervised release, or work release from the
6 Illinois Department of Corrections or Illinois Department of
7 Juvenile Justice or any penal institution or corrections
8 department of any state or federal jurisdiction, the
9 defendant's record of convictions, whether the defendant has
10 been convicted of a misdemeanor or ordinance offense in
11 Illinois or similar offense in other state or federal
12 jurisdiction within the 10 years preceding the current charge
13 or convicted of a felony in Illinois, whether the defendant was
14 convicted of an offense in another state or federal
15 jurisdiction that would be a felony if committed in Illinois
16 within the 20 years preceding the current charge or has been
17 convicted of such felony and released from the penitentiary
18 within 20 years preceding the current charge if a penitentiary
19 sentence was imposed in Illinois or other state or federal
20 jurisdiction, the defendant's records of juvenile adjudication
21 of delinquency in any jurisdiction, any record of appearance or
22 failure to appear by the defendant at court proceedings,
23 whether there was flight to avoid arrest or prosecution,
24 whether the defendant escaped or attempted to escape to avoid
25 arrest, whether the defendant refused to identify himself or
26 herself, or whether there was a refusal by the defendant to be

1 fingerprinted as required by law. Information used by the court
2 in its findings or stated in or offered in connection with this
3 Section may be by way of proffer based upon reliable
4 information offered by the State or defendant. All evidence
5 shall be admissible if it is relevant and reliable regardless
6 of whether it would be admissible under the rules of evidence
7 applicable at criminal trials. If the State presents evidence
8 that the offense committed by the defendant was related to or
9 in furtherance of the criminal activities of an organized gang
10 or was motivated by the defendant's membership in or allegiance
11 to an organized gang, and if the court determines that the
12 evidence may be substantiated, the court shall prohibit the
13 defendant from associating with other members of the organized
14 gang as a condition of bail or release. For the purposes of
15 this Section, "organized gang" has the meaning ascribed to it
16 in Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 (a-5) There shall be a presumption that any conditions of
19 release imposed shall be non-monetary in nature and the court
20 shall impose the least restrictive conditions or combination of
21 conditions necessary to reasonably assure the appearance of the
22 defendant for further court proceedings and protect the
23 integrity of the judicial proceedings from a specific threat to
24 a witness or participant. Conditions of release may include,
25 but not be limited to, electronic home monitoring, curfews,
26 drug counseling, stay-away orders, and in-person reporting.

1 The court shall consider the defendant's socio-economic
2 circumstance when setting conditions of release or imposing
3 monetary bail.

4 (b) The amount of bail shall be:

5 (1) Sufficient to assure compliance with the
6 conditions set forth in the bail bond, which shall include
7 the defendant's current address with a written
8 admonishment to the defendant that he or she must comply
9 with the provisions of Section 110-12 regarding any change
10 in his or her address. The defendant's address shall at all
11 times remain a matter of public record with the clerk of
12 the court.

13 (2) Not oppressive.

14 (3) Considerate of the financial ability of the
15 accused.

16 (4) When a person is charged with a drug related
17 offense involving possession or delivery of cannabis or
18 possession or delivery of a controlled substance as defined
19 in the Cannabis Control Act, the Illinois Controlled
20 Substances Act, or the Methamphetamine Control and
21 Community Protection Act, the full street value of the
22 drugs seized shall be considered. "Street value" shall be
23 determined by the court on the basis of a proffer by the
24 State based upon reliable information of a law enforcement
25 official contained in a written report as to the amount
26 seized and such proffer may be used by the court as to the

1 current street value of the smallest unit of the drug
2 seized.

3 (b-5) Upon the filing of a written request demonstrating
4 reasonable cause, the State's Attorney may request a source of
5 bail hearing either before or after the posting of any funds.
6 If the hearing is granted, before the posting of any bail, the
7 accused must file a written notice requesting that the court
8 conduct a source of bail hearing. The notice must be
9 accompanied by justifying affidavits stating the legitimate
10 and lawful source of funds for bail. At the hearing, the court
11 shall inquire into any matters stated in any justifying
12 affidavits, and may also inquire into matters appropriate to
13 the determination which shall include, but are not limited to,
14 the following:

15 (1) the background, character, reputation, and
16 relationship to the accused of any surety; and

17 (2) the source of any money or property deposited by
18 any surety, and whether any such money or property
19 constitutes the fruits of criminal or unlawful conduct; and

20 (3) the source of any money posted as cash bail, and
21 whether any such money constitutes the fruits of criminal
22 or unlawful conduct; and

23 (4) the background, character, reputation, and
24 relationship to the accused of the person posting cash
25 bail.

