



Rep. Justin Slaughter

Filed: 5/29/2018

10000SB2579ham003

LRB100 18528 SLF 41041 a

1 AMENDMENT TO SENATE BILL 2579

2 AMENDMENT NO. _____. Amend Senate Bill 2579 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 Sections 102-7.1, 110-6, 110-14, and 110-17
6 as follows:

7 (725 ILCS 5/102-7.1)

8 Sec. 102-7.1. "Category A offense". "Category A offense"
9 means a Class 1 felony, Class 2 felony, Class X felony, first
10 degree murder, a violation of Section 11-204 of the Illinois
11 Vehicle Code, a second or subsequent violation of Section
12 11-501 of the Illinois Vehicle Code, a violation of subsection
13 (d) of Section 11-501 of the Illinois Vehicle Code, a violation
14 of Section 11-401 of the Illinois Vehicle Code if the accident
15 results in injury and the person failed to report the accident
16 within 30 minutes, a violation of Section 9-3, 9-3.4, 10-3,

1 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25, 12-2,
2 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6, 12-7.1,
3 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3, 25-1,
4 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, a first violation of Section 24-1.6
19 of the Criminal Code of 2012 by a person 18 years of age or
20 older where the factors listed in both items (A) and (C) or
21 both items (A-5) and (C) of paragraph (3) of subsection (a) of
22 Section 24-1.6 of the Criminal Code of 2012 are present, a
23 Class 3 felony violation of paragraph (1) of subsection (a) of
24 Section 2 of the Firearm Owners Identification Card Act, or a
25 violation of Section 10 of the Sex Offender Registration Act.

26 (Source: P.A. 100-1, eff. 1-1-18.)

1 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

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

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

18 (a-5) In addition to any other available motion or
19 procedure under this Code, a person in custody solely for a
20 Category B offense due to an inability to post monetary bail
21 shall be brought before the court at the next available court
22 date or 7 calendar days from the date bail was set, whichever
23 is earlier, for a rehearing on the amount or conditions of bail
24 or release pending further court proceedings. The court may
25 reconsider conditions of release for any other person whose

1 inability to post monetary bail is the sole reason for
2 continued incarceration, including a person in custody for a
3 Category A offense or a Category A offense and a Category B
4 offense. The court may deny the rehearing permitted under this
5 subsection (a-5) if the person has failed to appear as required
6 before the court and is incarcerated based on a warrant for
7 failure to appear on the same original criminal offense.

8 (b) Violation of the conditions of Section 110-10 of this
9 Code or any special conditions of bail as ordered by the court
10 shall constitute grounds for the court to increase the amount
11 of bail, or otherwise alter the conditions of bail, or, where
12 the alleged offense committed on bail is a forcible felony in
13 Illinois or a Class 2 or greater offense under the Illinois
14 Controlled Substances Act, the Cannabis Control Act, or the
15 Methamphetamine Control and Community Protection Act, revoke
16 bail pursuant to the appropriate provisions of subsection (e)
17 of this Section.

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

20 (d) Reasonable notice of such application by the State
21 shall be given to the defendant, except as provided in
22 subsection (e).

23 (e) Upon verified application by the State stating facts or
24 circumstances constituting a violation or a threatened
25 violation of any of the conditions of the bail bond the court
26 may issue a warrant commanding any peace officer to bring the

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

23 (f) Where the alleged violation consists of the violation
24 of one or more felony statutes of any jurisdiction which would
25 be a forcible felony in Illinois or a Class 2 or greater
26 offense under the Illinois Controlled Substances Act, the

1 Cannabis Control Act, or the Methamphetamine Control and
2 Community Protection Act and the defendant is on bail for the
3 alleged commission of a felony, or where the defendant is on
4 bail for a felony domestic battery (enhanced pursuant to
5 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
6 or the Criminal Code of 2012), aggravated domestic battery,
7 aggravated battery, unlawful restraint, aggravated unlawful
8 restraint or domestic battery in violation of item (1) of
9 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
10 or the Criminal Code of 2012 against a family or household
11 member as defined in Section 112A-3 of this Code and the
12 violation is an offense of domestic battery against the same
13 victim the court shall, on the motion of the State or its own
14 motion, revoke bail in accordance with the following
15 provisions:

16 (1) The court shall hold the defendant without bail
17 pending the hearing on the alleged breach; however, if the
18 defendant is not admitted to bail the hearing shall be
19 commenced within 10 days from the date the defendant is
20 taken into custody or the defendant may not be held any
21 longer without bail, unless delay is occasioned by the
22 defendant. Where defendant occasions the delay, the
23 running of the 10 day period is temporarily suspended and
24 resumes at the termination of the period of delay. Where
25 defendant occasions the delay with 5 or fewer days
26 remaining in the 10 day period, the court may grant a

1 period of up to 5 additional days to the State for good
2 cause shown. The State, however, shall retain the right to
3 proceed to hearing on the alleged violation at any time,
4 upon reasonable notice to the defendant and the court.

