HB2689

101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2689

by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

Amends the Illinois Criminal Justice Information Act. Requires the Authority to produce a monthly Pretrial Order Report, Pretrial Bail Proceeds Report, and Pretrial Custody and Release Report. Specifies requirements for these reports. Provides that the Authority shall post each county's monthly Pretrial Order Report, Pretrial Custody and Release Report, and Pretrial Bail Proceeds Report on the Authority's website on a monthly basis and those reports shall remain on the website for at least 5 years after being posted. Amends the Counties Code and the Clerk of Courts Act to require certain reporting requirements. Makes other changes. Effective immediately.

LRB101 11037 SLF 56240 b

A BILL FOR

1   AN ACT concerning pretrial reporting.

2   **Be it enacted by the People of the State of Illinois,**

3   **represented in the General Assembly:**

4   Section 5. The Illinois Criminal Justice Information Act is

5   amended by adding Sections 7.7 and 7.8 as follows:

6   (20 ILCS 3930/7.7 new)

7   Sec. 7.7. Pretrial Order Report.

8   (a) The Authority shall produce a monthly Pretrial Order

9   Report for the circuit court of each county with aggregated

10   data about the initial pretrial release hearings completed in

11   each county within the previous month. The Authority shall

12   collect the data needed for the Report and shall provide a data

13   submission form for the clerks of the circuit courts and the

14   sheriffs of each county to use for their submissions.

15   (b) The Authority shall post each county's monthly Pretrial

16   Order Report, Pretrial Custody and Release Report, and Pretrial

17   Bail Proceeds Report on the Authority's website on a monthly

18   basis and those reports shall remain on the website for at

19   least 5 years after being posted.

20   (c) The monthly Pretrial Order Report for the circuit court

21   of each county shall include the total number of initial

22   pretrial bond hearings conducted in that county, and of those

23   hearings:

1   (1) The number of hearings in which the court ordered

2   release on personal recognizance. Of the number of hearings

3   in   which   the   court   ordered   release   on   personal

4   recognizance, the Report shall include the following:

5   (A) the number of hearings in which the court

6   ordered release on personal recognizance without any

7   of the other conditions under subsection (b) of Section

8   110-10 of the Code of Criminal Procedure of 1963;

9   (B) the number of hearings in which the court

10   ordered release on personal recognizance with any

11   other conditions under subsection (b) of Section

12   110-10 of the Code of Criminal Procedure of 1963;

13   (C) the number of hearings in which the court

14   ordered release on personal recognizance with the

15   condition under paragraph (12) of subsection (b) of

16   Section 110-10 of the Code of Criminal Procedure of

17   1963;

18   (D) the number of hearings in which the court

19   ordered release on personal recognizance with the

20   condition of electronic monitoring;

21   (E) the number of hearings in which the court

22   ordered release on personal recognizance with the

23   condition under paragraph (14) of subsection (b) of

24   Section 110-10 of the Code of Criminal Procedure of

25   1963 or a sheriff's office; and

26   (F) the number of hearings in which the court

1	ordered release on personal recognizance with the
2	condition under paragraph (16) of subsection (b) of
3	Section 110-10 of the Code of Criminal Procedure of
4	1963.
5	(2) The number of bond hearings in which the court
6	ordered the posting of monetary bail secured by 10% of the
7	bail amount. For such cases, the Report shall include:
8	(A) a breakdown of the dollar amount of the
9	monetary bail orders by mean, median, 25th percentile,
10	and 75th percentile;
11	(B) the number of hearings in which the court
12	ordered the posting of monetary bail without any of the
13	other conditions under subsection (b) of Section
14	110-10 of the Code of Criminal Procedure of 1963;
15	(C) the number of hearings in which the court
16	ordered the posting on monetary bail with any of the
17	other conditions under subsection (b) of Section
18	110-10 of the Code of Criminal Procedure of 1963;
19	(D) the number of hearings in which the court
20	ordered the posting of monetary bail with the condition
21	under paragraph (12) of subsection (b) of Section
22	110-10 of the Code of Criminal Procedure of 1963;
23	(E) the number of hearings in which the court
24	ordered the posting of monetary bail with the condition
25	of electronic monitoring under paragraph (13) of
26	subsection (b) of Section 110-10 of the Code of

1   Criminal Procedure of 1963;

2   (F) the number of hearings in which the court

3   ordered the posting of monetary bail with the condition

4   of electronic monitoring under paragraph (14) of

5   subsection (b) of Section 110-10 of the Code of

6   Criminal Procedure of 1963 or a sheriff's office;

7   (G) the number of hearings in which the court

8   ordered the posting of monetary bail with the condition

9   under paragraph (16) of subsection (b) of Section

10   110-10 of the Code of Criminal Procedure of 1963;

11   (H) the number of hearings in which the court

12   ordered the posting of monetary bail to secure release

13   from electronic monitoring.