26 Upon setting the hearing, the court shall examine, under

1 oath, any persons who may possess material information.

2 The State's Attorney has a right to attend the hearing, to
3 call witnesses and to examine any witness in the proceeding.
4 The court shall, upon request of the State's Attorney, continue
5 the proceedings for a reasonable period to allow the State's
6 Attorney to investigate the matter raised in any testimony or
7 affidavit. If the hearing is granted after the accused has
8 posted bail, the court shall conduct a hearing consistent with
9 this subsection (b-5). At the conclusion of the hearing, the
10 court must issue an order either approving or disapproving the
11 bail.

12 (c) When a person is charged with an offense punishable by
13 fine only the amount of the bail shall not exceed double the
14 amount of the maximum penalty.

15 (d) When a person has been convicted of an offense and only
16 a fine has been imposed the amount of the bail shall not exceed
17 double the amount of the fine.

18 (e) The State may appeal any order granting bail or setting
19 a given amount for bail.

20 (f) When a person is charged with a violation of an order
21 of protection under Section 12-3.4 or 12-30 of the Criminal
22 Code of 1961 or the Criminal Code of 2012 or when a person is
23 charged with domestic battery, aggravated domestic battery,
24 kidnapping, aggravated kidnaping, unlawful restraint,
25 aggravated unlawful restraint, stalking, aggravated stalking,
26 cyberstalking, harassment by telephone, harassment through

1 electronic communications, or an attempt to commit first degree
2 murder committed against an intimate partner regardless
3 whether an order of protection has been issued against the
4 person,

5 (1) whether the alleged incident involved harassment
6 or abuse, as defined in the Illinois Domestic Violence Act
7 of 1986;

8 (2) whether the person has a history of domestic
9 violence, as defined in the Illinois Domestic Violence Act,
10 or a history of other criminal acts;

11 (3) based on the mental health of the person;

12 (4) whether the person has a history of violating the
13 orders of any court or governmental entity;

14 (5) whether the person has been, or is, potentially a
15 threat to any other person;

16 (6) whether the person has access to deadly weapons or
17 a history of using deadly weapons;

18 (7) whether the person has a history of abusing alcohol
19 or any controlled substance;

20 (8) based on the severity of the alleged incident that
21 is the basis of the alleged offense, including, but not
22 limited to, the duration of the current incident, and
23 whether the alleged incident involved the use of a weapon,
24 physical injury, sexual assault, strangulation, abuse
25 during the alleged victim's pregnancy, abuse of pets, or
26 forcible entry to gain access to the alleged victim;

1 (9) whether a separation of the person from the alleged
2 victim or a termination of the relationship between the
3 person and the alleged victim has recently occurred or is
4 pending;

5 (10) whether the person has exhibited obsessive or
6 controlling behaviors toward the alleged victim,
7 including, but not limited to, stalking, surveillance, or
8 isolation of the alleged victim or victim's family member
9 or members;

10 (11) whether the person has expressed suicidal or
11 homicidal ideations;

12 (12) based on any information contained in the
13 complaint and any police reports, affidavits, or other
14 documents accompanying the complaint,
15 the court may, in its discretion, order the respondent to
16 undergo a risk assessment evaluation using a recognized,
17 evidence-based instrument conducted by an Illinois Department
18 of Human Services approved partner abuse intervention program
19 provider, pretrial service, probation, or parole agency. These
20 agencies shall have access to summaries of the defendant's
21 criminal history, which shall not include victim interviews or
22 information, for the risk evaluation. Based on the information
23 collected from the 12 points to be considered at a bail hearing
24 under this subsection (f), the results of any risk evaluation
25 conducted and the other circumstances of the violation, the
26 court may order that the person, as a condition of bail, be

1 placed under electronic surveillance as provided in Section
2 5-8A-7 of the Unified Code of Corrections. Upon making a
3 determination whether or not to order the respondent to undergo
4 a risk assessment evaluation or to be placed under electronic
5 surveillance and risk assessment, the court shall document in
6 the record the court's reasons for making those determinations.
7 The cost of the electronic surveillance and risk assessment
8 shall be paid by, or on behalf, of the defendant. As used in
9 this subsection (f), "intimate partner" means a spouse or a
10 current or former partner in a cohabitation or dating
11 relationship.

