

HB5269



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5269

by Rep. John Connor

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-5.1

Amends the Code of Criminal Procedure of 1963. Eliminates requirement that a person who is charged with a violent crime shall appear before the court for the setting of bail only if the alleged victim was a family or household member at the time of the alleged offense. Requires a person who is charged with a violent crime to appear before the court for the setting of bail even if the victim is not a family or household member.

LRB101 18715 RLC 68170 b

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-5.1 as follows:

6 (725 ILCS 5/110-5.1)

7 Sec. 110-5.1. Bail; certain persons charged with violent
8 crimes ~~against family or household members.~~

9 (a) Subject to subsection (c), a person who is charged with
10 a violent crime shall appear before the court for the setting
11 of bail ~~if the alleged victim was a family or household member~~
12 ~~at the time of the alleged offense, and~~ if any of the following
13 applies:

14 (1) the person charged, at the time of the alleged
15 offense, was subject to the terms of an order of protection
16 issued under Section 112A-14 of this Code or Section 214 of
17 the Illinois Domestic Violence Act of 1986 or previously
18 was convicted of a violation of an order of protection
19 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
20 or the Criminal Code of 2012 or a violent crime ~~if the~~
21 ~~victim was a family or household member at the time of the~~
22 ~~offense~~ or a violation of a substantially similar municipal
23 ordinance or law of this or any other state or the United

1 States ~~if the victim was a family or household member at~~
2 ~~the time of the offense;~~

3 (2) the arresting officer indicates in a police report
4 or other document accompanying the complaint any of the
5 following:

6 (A) that the arresting officer observed on the
7 alleged victim objective manifestations of physical
8 harm that the arresting officer reasonably believes
9 are a result of the alleged offense;

10 (B) that the arresting officer reasonably believes
11 that the person had on the person's person at the time
12 of the alleged offense a deadly weapon;

13 (C) that the arresting officer reasonably believes
14 that the person presents a credible threat of serious
15 physical harm to the alleged victim or to any other
16 person if released on bail before trial.

17 (b) To the extent that information about any of the
18 following is available to the court, the court shall consider
19 all of the following, in addition to any other circumstances
20 considered by the court, before setting bail for a person who
21 appears before the court pursuant to subsection (a):

22 (1) whether the person has a history of domestic
23 violence or a history of other violent acts;

24 (2) the mental health of the person;

25 (3) whether the person has a history of violating the
26 orders of any court or governmental entity;

1 (4) whether the person is potentially a threat to any
2 other person;

3 (5) whether the person has access to deadly weapons or
4 a history of using deadly weapons;

5 (6) whether the person has a history of abusing alcohol
6 or any controlled substance;

7 (7) the severity of the alleged violence that is the
8 basis of the alleged offense, including, but not limited
9 to, the duration of the alleged violent incident, and
10 whether the alleged violent incident involved serious
11 physical injury, sexual assault, strangulation, abuse
12 during the alleged victim's pregnancy, abuse of pets, or
13 forcible entry to gain access to the alleged victim;

14 (8) whether a separation of the person from the alleged
15 victim or a termination of the relationship between the
16 person and the alleged victim has recently occurred or is
17 pending;

18 (9) whether the person has exhibited obsessive or
19 controlling behaviors toward the alleged victim,
20 including, but not limited to, stalking, surveillance, or
21 isolation of the alleged victim;

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

24 (11) any information contained in the complaint and any
25 police reports, affidavits, or other documents
26 accompanying the complaint.

1 (c) Upon the court's own motion or the motion of a party
2 and upon any terms that the court may direct, a court may
3 permit a person who is required to appear before it by
4 subsection (a) to appear by video conferencing equipment. If,
5 in the opinion of the court, the appearance in person or by
6 video conferencing equipment of a person who is charged with a
7 misdemeanor and who is required to appear before the court by
8 subsection (a) is not practicable, the court may waive the
9 appearance and release the person on bail on one or both of the
10 following types of bail in an amount set by the court:

11 (1) a bail bond secured by a deposit of 10% of the
12 amount of the bond in cash;

13 (2) a surety bond, a bond secured by real estate or
14 securities as allowed by law, or the deposit of cash, at
15 the option of the person.

16 Subsection (a) does not create a right in a person to
17 appear before the court for the setting of bail or prohibit a
18 court from requiring any person charged with a violent crime
19 who is not described in subsection (a) from appearing before
20 the court for the setting of bail.

21 (d) As used in this Section:

22 (1) "Violent crime" has the meaning ascribed to it in
23 Section 3 of the Rights of Crime Victims and Witnesses Act.

24 (2) (Blank). ~~"Family or household member" has the~~
25 ~~meaning ascribed to it in Section 112A-3 of this Code.~~

26 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)