

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 Intergovernmental Missing Child Recovery  
5 Act of 1984 is amended by changing Section 6 as follows:

6 (325 ILCS 40/6) (from Ch. 23, par. 2256)

7 Sec. 6. The Department shall:

8 (a) Establish and maintain a statewide Law Enforcement  
9 Agencies Data System (LEADS) for the purpose of effecting an  
10 immediate law enforcement response to reports of missing  
11 children. The Department shall implement an automated data  
12 exchange system to compile, to maintain and to make available  
13 for dissemination to Illinois and out-of-State law  
14 enforcement agencies, data which can assist appropriate  
15 agencies in recovering missing children.

16 (b) Establish contacts and exchange information  
17 regarding lost, missing or runaway children with nationally  
18 recognized "missing person and runaway" service organizations  
19 and monitor national research and publicize important  
20 developments.

21 (c) Provide a uniform reporting format for the entry of  
22 pertinent information regarding reports of missing children  
23 into LEADS.

24 (d) Develop and implement a policy whereby a statewide  
25 or regional alert would be used in situations relating to the  
26 disappearances of children, based on criteria and in a format  
27 established by the Department. Such a format shall include,  
28 but not be limited to, the age and physical description of  
29 the missing child and the suspected circumstances of the  
30 disappearance.

31 (e) Notify all law enforcement agencies that reports of

1 missing persons shall be entered as soon as the minimum level  
2 of data specified by the Department is available to the  
3 reporting agency and that no waiting period for entry of such  
4 data exists.

5 (f) Provide a procedure for prompt confirmation of the  
6 receipt and entry of the missing child report into LEADS to  
7 the parent or guardian of the missing child.

8 (g) Compile and retain information regarding missing  
9 children in a separate data file, in a manner that allows  
10 such information to be used by law enforcement and other  
11 agencies deemed appropriate by the Director, for  
12 investigative purposes. Such files shall be updated to  
13 reflect and include information relating to the disposition  
14 of the case.

15 (h) Compile and maintain an historic data repository  
16 relating to missing children in order (1) to develop and  
17 improve techniques utilized by law enforcement agencies when  
18 responding to reports of missing children and (2) to provide  
19 a factual and statistical base for research that would  
20 address the problem of missing children.

21 (i) Create a quality control program to monitor  
22 timeliness of entries of missing children reports into LEADS  
23 and conduct performance audits of all entering agencies.

24 (j) Prepare a periodic information bulletin concerning  
25 missing children who it determines may be present in this  
26 State, compiling such bulletin from information contained in  
27 both the National Crime Information Center computer and from  
28 reports, alerts and other information entered into LEADS or  
29 otherwise compiled and retained by the Department pursuant to  
30 this Act. The bulletin shall indicate the name, age, physical  
31 description, suspected circumstances of disappearance if that  
32 information is available, a photograph if one is available,  
33 the name of the law enforcement agency investigating the  
34 case, and such other information as the Director considers

1 appropriate concerning each missing child who the Department  
2 determines may be present in this State. The Department  
3 shall send a copy of each periodic information bulletin to  
4 the State Board of Education for its use in accordance with  
5 Section 2-3.48 of the School Code. The Department shall  
6 provide a copy of the bulletin, upon request, to law  
7 enforcement agencies of this or any other state or of the  
8 federal government, and may provide a copy of the bulletin,  
9 upon request, to other persons or entities, if deemed  
10 appropriate by the Director, and may establish limitations on  
11 its use and a reasonable fee for so providing the same,  
12 except that no fee shall be charged for providing the  
13 periodic information bulletin to the State Board of  
14 Education, appropriate units of local government, State  
15 agencies, or law enforcement agencies of this or any other  
16 state or of the federal government.

17 (k) Provide for the entry into LEADS of the names and  
18 addresses of sex offenders as defined in the Sex Offender  
19 Registration Act who are required to register under that Act.  
20 The information shall be immediately accessible to law  
21 enforcement agencies and peace officers of this State or any  
22 other state or of the federal government. Similar information  
23 may be requested from any other state or of the federal  
24 government for purposes of this Act.

25 (l) Provide for the entry into LEADS of the name and  
26 address of each person who has been charged with a criminal  
27 offense in which the victim of the offense is a family or  
28 household member as defined in Article 112A of the Code of  
29 Criminal Procedure of 1963 and who has been released on bond  
30 in which the condition of the bond is that the defendant  
31 refrain from contact or communication with the victim for a  
32 minimum period of 72 hours following the defendant's release  
33 and refrain from entering or remaining at the victim's  
34 residence for a minimum period of 72 hours following the

1 defendant's release or any other conditions restricting  
 2 contact with the victim as the court imposes. The information  
 3 must remain in LEADS until the court that imposed the  
 4 conditions of bond otherwise orders. The information must be  
 5 immediately accessible to law enforcement agencies and peace  
 6 officers of this State or any other state or of the federal  
 7 government. Similar information may be requested from any  
 8 other state or the federal government for the purposes of  
 9 this Act.

10 (Source: P.A. 88-76; 89-8, eff. 1-1-96.)