12 (Source: P.A. 98-558, eff. 1-1-14; 98-1012, eff. 1-1-15;
13 99-143, eff. 7-27-15.)

14 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

15 Sec. 110-6. Modification of bail or conditions.

16 (a) Upon verified application by the State or the defendant
17 or on its own motion the court before which the proceeding is
18 pending may increase or reduce the amount of bail or may alter
19 the conditions of the bail bond or grant bail where it has been
20 previously revoked or denied. If bail has been previously
21 revoked pursuant to subsection (f) of this Section or if bail
22 has been denied to the defendant pursuant to subsection (e) of
23 Section 110-6.1 or subsection (e) of Section 110-6.3, the
24 defendant shall be required to present a verified application
25 setting forth in detail any new facts not known or obtainable

1 at the time of the previous revocation or denial of bail
2 proceedings. If the court grants bail where it has been
3 previously revoked or denied, the court shall state on the
4 record of the proceedings the findings of facts and conclusion
5 of law upon which such order is based.

6 (a-5) In addition to any other available motion or
7 procedure under this Code, a person in custody for a Category B
8 offense due to an inability to post monetary bail shall be
9 brought before the court at the next available court date or 7
10 calendar days from the date bail was set, whichever is earlier,
11 for a rehearing on the amount or conditions of bail or release
12 pending further court proceedings. The court may reconsider
13 conditions of release for any other person who's inability to
14 post monetary bail is the sole reason for continued
15 incarceration, including a person in custody for a Category A
16 offense.

17 (b) Violation of the conditions of Section 110-10 of this
18 Code or any special conditions of bail as ordered by the court
19 shall constitute grounds for the court to increase the amount
20 of bail, or otherwise alter the conditions of bail, or, where
21 the alleged offense committed on bail is a forcible felony in
22 Illinois or a Class 2 or greater offense under the Illinois
23 Controlled Substances Act, the Cannabis Control Act, or the
24 Methamphetamine Control and Community Protection Act, revoke
25 bail pursuant to the appropriate provisions of subsection (e)
26 of this Section.

1 (c) Reasonable notice of such application by the defendant
2 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).

6 (e) Upon verified application by the State stating facts or
7 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 a
15 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 violation
19 of Section 110-10 (a) (4) of this Code, the court shall without
20 prior notice to the defendant, grant leave to file such
21 application and shall order the transfer of the defendant and
22 the application without unnecessary delay to the court before
23 which the previous felony matter is pending for a hearing as
24 provided in subsection (b) or this subsection of this Section.
25 The defendant shall be held without bond pending transfer to
26 and a hearing before such court. At the conclusion of the

1 hearing based on a violation of the conditions of Section
2 110-10 of this Code or any special conditions of bail as
3 ordered by the court the court may enter an order increasing
4 the amount of bail or alter the conditions of bail as deemed
5 appropriate.

6 (f) Where the alleged violation consists of the violation
7 of one or more felony statutes of any jurisdiction which would
8 be a forcible felony in Illinois or a Class 2 or greater
9 offense under the Illinois Controlled Substances Act, the
10 Cannabis Control Act, or the Methamphetamine Control and
11 Community Protection Act and the defendant is on bail for the
12 alleged commission of a felony, or where the defendant is on
13 bail for a felony domestic battery (enhanced pursuant to
14 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
15 or the Criminal Code of 2012), aggravated domestic battery,
16 aggravated battery, unlawful restraint, aggravated unlawful
17 restraint or domestic battery in violation of item (1) of
18 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
19 or the Criminal Code of 2012 against a family or household
20 member as defined in Section 112A-3 of this Code and the
21 violation is an offense of domestic battery against the same
22 victim the court shall, on the motion of the State or its own
23 motion, revoke bail in accordance with the following
24 provisions:

25 (1) The court shall hold the defendant without bail
26 pending the hearing on the alleged breach; however, if the

