

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 changing Section 110-6 as follows:

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

7 Sec. 110-6. (a) Upon verified application by the State or
8 the defendant or on its own motion the court before which the
9 proceeding is pending may increase or reduce the amount of bail
10 or may alter the conditions of the bail bond or grant bail
11 where it has been previously revoked or denied. If bail has
12 been previously revoked pursuant to subsection (f) of this
13 Section or if bail has been denied to the defendant pursuant to
14 subsection (e) of Section 110-6.1 or subsection (e) of Section
15 110-6.3, the defendant shall be required to present a verified
16 application setting forth in detail any new facts not known or
17 obtainable at the time of the previous revocation or denial of
18 bail proceedings. If the court grants bail where it has been
19 previously revoked or denied, the court shall state on the
20 record of the proceedings the findings of facts and conclusion
21 of law upon which such order is based.

22 (a-5) In addition to any other available motion or
23 procedure under this Code, a first time offender in custody for

1 a non-violent misdemeanor offense due to an inability to post
2 monetary bail shall be brought before the court at the next
3 available court date or 7 calendar days from the date bail was
4 set, whichever is earlier, for a rehearing on the amount or
5 conditions of bail or release pending further court
6 proceedings. For purposes of this subsection (a-5),
7 "non-violent misdemeanor" means an offense which does not
8 involve the use or threat of physical force or violence against
9 a person.

10 (b) Violation of the conditions of Section 110-10 of this
11 Code or any special conditions of bail as ordered by the court
12 shall constitute grounds for the court to increase the amount
13 of bail, or otherwise alter the conditions of bail, or, where
14 the alleged offense committed on bail is a forcible felony in
15 Illinois or a Class 2 or greater offense under the Illinois
16 Controlled Substances Act, the Cannabis Control Act, or the
17 Methamphetamine Control and Community Protection Act, revoke
18 bail pursuant to the appropriate provisions of subsection (e)
19 of this Section.

20 (c) Reasonable notice of such application by the defendant
21 shall be given to the State.

22 (d) Reasonable notice of such application by the State
23 shall be given to the defendant, except as provided in
24 subsection (e).

25 (e) Upon verified application by the State stating facts or
26 circumstances constituting a violation or a threatened

1 violation of any of the conditions of the bail bond the court
2 may issue a warrant commanding any peace officer to bring the
3 defendant without unnecessary delay before the court for a
4 hearing on the matters set forth in the application. If the
5 actual court before which the proceeding is pending is absent
6 or otherwise unavailable another court may issue a warrant
7 pursuant to this Section. When the defendant is charged with a
8 felony offense and while free on bail is charged with a
9 subsequent felony offense and is the subject of a proceeding
10 set forth in Section 109-1 or 109-3 of this Code, upon the
11 filing of a verified petition by the State alleging a violation
12 of Section 110-10 (a) (4) of this Code, the court shall without
13 prior notice to the defendant, grant leave to file such
14 application and shall order the transfer of the defendant and
15 the application without unnecessary delay to the court before
16 which the previous felony matter is pending for a hearing as
17 provided in subsection (b) or this subsection of this Section.
18 The defendant shall be held without bond pending transfer to
19 and a hearing before such court. At the conclusion of the
20 hearing based on a violation of the conditions of Section
21 110-10 of this Code or any special conditions of bail as
22 ordered by the court the court may enter an order increasing
23 the amount of bail or alter the conditions of bail as deemed
24 appropriate.

25 (f) Where the alleged violation consists of the violation
26 of one or more felony statutes of any jurisdiction which would

1 be a forcible felony in Illinois or a Class 2 or greater
2 offense under the Illinois Controlled Substances Act, the
3 Cannabis Control Act, or the Methamphetamine Control and
4 Community Protection Act and the defendant is on bail for the
5 alleged commission of a felony, or where the defendant is on
6 bail for a felony domestic battery (enhanced pursuant to
7 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
8 or the Criminal Code of 2012), aggravated domestic battery,
9 aggravated battery, unlawful restraint, aggravated unlawful
10 restraint or domestic battery in violation of item (1) of
11 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
12 or the Criminal Code of 2012 against a family or household
13 member as defined in Section 112A-3 of this Code and the
14 violation is an offense of domestic battery against the same
15 victim the court shall, on the motion of the State or its own
16 motion, revoke bail in accordance with the following
17 provisions:

18 (1) The court shall hold the defendant without bail
19 pending the hearing on the alleged breach; however, if the
20 defendant is not admitted to bail the hearing shall be
21 commenced within 10 days from the date the defendant is
22 taken into custody or the defendant may not be held any
23 longer without bail, unless delay is occasioned by the
24 defendant. Where defendant occasions the delay, the
25 running of the 10 day period is temporarily suspended and
26 resumes at the termination of the period of delay. Where

1 defendant occasions the delay with 5 or fewer days
2 remaining in the 10 day period, the court may grant a
3 period of up to 5 additional days to the State for good
4 cause shown. The State, however, shall retain the right to
5 proceed to hearing on the alleged violation at any time,
6 upon reasonable notice to the defendant and the court.

7 (2) At a hearing on the alleged violation the State has
8 the burden of going forward and proving the violation by
9 clear and convincing evidence. The evidence shall be
10 presented in open court with the opportunity to testify, to
11 present witnesses in his behalf, and to cross-examine
12 witnesses if any are called by the State, and
13 representation by counsel and if the defendant is indigent
14 to have counsel appointed for him. The rules of evidence
15 applicable in criminal trials in this State shall not
16 govern the admissibility of evidence at such hearing.
17 Information used by the court in its findings or stated in
18 or offered in connection with hearings for increase or
19 revocation of bail may be by way of proffer based upon
20 reliable information offered by the State or defendant. All
21 evidence shall be admissible if it is relevant and reliable
22 regardless of whether it would be admissible under the
23 rules of evidence applicable at criminal trials. A motion
24 by the defendant to suppress evidence or to suppress a
25 confession shall not be entertained at such a hearing.
26 Evidence that proof may have been obtained as a result of

1 an unlawful search and seizure or through improper
2 interrogation is not relevant to this hearing.

3 (3) Upon a finding by the court that the State has
4 established by clear and convincing evidence that the
5 defendant has committed a forcible felony or a Class 2 or
6 greater offense under the Illinois Controlled Substances
7 Act, the Cannabis Control Act, or the Methamphetamine
8 Control and Community Protection Act while admitted to
9 bail, or where the defendant is on bail for a felony
10 domestic battery (enhanced pursuant to subsection (b) of
11 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
12 Code of 2012), aggravated domestic battery, aggravated
13 battery, unlawful restraint, aggravated unlawful restraint
14 or domestic battery in violation of item (1) of subsection
15 (a) of Section 12-3.2 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 against a family or household member
17 as defined in Section 112A-3 of this Code and the violation
18 is an offense of domestic battery, against the same victim,
19 the court shall revoke the bail of the defendant and hold
20 the defendant for trial without bail. Neither the finding
21 of the court nor any transcript or other record of the
22 hearing shall be admissible in the State's case in chief,
23 but shall be admissible for impeachment, or as provided in
24 Section 115-10.1 of this Code or in a perjury proceeding.

25 (4) If the bail of any defendant is revoked pursuant to
26 paragraph (f) (3) of this Section, the defendant may demand

1 and shall be entitled to be brought to trial on the offense
2 with respect to which he was formerly released on bail
3 within 90 days after the date on which his bail was
4 revoked. If the defendant is not brought to trial within
5 the 90 day period required by the preceding sentence, he
6 shall not be held longer without bail. In computing the 90
7 day period, the court shall omit any period of delay
8 resulting from a continuance granted at the request of the
9 defendant.

10 (5) If the defendant either is arrested on a warrant
11 issued pursuant to this Code or is arrested for an
12 unrelated offense and it is subsequently discovered that
13 the defendant is a subject of another warrant or warrants
14 issued pursuant to this Code, the defendant shall be
15 transferred promptly to the court which issued such
16 warrant. If, however, the defendant appears initially
17 before a court other than the court which issued such
18 warrant, the non-issuing court shall not alter the amount
19 of bail heretofore set on such warrant unless the court
20 sets forth on the record of proceedings the conclusions of
21 law and facts which are the basis for such altering of
22 another court's bond. The non-issuing court shall not alter
23 another courts bail set on a warrant unless the interests
24 of justice and public safety are served by such action.

25 (g) The State may appeal any order where the court has
26 increased or reduced the amount of bail or altered the

1 conditions of the bail bond or granted bail where it has
2 previously been revoked.

3 (Source: P.A. 97-1150, eff. 1-25-13.)