11 Section 10. The Code of Criminal Procedure of 1963 is  
 12 amended by changing Section 110-10 as follows:

13 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

14 Sec. 110-10. Conditions of bail bond.

15 (a) If a person is released prior to conviction, either  
 16 upon payment of bail security or on his or her own  
 17 recognizance, the conditions of the bail bond shall be that  
 18 he or she will:

19 (1) Appear to answer the charge in the court having  
 20 jurisdiction on a day certain and thereafter as ordered  
 21 by the court until discharged or final order of the  
 22 court;

23 (2) Submit himself or herself to the orders and  
 24 process of the court;

25 (3) Not depart this State without leave of the  
 26 court;

27 (4) Not violate any criminal statute of any  
 28 jurisdiction;

29 (5) At a time and place designated by the court,  
 30 surrender all firearms in his or her possession to a law  
 31 enforcement officer designated by the court to take  
 32 custody of and impound the firearms when the offense the

1 person has been charged with is a forcible felony,  
2 stalking, aggravated stalking, domestic battery, any  
3 violation of either the Illinois Controlled Substances  
4 Act or the Cannabis Control Act that is classified as a  
5 Class 2 or greater felony, or any felony violation of  
6 Article 24 of the Criminal Code of 1961; the court may,  
7 however, forgo the imposition of this condition when the  
8 circumstances of the case clearly do not warrant it or  
9 when its imposition would be impractical; all legally  
10 possessed firearms shall be returned to the person upon  
11 that person completing a sentence for a conviction on a  
12 misdemeanor domestic battery, upon the charges being  
13 dismissed, or if the person is found not guilty, unless  
14 the finding of not guilty is by reason of insanity; and

15 (6) At a time and place designated by the court,  
16 submit to a psychological evaluation when the person has  
17 been charged with a violation of item (4) of subsection  
18 (a) of Section 24-1 of the Criminal Code of 1961 and that  
19 violation occurred in a school or in any conveyance  
20 owned, leased, or contracted by a school to transport  
21 students to or from school or a school-related activity,  
22 or on any public way within 1,000 feet of real property  
23 comprising any school.

24 Psychological evaluations ordered pursuant to this  
25 Section shall be completed promptly and made available to the  
26 State, the defendant, and the court. As a further condition  
27 of bail under these circumstances, the court shall order the  
28 defendant to refrain from entering upon the property of the  
29 school, including any conveyance owned, leased, or contracted  
30 by a school to transport students to or from school or a  
31 school-related activity, or on any public way within 1,000  
32 feet of real property comprising any school. Upon receipt of  
33 the psychological evaluation, either the State or the  
34 defendant may request a change in the conditions of bail,

1 pursuant to Section 110-6 of this Code. The court may change  
2 the conditions of bail to include a requirement that the  
3 defendant follow the recommendations of the psychological  
4 evaluation, including undergoing psychiatric treatment. The  
5 conclusions of the psychological evaluation and any  
6 statements elicited from the defendant during its  
7 administration are not admissible as evidence of guilt during  
8 the course of any trial on the charged offense, unless the  
9 defendant places his or her mental competency in issue.

10 (b) The court may impose other conditions, such as the  
11 following, if the court finds that such conditions are  
12 reasonably necessary to assure the defendant's appearance in  
13 court, protect the public from the defendant, or prevent the  
14 defendant's unlawful interference with the orderly  
15 administration of justice:

16 (1) Report to or appear in person before such  
17 person or agency as the court may direct;

18 (2) Refrain from possessing a firearm or other  
19 dangerous weapon;

20 (3) Refrain from approaching or communicating with  
21 particular persons or classes of persons;

22 (4) Refrain from going to certain described  
23 geographical areas or premises;

24 (5) Refrain from engaging in certain activities or  
25 indulging in intoxicating liquors or in certain drugs;

26 (6) Undergo treatment for drug addiction or  
27 alcoholism;

28 (7) Undergo medical or psychiatric treatment;

29 (8) Work or pursue a course of study or vocational  
30 training;

31 (9) Attend or reside in a facility designated by  
32 the court;

33 (10) Support his or her dependents;

34 (11) If a minor resides with his or her parents or

1 in a foster home, attend school, attend a non-residential  
2 program for youths, and contribute to his or her own  
3 support at home or in a foster home;

4 (12) Observe any curfew ordered by the court;

5 (13) Remain in the custody of such designated  
6 person or organization agreeing to supervise his release.  
7 Such third party custodian shall be responsible for  
8 notifying the court if the defendant fails to observe the  
9 conditions of release which the custodian has agreed to  
10 monitor, and shall be subject to contempt of court for  
11 failure so to notify the court;

12 (14) Be placed under direct supervision of the  
13 Pretrial Services Agency, Probation Department or Court  
14 Services Department in a pretrial bond home supervision  
15 capacity with or without the use of an approved  
16 electronic monitoring device subject to Article 8A of  
17 Chapter V of the Unified Code of Corrections;