5 (2) At a hearing on the alleged violation the State has
6 the burden of going forward and proving the violation by
7 clear and convincing evidence. The evidence shall be
8 presented in open court with the opportunity to testify, to
9 present witnesses in his behalf, and to cross-examine
10 witnesses if any are called by the State, and
11 representation by counsel and if the defendant is indigent
12 to have counsel appointed for him. The rules of evidence
13 applicable in criminal trials in this State shall not
14 govern the admissibility of evidence at such hearing.
15 Information used by the court in its findings or stated in
16 or offered in connection with hearings for increase or
17 revocation of bail may be by way of proffer based upon
18 reliable information offered by the State or defendant. All
19 evidence shall be admissible if it is relevant and reliable
20 regardless of whether it would be admissible under the
21 rules of evidence applicable at criminal trials. A motion
22 by the defendant to suppress evidence or to suppress a
23 confession shall not be entertained at such a hearing.
24 Evidence that proof may have been obtained as a result of
25 an unlawful search and seizure or through improper
26 interrogation is not relevant to this hearing.

1 (3) Upon a finding by the court that the State has
2 established by clear and convincing evidence that the
3 defendant has committed a forcible felony or a Class 2 or
4 greater offense under the Illinois Controlled Substances
5 Act, the Cannabis Control Act, or the Methamphetamine
6 Control and Community Protection Act while admitted to
7 bail, or where the defendant is on bail for a felony
8 domestic battery (enhanced pursuant to subsection (b) of
9 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
10 Code of 2012), aggravated domestic battery, aggravated
11 battery, unlawful restraint, aggravated unlawful restraint
12 or domestic battery in violation of item (1) of subsection
13 (a) of Section 12-3.2 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 against a family or household member
15 as defined in Section 112A-3 of this Code and the violation
16 is an offense of domestic battery, against the same victim,
17 the court shall revoke the bail of the defendant and hold
18 the defendant for trial without bail. Neither the finding
19 of the court nor any transcript or other record of the
20 hearing shall be admissible in the State's case in chief,
21 but shall be admissible for impeachment, or as provided in
22 Section 115-10.1 of this Code or in a perjury proceeding.

23 (4) If the bail of any defendant is revoked pursuant to
24 paragraph (f) (3) of this Section, the defendant may demand
25 and shall be entitled to be brought to trial on the offense
26 with respect to which he was formerly released on bail

1 within 90 days after the date on which his bail was
2 revoked. If the defendant is not brought to trial within
3 the 90 day period required by the preceding sentence, he
4 shall not be held longer without bail. In computing the 90
5 day period, the court shall omit any period of delay
6 resulting from a continuance granted at the request of the
7 defendant.

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

23 (g) The State may appeal any order where the court has
24 increased or reduced the amount of bail or altered the
25 conditions of the bail bond or granted bail where it has
26 previously been revoked.

1 (Source: P.A. 100-1, eff. 1-1-18.)

2 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

3 Sec. 110-14. Credit for incarceration onailable offense;
4 credit against monetary bail for certain offenses.

5 (a) Any person incarcerated on aailable offense who does
6 not supply bail and against whom a fine is levied on conviction
7 of the offense shall be allowed a credit of \$5 for each day so
8 incarcerated upon application of the defendant. However, in no
9 case shall the amount so allowed or credited exceed the amount
10 of the fine.

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

14 (c) A person subject to bail on a Category B offense shall
15 have \$30 deducted from his or her 10% cash bond amount ~~monetary~~
16 ~~bail~~ every day the person is incarcerated. The sheriff shall
17 calculate and apply this \$30 per day reduction and send notice
18 to the circuit clerk if a defendant's 10% cash bond amount is
19 reduced to \$0, at which point the defendant shall be released
20 upon his or her own recognizance.

21 (d) The court may deny the incarceration credit in
22 subsection (c) of this Section if the person has failed to
23 appear as required before the court and is incarcerated based
24 on a warrant for failure to appear on the same original
25 criminal offense.