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

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

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

10 (3) Upon a finding by the court that the State has
11 established by clear and convincing evidence that the
12 defendant has committed a forcible felony or a Class 2 or
13 greater offense under the Illinois Controlled Substances
14 Act, the Cannabis Control Act, or the Methamphetamine
15 Control and Community Protection Act while admitted to
16 bail, or where the defendant is on bail for a felony
17 domestic battery (enhanced pursuant to subsection (b) of
18 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
19 Code of 2012), aggravated domestic battery, aggravated
20 battery, unlawful restraint, aggravated unlawful restraint
21 or domestic battery in violation of item (1) of subsection
22 (a) of Section 12-3.2 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 against a family or household member
24 as defined in Section 112A-3 of this Code and the violation
25 is an offense of domestic battery, against the same victim,
26 the court shall revoke the bail of the defendant and hold

1 the defendant for trial without bail. Neither the finding
2 of the court nor any transcript or other record of the
3 hearing shall be admissible in the State's case in chief,
4 but shall be admissible for impeachment, or as provided in
5 Section 115-10.1 of this Code or in a perjury proceeding.

6 (4) If the bail of any defendant is revoked pursuant to
7 paragraph (f) (3) of this Section, the defendant may demand
8 and shall be entitled to be brought to trial on the offense
9 with respect to which he was formerly released on bail
10 within 90 days after the date on which his bail was
11 revoked. If the defendant is not brought to trial within
12 the 90 day period required by the preceding sentence, he
13 shall not be held longer without bail. In computing the 90
14 day period, the court shall omit any period of delay
15 resulting from a continuance granted at the request of the
16 defendant.

17 (5) If the defendant either is arrested on a warrant
18 issued pursuant to this Code or is arrested for an
19 unrelated offense and it is subsequently discovered that
20 the defendant is a subject of another warrant or warrants
21 issued pursuant to this Code, the defendant shall be
22 transferred promptly to the court which issued such
23 warrant. If, however, the defendant appears initially
24 before a court other than the court which issued such
25 warrant, the non-issuing court shall not alter the amount
26 of bail ~~heretofore~~ set on such warrant unless the court

1 sets forth on the record of proceedings the conclusions of
2 law and facts which are the basis for such altering of
3 another court's bond. The non-issuing court shall not alter
4 another courts bail set on a warrant unless the interests
5 of justice and public safety are served by such action.

6 (g) The State may appeal any order where the court has
7 increased or reduced the amount of bail or altered the
8 conditions of the bail bond or granted bail where it has
9 previously been revoked.

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

11 (725 ILCS 5/110-6.4 new)

12 Sec. 110-6.4. Statewide risk assessment tool.

13 The Supreme Court may establish a statewide
14 risk-assessment tool to be used in proceedings to assist the
15 court in establishing bail for a defendant by assessing the
16 defendant's likelihood of appearing at future court
17 proceedings or determining if the defendant poses a real and
18 present threat to the physical safety of any person or persons.

19 The Supreme Court shall consider establishing a
20 risk-assessment tool that does not discriminate on the basis of
21 race, gender, educational level, socio-economic status, or
22 neighborhood. If a risk assessment tool is utilized within a
23 circuit that does not require a personal interview to be
24 completed, the Chief Judge of the circuit or the Director of
25 the Pre-trial Services Agency may exempt the requirement under

1 Section 9 and subsection (a) of Section 7 of the Pretrial
2 Services Act.

3 For the purpose of this Section, "risk assessment tool"
4 means an empirically validated, evidence-based screening
5 instrument that demonstrates reduced instances of a
6 defendant's failure to appear for further court proceedings or
7 prevents future criminal activity.

8 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

9 Sec. 110-14. Credit for incarceration on bailable offense;
10 credit against monetary bail for certain offenses
11 ~~incarceration on bailable offense.~~

12 (a) Any person incarcerated on a bailable offense who does
13 not supply bail and against whom a fine is levied on conviction
14 of the such offense shall be allowed a credit of \$5 for each
15 day so incarcerated upon application of the defendant. However,
16 in no case shall the amount so allowed or credited exceed the
17 amount of the fine.

18 (b) Subsection (a) does not apply to a person incarcerated
19 for sexual assault as defined in paragraph (1) of subsection
20 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

21 (c) A person subject to bail on a Category B offense shall
22 have \$30 deducted from his or her monetary bail every day the
23 person is incarcerated.

24 (Source: P.A. 93-699, eff. 1-1-05.)

1 Section 99. Effective date. This Section and Section 5 take
2 effect upon becoming law.".