18 (14.1) The court shall impose upon a defendant who  
19 is charged with any alcohol, cannabis or controlled  
20 substance violation and is placed under direct  
21 supervision of the Pretrial Services Agency, Probation  
22 Department or Court Services Department in a pretrial  
23 bond home supervision capacity with the use of an  
24 approved monitoring device, as a condition of such bail  
25 bond, a fee that represents costs incidental to the  
26 electronic monitoring for each day of such bail  
27 supervision ordered by the court, unless after  
28 determining the inability of the defendant to pay the  
29 fee, the court assesses a lesser fee or no fee as the  
30 case may be. The fee shall be collected by the clerk of  
31 the circuit court. The clerk of the circuit court shall  
32 pay all monies collected from this fee to the county  
33 treasurer for deposit in the substance abuse services  
34 fund under Section 5-1086.1 of the Counties Code;

1           (14.2) The court shall impose upon all defendants,  
2 including those defendants subject to paragraph (14.1)  
3 above, placed under direct supervision of the Pretrial  
4 Services Agency, Probation Department or Court Services  
5 Department in a pretrial bond home supervision capacity  
6 with the use of an approved monitoring device, as a  
7 condition of such bail bond, a fee which shall represent  
8 costs incidental to such electronic monitoring for each  
9 day of such bail supervision ordered by the court, unless  
10 after determining the inability of the defendant to pay  
11 the fee, the court assesses a lesser fee or no fee as the  
12 case may be. The fee shall be collected by the clerk of  
13 the circuit court. The clerk of the circuit court shall  
14 pay all monies collected from this fee to the county  
15 treasurer who shall use the monies collected to defray  
16 the costs of corrections. The county treasurer shall  
17 deposit the fee collected in the county working cash fund  
18 under Section 6-27001 or Section 6-29002 of the Counties  
19 Code, as the case may be;

20           (15) Comply with the terms and conditions of an  
21 order of protection issued by the court under the  
22 Illinois Domestic Violence Act of 1986 or an order of  
23 protection issued by the court of another state, tribe,  
24 or United States territory;

25           (16) Under Section 110-6.5 comply with the  
26 conditions of the drug testing program; and

27           (17) Such other reasonable conditions as the court  
28 may impose.

29           (c) When a person is charged with an offense under  
30 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
31 "Criminal Code of 1961", involving a victim who is a minor  
32 under 18 years of age living in the same household with the  
33 defendant at the time of the offense, in granting bail or  
34 releasing the defendant on his own recognizance, the judge



1 shall impose conditions to restrict the defendant's access to  
2 the victim which may include, but are not limited to  
3 conditions that he will:

4 1. Vacate the Household.

5 2. Make payment of temporary support to his  
6 dependents.

7 3. Refrain from contact or communication with the  
8 child victim, except as ordered by the court.

9 (d) When a person is charged with a criminal offense and  
10 the victim is a family or household member as defined in  
11 Article 112A, conditions shall be imposed at the time of the  
12 defendant's release on bond that restrict the defendant's  
13 access to the victim. Unless provided otherwise by the court,  
14 the restrictions shall include requirements that the  
15 defendant do the following:

16 (1) refrain from contact or communication with the  
17 victim for a minimum period of 72 hours following the  
18 defendant's release; and

19 (2) refrain from entering or remaining at the  
20 victim's residence for a minimum period of 72 hours  
21 following the defendant's release.

22 (d-5) When a person is charged with a criminal offense  
23 and released on bond and the victim of the offense is a  
24 family or household member as defined in Article 112A, the  
25 clerk of the circuit court of the circuit in which the  
26 defendant is charged must transmit as soon as possible to the  
27 Department of State Police information about the offense  
28 charged and the conditions of the bond as specified in  
29 subsection (d). The Department of State Police must enter  
30 the information into the Law Enforcement Agencies Data System  
31 (LEADS) as provided in Section 6 of the Intergovernmental  
32 Missing Child Recovery Act of 1984.

33 (e) Local law enforcement agencies shall develop  
34 standardized bond forms for use in cases involving family or

1 household members as defined in Article 112A, including  
 2 specific conditions of bond as provided in subsection (d).  
 3 Failure of any law enforcement department to develop or use  
 4 those forms shall in no way limit the applicability and  
 5 enforcement of subsections (d) and (f).

6 (f) If the defendant is admitted to bail after  
 7 conviction the conditions of the bail bond shall be that he  
 8 will, in addition to the conditions set forth in subsections  
 9 (a) and (b) hereof:

- 10 (1) Duly prosecute his appeal;
- 11 (2) Appear at such time and place as the court may  
 12 direct;
- 13 (3) Not depart this State without leave of the  
 14 court;
- 15 (4) Comply with such other reasonable conditions as  
 16 the court may impose; and,
- 17 (5) If the judgment is affirmed or the cause  
 18 reversed and remanded for a new trial, forthwith  
 19 surrender to the officer from whose custody he was  
 20 bailed.

21 (Source: P.A. 90-399, eff. 1-1-98; 91-11, eff. 6-4-99;  
 22 91-312, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff.  
 23 1-1-01.)

24 Section 99. Effective date. This Act takes effect upon  
 25 becoming law.