1 (Source: P.A. 100-1, eff. 1-1-18.)

2 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

3 Sec. 110-17. Unclaimed Bail Deposits. Any ~~Notwithstanding~~
4 ~~the provisions of the Revised Uniform Unclaimed Property Act,~~
5 ~~any~~ sum of money deposited by any person to secure his or her
6 release from custody which remains unclaimed by the person
7 entitled to its return for 3 years after the conditions of the
8 bail bond have been performed and the accused has been
9 discharged from all obligations in the cause shall be presumed
10 to be abandoned and subject to disposition under the Revised
11 Uniform Unclaimed Property Act.

12 (a) (Blank). ~~The clerk of the circuit court, as soon~~
13 ~~thereafter as practicable, shall cause notice to be published~~
14 ~~once, in English, in a newspaper or newspapers of general~~
15 ~~circulation in the county wherein the deposit of bond was~~
16 ~~received.~~

17 (b) (Blank). ~~The published notice shall be entitled "Notice~~
18 ~~of Persons Appearing to be Owners of Abandoned Property" and~~
19 ~~shall contain:~~

20 ~~(1) The names, in alphabetical order, of persons to~~
21 ~~whom the notice is directed.~~

22 ~~(2) A statement that information concerning the amount~~
23 ~~of the property may be obtained by any persons possessing~~
24 ~~an interest in the property by making an inquiry at the~~
25 ~~office of the clerk of the circuit court at a location~~

1 ~~designated by him.~~

2 ~~(3) A statement that if proof of claim is not presented~~
3 ~~by the owner to the clerk of the circuit court and if the~~
4 ~~owner's right to receive the property is not established to~~
5 ~~the satisfaction of the clerk of the court within 65 days~~
6 ~~from the date of the published notice, the abandoned~~
7 ~~property will be placed in the custody of the treasurer of~~
8 ~~the county, not later than 85 days after such publication,~~
9 ~~to whom all further claims must thereafter be directed. If~~
10 ~~the claim is established as aforesaid and after deducting~~
11 ~~an amount not to exceed \$20 to cover the cost of notice~~
12 ~~publication and related clerical expenses, the clerk of the~~
13 ~~court shall make payment to the person entitled thereto.~~

14 ~~(4) The clerk of the circuit court is not required to~~
15 ~~publish in such notice any items of less than \$100 unless~~
16 ~~he deems such publication in the public interest.~~

17 (c) (Blank). ~~Any clerk of the circuit court who has caused~~
18 ~~notice to be published as provided by this Section shall,~~
19 ~~within 20 days after the time specified in this Section for~~
20 ~~claiming the property from the clerk of the court, pay or~~
21 ~~deliver to the treasurer of the county having jurisdiction of~~
22 ~~the offense, whether the bond was taken there or any other~~
23 ~~county, all sums deposited as specified in this section less~~
24 ~~such amounts as may have been returned to the persons whose~~
25 ~~rights to receive the sums deposited have been established to~~
26 ~~the satisfaction of the clerk of the circuit court. Any clerk~~

1 ~~of the circuit court who transfers such sums to the county~~
2 ~~treasury including sums deposited by persons whose names are~~
3 ~~not required to be set forth in the published notice aforesaid,~~
4 ~~is relieved of all liability for such sums as have been~~
5 ~~transferred as unclaimed bail deposits or any claim which then~~
6 ~~exists or which thereafter may arise or be made in respect to~~
7 ~~such sums.~~

8 (d) (Blank). ~~The treasurer of the county shall keep just~~
9 ~~and true accounts of all moneys paid into the treasury, and if~~
10 ~~any person appears within 5 years after the deposit of moneys~~
11 ~~by the clerk of the circuit court and claims any money paid~~
12 ~~into the treasury, he shall file a claim therefor on the form~~
13 ~~prescribed by the treasurer of the county who shall consider~~
14 ~~any claim filed under this Act and who may, in his discretion,~~
15 ~~hold a hearing and receive evidence concerning it. The~~
16 ~~treasurer of the county shall prepare a finding and the~~
17 ~~decision in writing on each hearing, stating the substance of~~
18 ~~any evidence heard by him, his findings of fact in respect~~
19 ~~thereto, and the reasons for his decision. The decision shall~~
20 ~~be a public record.~~

21 (e) (Blank). ~~All claims which are not filed within the 5~~
22 ~~year period shall be forever barred.~~

23 (Source: P.A. 100-22, eff. 1-1-18.)".