



Rep. Bob Biggins

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09300HB6424ham001

LRB093 15688 RLC 48548 a

1 AMENDMENT TO HOUSE BILL 6424

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6424 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 110-17 as follows:

6 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

7 Sec. 110-17. Unclaimed Bail Deposits. Notwithstanding the  
8 provisions of the Uniform Disposition of Unclaimed Property  
9 Act, any sum of money deposited by any person to secure his or  
10 her release from custody which remains unclaimed by the person  
11 entitled to its return for 3 years after the conditions of the  
12 bail bond have been performed and the accused has been  
13 discharged from all obligations in the cause shall be presumed  
14 to be abandoned.

15 (a) The clerk of the circuit court, as soon thereafter as  
16 practicable, shall cause notice to be published once, in  
17 English, in a newspaper or newspapers of general circulation in  
18 the county wherein the deposit of bond was received and shall  
19 post this notice on the Internet.

20 (b) The published and posted notice shall be entitled  
21 "Notice of Persons Appearing to be Owners of Abandoned  
22 Property" and shall contain:

23 (1) The names, in alphabetical order, of persons to whom  
24 the notice is directed.

1 (2) A statement that information concerning the amount of  
2 the property may be obtained by any persons possessing an  
3 interest in the property by making an inquiry at the office of  
4 the clerk of the circuit court at a location designated by him  
5 or her.

6 (3) A statement that if proof of claim is not presented by  
7 the owner to the clerk of the circuit court and if the owner's  
8 right to receive the property is not established to the  
9 satisfaction of the clerk of the court within 65 days from the  
10 date of the published and posted notice, the abandoned property  
11 will be placed in the custody of the treasurer of the county,  
12 not later than 85 days after such publication and posting, to  
13 whom all further claims must thereafter be directed. If the  
14 claim is established as aforesaid and after deducting an amount  
15 not to exceed \$20 to cover the cost of notice publication and  
16 posting and related clerical expenses, the clerk of the court  
17 shall make payment to the person entitled thereto.

18 (4) The clerk of the circuit court is not required to  
19 publish and post in such notice any items of less than \$100  
20 unless he or she deems such publication and posting in the  
21 public interest.

22 (c) Any clerk of the circuit court who has caused notice to  
23 be published and posted as provided by this Section shall,  
24 within 20 days after the time specified in this Section for  
25 claiming the property from the clerk of the court, pay or  
26 deliver to the treasurer of the county having jurisdiction of  
27 the offense, whether the bond was taken there or any other  
28 county, all sums deposited as specified in this section less  
29 such amounts as may have been returned to the persons whose  
30 rights to receive the sums deposited have been established to  
31 the satisfaction of the clerk of the circuit court. Any clerk  
32 of the circuit court who transfers such sums to the county  
33 treasury including sums deposited by persons whose names are  
34 not required to be set forth in the published notice aforesaid,

1 is relieved of all liability for such sums as have been  
2 transferred as unclaimed bail deposits or any claim which then  
3 exists or which thereafter may arise or be made in respect to  
4 such sums.

5 (d) The treasurer of the county shall keep just and true  
6 accounts of all moneys paid into the treasury, and if any  
7 person appears within 5 years after the deposit of moneys by  
8 the clerk of the circuit court and claims any money paid into  
9 the treasury, he or she shall file a claim therefor on the form  
10 prescribed by the treasurer of the county who shall consider  
11 any claim filed under this Act and who may, in his or her  
12 discretion, hold a hearing and receive evidence concerning it.  
13 The treasurer of the county shall prepare a finding and the  
14 decision in writing on each hearing, stating the substance of  
15 any evidence heard by him or her, his or her findings of fact  
16 in respect thereto, and the reasons for his or her decision.  
17 The decision shall be a public record. All moneys not otherwise  
18 claimed after 5 years shall be deposited in the county general  
19 fund and used for county purposes.

20 (e) All claims which are not filed within the 5 year period  
21 shall be forever barred.

22 (f) The changes made by this amendatory Act of the 93rd  
23 General Assembly are applicable to bail deposits made before,  
24 on, or after the effective date of this amendatory Act of the  
25 93rd General Assembly.

26 (Source: P.A. 85-768.)".