14   (3) The number of hearings in which the court ordered

15   the posting of monetary bail secured by 100% of the bail

16   amount.

17   (4) The number of hearings in which the court denied

18   bail and ordered detention.

19   (5) Anonymously by judge, the number of bail orders by

20   type:

21   (A) release on personal recognizance;

22   (B) release based on posting of monetary bail

23   secured by 10% of the bail amount;

24   (C) release based on posting monetary bail secured

25   by 100% of the bail amount;

26   (D) release on personal recognizance with

1   electronic monitoring as a condition of release under

2   Section 110-10 of the Code of Criminal Procedure of

3   1963; and

4   (E) denied bail.

5   (20 ILCS 3930/7.8 new)

6   Sec. 7.8. Pretrial Custody and Release Report.

7   (a) The Authority shall produce a monthly Pretrial Custody

8 and Release Report for each county with aggregated data about

9 the individuals in jail custody awaiting trial or on electronic

10 monitoring awaiting trial in each county within the previous

11 month. The Authority shall collect data needed for the Report

12 from county sheriffs and shall provide a data submission form

13 for the sheriffs to use for their submissions. The Authority

14 shall post each county's monthly Report on the Authority's

15 website on a monthly basis and the Report shall remain on the

16 website for at least 5 years after being posted.

17   (b) The monthly Pretrial Custody and Release Report shall

18 record the following pretrial admissions data for defendants

19 admitted into the sheriff's custody during the previous month:

20   (1) the number of defendants admitted to jail, broken

21   down by demographic variables including race or ethnicity,

22   age, and sex;

23   (2) the number of defendants admitted whose most

24   serious current charge is a forcible felony as defined

25   under Section 2-8 of the Criminal Code of 2012;

1   (3) the number of defendants admitted whose most

2 serious current charge is a felony;

3   (4) the number of defendants admitted whose most

4 serious current charge is a misdemeanor; and

5   (5) the number of defendants admitted who received a

6 monetary bail order and the number of defendants admitted

7 who were denied bail.

8 (c) The monthly Pretrial Custody and Release Report shall

9 record the following jail population data as of the last day of

10 the prior month:

11   (1) the total jail population, broken down by

12 demographic variables including race or ethnicity, age,

13 and sex;

14   (2) the number of individuals detained in jail pretrial

15 and the number of individuals detained in jail for all

16 other reasons;

17   (3) the number of defendants admitted whose most

18 serious current charge is a forcible felony as defined

19 under Section 2-8 of the Criminal Code of 2012;

20   (4) the number of individuals detained in jail pretrial

21 whose most serious current charge is a felony;

22   (5) the number of individuals detained in jail pretrial

23 whose most serious current charge is a misdemeanor;

24   (6) the total pretrial jail population by average and

25 median length in custody;

26   (7) the total pretrial jail population by the number of

1   defendants   ordered   monetary   bail   and   the   number   of

2   defendants denied bail; and

3   (8) the number of individuals detained in jail pretrial

4   who did not pay the monetary bail amount ordered, and of

5   those detainees, the mean, median, 25th percentile, and

6   75th percentile of the ordered bail amounts.

7   (d) The monthly Pretrial Custody and Release Report shall

8   record the following discharge data for pretrial defendants

9   released from the sheriff's custody during the previous month:

10   (1) the number of pretrial defendants discharged by the

11   following disposition types:

12   (A) convicted of a felony and sent to the Illinois

13   Department of Corrections;

14   (B) convicted of a misdemeanor and released on time

15   served;

16   (C) convicted of a felony or misdemeanor and given

17   a sentence of probation, conditional discharge, or

18   supervision;

19   (D) posted a monetary bond;

20   (E) released on personal recognizance bond or

21   electronic monitoring;

22   (F) released under earned credit, as defined in

23   Section 110-14 of the Code of Criminal Procedure of

24   1963;

25   (G) charged dismissed or any other non-conviction

26   resolution, including, but not limited to, deferred

1   prosecution;

2   (2) the average and median length of stay of pretrial

3   defendants; and

4   (3) the number of individuals discharged after

5   spending 2 days or less in jail.

