

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 Criminal Code of 1961 is amended by
5 changing Section 3-7 as follows:

6 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

7 Sec. 3-7. Periods excluded from limitation.

8 The period within which a prosecution must be commenced
9 does not include any period in which:

10 (a) The defendant is not usually and publicly resident
11 within this State; or

12 (b) The defendant is a public officer and the offense
13 charged is theft of public funds while in public office; or

14 (c) A prosecution is pending against the defendant for
15 the same conduct, even if the indictment or information which
16 commences the prosecution is quashed or the proceedings
17 thereon are set aside, or are reversed on appeal; or

18 (d) A proceeding or an appeal from a proceeding relating
19 to the quashing or enforcement of a Grand Jury subpoena
20 issued in connection with an investigation of a violation of
21 a criminal law of this State is pending. However, the period
22 within which a prosecution must be commenced includes any
23 period in which the State brings a proceeding or an appeal
24 from a proceeding specified in this subsection (d); or-

25 (e) A material witness is placed on active military duty
26 or leave. In this subsection (e), "material witness"
27 includes, but is not limited to, the arresting officer,
28 occurrence witness, or the alleged victim of the offense.

29 (Source: P.A. 91-231, eff. 1-1-00.)

30 Section 10. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 110-6 as follows:

2 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

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

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

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

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

33 (e) Upon verified application by the State stating facts

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

26 (f) Where the alleged violation consists of the
27 violation of one or more felony statutes of any jurisdiction
28 which would be a forcible felony in Illinois or a Class 2 or
29 greater offense under the Illinois Controlled Substances Act
30 or Cannabis Control Act and the defendant is on bail for the
31 alleged commission of a felony, or where the defendant is on
32 bail for a felony domestic battery (enhanced pursuant to
33 subsection (b) of Section 12-3.2 of the Criminal Code of
34 1961), aggravated domestic battery, aggravated battery,

1 unlawful restraint, aggravated unlawful restraint or domestic
2 battery in violation of item (1) of subsection (a) of Section
3 12-3.2 of the Criminal Code of 1961 against a family or
4 household member as defined in Section 112A-3 of this Code
5 and the violation is an offense of domestic battery against
6 the same victim the court shall, on the motion of the State
7 or its own motion, revoke bail in accordance with the
8 following provisions:

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

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

1 hearing. Information used by the court in its findings or
2 stated in or offered in connection with hearings for
3 increase or revocation of bail may be by way of proffer
4 based upon reliable information offered by the State or
5 defendant. All evidence shall be admissible if it is
6 relevant and reliable regardless of whether it would be
7 admissible under the rules of evidence applicable at
8 criminal trials. A motion by the defendant to suppress
9 evidence or to suppress a confession shall not be
10 entertained at such a hearing. Evidence that proof may
11 have been obtained as a result of an unlawful search and
12 seizure or through improper interrogation is not relevant
13 to this hearing.

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

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

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

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

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

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.