

HB4251



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4251

by Rep. John D. Anthony

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-4

from Ch. 38, par. 110-4

Amends the Code of Criminal Procedure of 1963. Provides that battery against a peace officer during the course of the defendant's arrest that results in bodily harm to the peace officer, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person or persons, if the proof is evident or the presumption great that the defendant is guilty of the offense, is non-bailable.

LRB099 12986 RLC 36856 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 110-4 as follows:

6 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

7 Sec. 110-4. Bailable Offenses.

8 (a) All persons shall be bailable before conviction, except
9 the following offenses where the proof is evident or the
10 presumption great that the defendant is guilty of the offense:
11 capital offenses; offenses for which a sentence of life
12 imprisonment may be imposed as a consequence of conviction;
13 felony offenses for which a sentence of imprisonment, without
14 conditional and revocable release, shall be imposed by law as a
15 consequence of conviction, where the court after a hearing,
16 determines that the release of the defendant would pose a real
17 and present threat to the physical safety of any person or
18 persons; battery against a peace officer during the course of
19 the defendant's arrest that results in bodily harm to the peace
20 officer, where the court, after a hearing, determines that the
21 release of the defendant would pose a real and present threat
22 to the physical safety of any person or persons; stalking or
23 aggravated stalking, where the court, after a hearing,

1 determines that the release of the defendant would pose a real
2 and present threat to the physical safety of the alleged victim
3 of the offense and denial of bail is necessary to prevent
4 fulfillment of the threat upon which the charge is based; or
5 unlawful use of weapons in violation of item (4) of subsection
6 (a) of Section 24-1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 when that offense occurred in a school or
8 in any conveyance owned, leased, or contracted by a school to
9 transport students to or from school or a school-related
10 activity, or on any public way within 1,000 feet of real
11 property comprising any school, where the court, after a
12 hearing, determines that the release of the defendant would
13 pose a real and present threat to the physical safety of any
14 person and denial of bail is necessary to prevent fulfillment
15 of that threat; or making a terrorist threat in violation of
16 Section 29D-20 of the Criminal Code of 1961 or the Criminal
17 Code of 2012 or an attempt to commit the offense of making a
18 terrorist threat, where the court, after a hearing, determines
19 that the release of the defendant would pose a real and present
20 threat to the physical safety of any person and denial of bail
21 is necessary to prevent fulfillment of that threat.

22 (b) A person seeking release on bail who is charged with a
23 capital offense or an offense for which a sentence of life
24 imprisonment may be imposed shall not be bailable until a
25 hearing is held wherein such person has the burden of
26 demonstrating that the proof of his guilt is not evident and

1 the presumption is not great.

2 (c) Where it is alleged that bail should be denied to a
3 person upon the grounds that the person presents a real and
4 present threat to the physical safety of any person or persons,
5 the burden of proof of such allegations shall be upon the
6 State.

7 (d) When it is alleged that bail should be denied to a
8 person charged with stalking or aggravated stalking upon the
9 grounds set forth in Section 110-6.3 of this Code, the burden
10 of proof of those allegations shall be upon the State.

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