6   (e) The monthly Pretrial Custody and Release Report shall

7   record the following data from the sheriff's electronic

8   monitoring program as of the last day of the prior month:

9   (1) the total number of individuals under the sheriff's

10   supervision on electronic monitoring;

11   (2) the demographics of the individuals on electronic

12   monitoring including breakdowns of race or ethnicity, age,

13   and sex;

14   (3) the number of individuals on electronic monitoring

15   whose most serious current charge is a felony;

16   (4) the number of individuals on electronic monitoring

17   whose most serious current charge is a misdemeanor; and

18   (5) the average and median length of time spent on

19   electronic monitoring.

20   (f) In order to determine the effectiveness of pretrial

21   release policies, the monthly Pretrial Custody and Release

22   Report shall include information about defendants released

23   from custody while awaiting trial. The Report shall include the

24   following data for the previous month:

25   (1) the number of pretrial defendants released within

26   24 hours of the bail hearing;

1   (2) the number of pretrial defendants released during

2   the month prior to the reporting month, and of those

3   defendants:

4   (A) the number of defendants who failed to appear

5   at least one court hearing within 30 days of their

6   release;

7   (B) the number of defendants who had at least one

8   new charge within 30 days of their release with the

9   most serious new charge being a misdemeanor or traffic

10   offense;

11   (C) the number of defendants who had at least one

12   new charge within 30 days of their release with the

13   most serious new charge being a felony; and

14   (D) the number of defendants who had at least one

15   new charge within 30 days of their release with the

16   most serious new charge being a forcible felony as

17   defined under Section 2-8 of the Criminal Code of 2012;

18   (3) the number of pretrial defendants released during

19   the month 180 days prior to the reporting month, and of

20   those defendants:

21   (A) the number of defendants who failed to appear

22   at least one court hearing within 180 days of their

23   release;

24   (B) the number of defendants who had at least one

25   new charge within 180 days of their release with the

26   most serious new charge being a misdemeanor or traffic

1   offense;

2   (C) the number of defendants who had at least one

3   new charge within 180 days of their release with the

4   most serious new charge being a felony;

5   (D) the number of defendants who had at least one

6   new charge within 30 days of their release with the

7   most serious new charge being a forcible felony as

8   defined under Section 2-8 of the Criminal Code of 2012;

9   and

10   (4) the number of pretrial defendants released during

11   the month that fell one year prior to the reporting month,

12   and of those defendants:

13   (A) the number of defendants who failed to appear

14   at least one court hearing within one year of their

15   release;

16   (B) the number of defendants who had at least one

17   new charge within one year of their release with the

18   most serious new charge being a misdemeanor or traffic

19   offense;

20   (C) the number of defendants who had at least one

21   new charge within one year of their release with the

22   most serious new charge being a felony; and

23   (D) the number of defendants who had at least one

24   new charge within 30 days of their release with the

25   most serious new charge being a forcible felony as

26   defined under Section 2-8 of the Criminal Code of 2012.

1   Section 10. The Counties Code is amended by adding Sections

2   3-6041, 3-6042, 3-6403 as follows:

3   (55 ILCS 5/3-6041 new)

4   Sec. 3-6041. Sheriff, county clerk, county board data

5   submission for Pretrial Bail Proceeds Report. Each month, the

6   sheriff, or the sheriff in consultation with the clerk of the

7   court of each county, shall submit to the Illinois Criminal

8   Justice Information Authority a data set with information

9   needed for the Illinois Criminal Justice Information Authority

10 to complete the report described in Section 7.7 of the Illinois

11 Criminal Justice Information Act. The sheriff, or the sheriff

12 in consultation with the clerk of the court, shall submit the

13 data in the form specified by the Illinois Criminal Justice

14 Information Authority.

15   (55 ILCS 5/3-6042 new)

16   Sec. 3-6042. Bail Proceeds Report. The county board of each

17 county shall, for each calendar year, prepare a report of the

18 amount of money bond collected and dispersed in the course of

19 administering bail. The report shall include:

20   (1) the amount of money received from each governmental

21 entity in the county that is entitled to collect or administer

22 a money bond;

23   (2) the name of each governmental entity, fund, or program

1   to which the county board allocates money generated by

2   collecting or administering a money bond and the amount so

3   allocated;

4   (3) the fee charged by the county sheriff for the taking of

5   all bonds on legal process, civil and criminal; and

6   (4) any study or report used to justify an increase in the

7   fee charged for the taking of all bonds on legal process, civil

8   and criminal, under Section 4-5001, if the county board has

9   increased the fee under the requirements of Section 4-5001.

