

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 adding Section 110-5.2 as follows:

6 (725 ILCS 5/110-5.2 new)

7 Sec. 110-5.2. Bail; pregnant pre-trial detainee.

8 (a) It is the policy of this State that a pre-trial
9 detainee shall not be required to deliver a child while in
10 custody absent a finding by the court that continued pre-trial
11 custody is necessary to protect the public or the victim of the
12 offense on which the charge is based.

13 (b) If the court reasonably believes that a pre-trial
14 detainee will give birth while in custody, the court shall
15 order an alternative to custody unless, after a hearing, the
16 court determines:

17 (1) that the release of the pregnant pre-trial detainee
18 would pose a real and present threat to the physical safety
19 of the alleged victim of the offense and continuing custody
20 is necessary to prevent the fulfillment of the threat upon
21 which the charge is based; or

22 (2) that the release of the pregnant pre-trial detainee
23 would pose a real and present threat to the physical safety

1 of any person or persons or the general public.

2 (c) The court may order a pregnant or post-partum detainee
3 to be subject to electronic monitoring as a condition of
4 pre-trial release or order other condition or combination of
5 conditions the court reasonably determines are in the best
6 interest of the detainee and the public.

7 (d) This Section shall be applicable to a pregnant
8 pre-trial detainee in custody on or after the effective date of
9 this amendatory Act of the 100th General Assembly.