



Rep. Michael J. Zalewski

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LRB099 03372 RLC 35957 a

1 AMENDMENT TO SENATE BILL 202

2 AMENDMENT NO. _____. Amend Senate Bill 202 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Accelerated Resolution Court Act.

6 Section 5. Accelerated Resolution Court pilot program. The
7 Accelerated Resolution Court pilot program is hereby created in
8 Cook County. Under this pilot program, the Cook County Sheriff
9 or his or her designee, acting in his or her official capacity
10 as Director of the Cook County Department of Corrections with
11 the approval of the Cook County State's Attorney, may refer
12 eligible defendants to the Accelerated Resolution Court
13 provided that notice is given to the prosecuting State's
14 Attorney, the defendant's counsel of record, and the Presiding
15 Judge of the Criminal Division of the Circuit Court of Cook
16 County.

1 Section 10. Eligibility.

2 (a) To be eligible for the program the defendant must be:

3 (1) in the custody of the Cook County Department of
4 Corrections 72 hours after bond has been set;

5 (2) unable to post bond or ineligible to be placed on
6 electronic monitoring due to homelessness or a lack of a
7 sufficient host site approved by the Sheriff; and

8 (3) charged with:

9 (A) retail theft of property the full retail value
10 of which does not exceed \$300 under Section 16-25 of
11 the Criminal Code of 2012;

12 (B) criminal trespass to real property under
13 Section 21-3 of the Criminal Code of 2012; or

14 (C) criminal trespass to State supported land
15 under Section 21-5 of the Criminal Code of 2012.

16 (b) A defendant shall be excluded from the program if the
17 defendant has been convicted of, or adjudicated delinquent for,
18 a crime of violence in the past 10 years excluding
19 incarceration time, including, but not limited to, first degree
20 murder, second degree murder, predatory criminal sexual
21 assault of a child, aggravated criminal sexual assault,
22 criminal sexual assault, armed robbery, aggravated arson,
23 arson, aggravated kidnaping, kidnapping, aggravated battery
24 resulting in great bodily harm or permanent disability,
25 aggravated stalking, stalking, or any offense involving the

1 discharge of a firearm.

2 Section 15. Procedure.

3 (a) Once referred to the Accelerated Resolution Court by
4 the Cook County Sheriff or his or her designee, written notice
5 shall be given by the Sheriff to the prosecuting State's
6 Attorney, the defendant's counsel of record, and the Presiding
7 Judge of the Criminal Division of the Circuit Court of Cook
8 County. Proof of the notice shall be filed with the Clerk of
9 the Circuit Court of Cook County. Any referred case shall be
10 adjudicated within 30 days of the date of assignment by the
11 presiding judge, excluding any delay occasioned by the
12 defendant.

13 (b) If a case within the Accelerated Resolution Court is
14 not resolved within 30 days of the date of assignment by the
15 presiding judge, the time period provided in subsection (a),
16 then the defendant shall be released from custody on his or her
17 own recognizance or released on electronic monitoring. Any
18 person released under this Section must agree to the terms and
19 conditions of release provided by the court.

20 (c) Nothing in this Act shall be construed as prohibiting a
21 defendant from requesting a continuance. Any continuance
22 granted on behalf of the defendant shall toll the 30-day
23 requirement of this Act. Lack of participation by the victim or
24 other continuances required on behalf of the State do not toll
25 the 30-day requirement of this Act.

1 (d) If a person is released on his or her own recognizance,
2 the conditions of the release shall be that he or she shall:

3 (1) appear to answer the charge in the court having
4 jurisdiction on a day certain and thereafter ordered by the
5 court until discharged or final order of the court;

6 (2) submit himself or herself to the orders and process
7 of the court;

8 (3) not depart this State without leave of the court;

9 (4) not violate any criminal statute of any
10 jurisdiction;

11 (5) at a time and place designated by the court,
12 surrender all firearms in his or her possession to a law
13 enforcement officer as required under paragraph (5) of
14 subsection (a) of Section 110-10 of the Code of Criminal
15 Procedure of 1963; and

16 (6) file written notice with the clerk of the court
17 before which the proceeding is pending of any change in his
18 or her address within 24 hours after the change. The
19 address of a defendant who has been released on his or her
20 own recognizance shall at all times remain a matter of
21 public record with the clerk of the court.

22 (e) If the court finds that additional conditions are
23 reasonably necessary to assure the defendant's appearance in
24 court, protect the public from the defendant, or prevent the
25 defendant's unlawful interference with the orderly
26 administration of justice, the court may require the defendant

1 to:

2 (1) refrain from going to certain described
3 geographical areas or premises;

4 (2) refrain from engaging in certain activities or
5 indulging in intoxicating liquors or in certain drugs;

6 (3) undergo mental health treatment or treatment for
7 drug addiction or alcoholism;

8 (4) attend or reside in a facility designated by the
9 court; or

10 (5) comply with other reasonable conditions as the
11 court may impose.

12 (f) A failure to appear as required by the recognizance
13 shall constitute an offense subject to the penalty provided in
14 Section 32-10 of the Criminal Code of 2012 for violation of
15 bail bond.

16 (g) The State may object to the referral of a case under
17 Section 15 by providing written notice to the Cook County
18 Sheriff's Office and the Office of the Public Defender.

19 (h) The State may object to any order permitting release by
20 personal recognizance or electronic monitoring.

21 Section 20. Repeal. This Act is repealed on June 30, 2017.

22 Section 99. Effective date. This Act takes effect July 1,
23 2015."