



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3256

Introduced 2/15/2018, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-14
725 ILCS 5/110-17

from Ch. 38, par. 110-14
from Ch. 38, par. 110-17

Amends the Code of Criminal Procedure of 1963. Provides a person subject to bail under the Code for a Category B offense shall have \$30 deducted from his or her monetary bail every day the person is incarcerated. Provides any sum of money deposited by any person to secure his or her release from custody which remains unclaimed by the person entitled to its return for 3 years after the conditions of the bail bond have been performed and the accused has been discharged from all obligations in the cause shall be presumed to be abandoned and subject to disposition under the Revised Uniform Unclaimed Property Act. Eliminates publishing requirements and other provisions concerning unclaimed bail deposits. Effective immediately.

LRB100 20547 SLF 35951 b

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 Sections 110-14 and 110-17 as follows:

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

7 Sec. 110-14. Credit for incarceration on bailable offense;
8 credit against monetary bail for certain offenses.

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

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

18 (c) A person subject to bail under Section 110-5 of this
19 Act for ~~en~~ a Category B offense shall have \$30 deducted from
20 his or her monetary bail every day the person is incarcerated.

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

22 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

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

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

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

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

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

25 ~~(3) A statement that if proof of claim is not presented~~
26 ~~by the owner to the clerk of the circuit court and if the~~

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

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

14 (c) (Blank). ~~Any clerk of the circuit court who has caused~~
15 ~~notice to be published as provided by this Section shall,~~
16 ~~within 20 days after the time specified in this Section for~~
17 ~~claiming the property from the clerk of the court, pay or~~
18 ~~deliver to the treasurer of the county having jurisdiction of~~
19 ~~the offense, whether the bond was taken there or any other~~
20 ~~county, all sums deposited as specified in this section less~~
21 ~~such amounts as may have been returned to the persons whose~~
22 ~~rights to receive the sums deposited have been established to~~
23 ~~the satisfaction of the clerk of the circuit court. Any clerk~~
24 ~~of the circuit court who transfers such sums to the county~~
25 ~~treasury including sums deposited by persons whose names are~~
26 ~~not required to be set forth in the published notice aforesaid,~~

1 ~~is relieved of all liability for such sums as have been~~
2 ~~transferred as unclaimed bail deposits or any claim which then~~
3 ~~exists or which thereafter may arise or be made in respect to~~
4 ~~such sums.~~

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

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.