10   (55 ILCS 5/3-6403 new)

11   Sec. 3-6403. Sheriff data submission for Pretrial Custody

12 and Release Reports. Each month, the sheriff of each county

13 shall submit to the Illinois Criminal Justice Information

14 Authority a data set with information needed for the Illinois

15 Criminal Justice Information Authority to complete the report

16 described in Section 7.8 of the Illinois Criminal Justice

17 Information Act. The sheriff shall submit the data in the form

18 specified by the Illinois Criminal Justice Information

19 Authority.

20   Section 15. The Clerks of Courts Act is amended by adding

21 Sections 30 and 31 as follows:

22   (705 ILCS 105/30 new)

23   Sec. 30. Report to Illinois Criminal Justice Information

1   Authority. Each month, the clerk of the circuit court of each

2   county shall submit to the Illinois Criminal Justice

3   Information Authority a data set with information needed for

4   the Illinois Criminal Justice Information Authority to

5   complete the reports described in Sections 7.7 and 7.8 of the

6   Illinois Criminal Justice Information Act. Each quarter, the

7   clerk of the circuit court of each county shall submit to the

8   Illinois Criminal Justice Information Authority a data set with

9   information needed for the Illinois Criminal Justice

10 Information Authority to complete the Pretrial Bail Proceeds

11 Report. The clerk of the circuit court shall submit the data in

12 the form specified by the Illinois Criminal Justice Information

13 Authority.

14   (705 ILCS 105/31 new)

15   Sec. 31. Clerk of court data submission for Pretrial Bail

16 Proceeds Report. Each quarter, the clerk of the circuit court

17 of each county shall submit to the Illinois Criminal Justice

18 Information Authority a data set with information needed for

19 the Illinois Criminal Justice Information Authority to

20 complete the report described in Section 7.7 of the Illinois

21 Criminal Justice Information Act. The clerk of the circuit

22 court shall submit the data in the form specified by the

23 Illinois Criminal Justice Information Authority. The report

24 shall include:

25   (1) the total amount of an individual money bond received

1   by the clerk;

2   (2) the total amount of a money bond received by the clerk;

3   (3) the total amount of an individual money bond forfeited;

4   (4) the total amount of a money bond forfeited;

5   (5) the total amount of an individual money bond refunded;

6   (6) the total amount of a money bond refunded;

7   (7) the total amount of money collected as a bail bond cost

8   as defined by subsection (f) of Section 110-7 of the Code of

9   Criminal Procedure of 1963;

10   (8) the total amount of a money bond collected by an

11   officer of the peace, under Section 110-9 of the Code of

12   Criminal Procedure of 1963 and Supreme Court Rules 529 and 530,

13   and deposited with the clerk of the circuit court;

14   (9) the total amount of money taken from a bond deposit for

15   fines, fees, restitution, or court costs other than a bail bond

16   cost under subsection (f) of Section 110-7 of the Code of

17   Criminal Procedure of 1963;

18   (A) this amount shall be separated by the type of fee,

19   fine, restitution, or court cost that is charged, as listed

20   in subsection (f) of Section 110-7 of the Code of Criminal

21   Procedure of 1963; and

22   (B) the clerk shall list separately the total amount of

23   fees or fines taken from a money bond associated with a

24   case finished as "not charged";

25   (10) the amount paid as reimbursement to a defendant's

26   attorney of record under subsection (f) of Section 110-7 of the

1   Code of Criminal Procedure of 1963;

2   (11) the total amount of money paid by a person posting

3   bond as any other fee, fine, restitution, or court cost not

4   described by subsection (f) of Section 110-7 of the Code of

5   Criminal Procedure of 1963 or Section 4-5001 of the Counties

6   Code. The report shall list separately the total amount of

7   money paid by a person posting a money bond as a fee to a credit

8   card processing merchant pursuant to a contractual agreement

9   between the clerk of the circuit court or county board and a

10 credit card processing merchant; and

11   (12) the total amount of money disbursed by the clerk of

12 the circuit court to each governmental entity or fund that is

13 entitled to receive fees, fines, restitution, or

14 reimbursements from a money bond deposit. These entities

15 include, but are not be limited to:

16   (A) the Office of the State's Attorney;

17   (B) the State Treasurer;

18   (C) the county general fund;

19   (D) a probation services; or

20   (E) a special fund, such as the Violent Crime Victims

21   Assistance Fund or the Trauma Center Fund.

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

23 becoming law.