

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 110-10 as follows:

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

15 (2) Submit himself or herself to the orders and process  
16 of the court;

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

18 (4) Not violate any criminal statute of any  
19 jurisdiction;

20 (5) At a time and place designated by the court,  
21 surrender all firearms in his or her possession to a law  
22 enforcement officer designated by the court to take custody  
23 of and impound the firearms and physically surrender his or

1 her Firearm Owner's Identification Card to the clerk of the  
2 circuit court when the offense the person has been charged  
3 with is a forcible felony, stalking, aggravated stalking,  
4 domestic battery, any violation of the Illinois Controlled  
5 Substances Act, the Methamphetamine Control and Community  
6 Protection Act, or the Cannabis Control Act that is  
7 classified as a Class 2 or greater felony, or any felony  
8 violation of Article 24 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012; the court may, however, forgo the  
10 imposition of this condition when the circumstances of the  
11 case clearly do not warrant it or when its imposition would  
12 be impractical; if the Firearm Owner's Identification Card  
13 is confiscated, the clerk of the circuit court shall mail  
14 the confiscated card to the Illinois State Police; all  
15 legally possessed firearms shall be returned to the person  
16 upon the charges being dismissed, or if the person is found  
17 not guilty, unless the finding of not guilty is by reason  
18 of insanity; and

19 (6) At a time and place designated by the court, submit  
20 to a psychological evaluation when the person has been  
21 charged with a violation of item (4) of subsection (a) of  
22 Section 24-1 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012 and that violation occurred in a school or in  
24 any conveyance owned, leased, or contracted by a school to  
25 transport students to or from school or a school-related  
26 activity, or on any public way within 1,000 feet of real

1 property comprising any school.

2 Psychological evaluations ordered pursuant to this Section  
3 shall be completed promptly and made available to the State,  
4 the defendant, and the court. As a further condition of bail  
5 under these circumstances, the court shall order the defendant  
6 to refrain from entering upon the property of the school,  
7 including any conveyance owned, leased, or contracted by a  
8 school to transport students to or from school or a  
9 school-related activity, or on any public way within 1,000 feet  
10 of real property comprising any school. Upon receipt of the  
11 psychological evaluation, either the State or the defendant may  
12 request a change in the conditions of bail, pursuant to Section  
13 110-6 of this Code. The court may change the conditions of bail  
14 to include a requirement that the defendant follow the  
15 recommendations of the psychological evaluation, including  
16 undergoing psychiatric treatment. The conclusions of the  
17 psychological evaluation and any statements elicited from the  
18 defendant during its administration are not admissible as  
19 evidence of guilt during the course of any trial on the charged  
20 offense, unless the defendant places his or her mental  
21 competency in issue.

22 (b) The court may impose other conditions, such as the  
23 following, if the court finds that such conditions are  
24 reasonably necessary to assure the defendant's appearance in  
25 court, protect the public from the defendant, or prevent the  
26 defendant's unlawful interference with the orderly

1 administration of justice:

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

4 (2) Refrain from possessing a firearm or other  
5 dangerous weapon;

6 (3) Refrain from approaching or communicating with  
7 particular persons or classes of persons;

8 (4) Refrain from going to certain described  
9 geographical areas or premises;

10 (5) Refrain from engaging in certain activities or  
11 indulging in intoxicating liquors or in certain drugs;

12 (6) Undergo treatment for drug addiction or  
13 alcoholism;

14 (7) Undergo medical or psychiatric treatment;

15 (8) Work or pursue a course of study or vocational  
16 training;

17 (9) Attend or reside in a facility designated by the  
18 court;

19 (10) Support his or her dependents;

20 (11) If a minor resides with his or her parents or in a  
21 foster home, attend school, attend a non-residential  
22 program for youths, and contribute to his or her own  
23 support at home or in a foster home;

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

25 (13) Remain in the custody of such designated person or  
26 organization agreeing to supervise his release. Such third

1 party custodian shall be responsible for notifying the  
2 court if the defendant fails to observe the conditions of  
3 release which the custodian has agreed to monitor, and  
4 shall be subject to contempt of court for failure so to  
5 notify the court;

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

12 (14.1) The court shall impose upon a defendant who is  
13 charged with any alcohol, cannabis, methamphetamine, or  
14 controlled substance violation and is placed under direct  
15 supervision of the Pretrial Services Agency, Probation  
16 Department or Court Services Department in a pretrial bond  
17 home supervision capacity with the use of an approved  
18 monitoring device, as a condition of such bail bond, a fee  
19 that represents costs incidental to the electronic  
20 monitoring for each day of such bail supervision ordered by  
21 the court, unless after determining the inability of the  
22 defendant to pay the fee, the court assesses a lesser fee  
23 or no fee as the case may be. The fee shall be collected by  
24 the clerk of the circuit court, except as provided in an  
25 administrative order of the Chief Judge of the circuit  
26 court. The clerk of the circuit court shall pay all monies

1 collected from this fee to the county treasurer for deposit  
2 in the substance abuse services fund under Section 5-1086.1  
3 of the Counties Code, except as provided in an  
4 administrative order of the Chief Judge of the circuit  
5 court.

6 The Chief Judge of the circuit court of the county may  
7 by administrative order establish a program for electronic  
8 monitoring of offenders with regard to drug-related and  
9 alcohol-related offenses, in which a vendor supplies and  
10 monitors the operation of the electronic monitoring  
11 device, and collects the fees on behalf of the county. The  
12 program shall include provisions for indigent offenders  
13 and the collection of unpaid fees. The program shall not  
14 unduly burden the offender and shall be subject to review  
15 by the Chief Judge.

16 The Chief Judge of the circuit court may suspend any  
17 additional charges or fees for late payment, interest, or  
18 damage to any device;

19 (14.2) The court shall impose upon all defendants,  
20 including those defendants subject to paragraph (14.1)  
21 above, placed under direct supervision of the Pretrial  
22 Services Agency, Probation Department or Court Services  
23 Department in a pretrial bond home supervision capacity  
24 with the use of an approved monitoring device, as a  
25 condition of such bail bond, a fee which shall represent  
26 costs incidental to such electronic monitoring for each day

1 of such bail supervision ordered by the court, unless after  
2 determining the inability of the defendant to pay the fee,  
3 the court assesses a lesser fee or no fee as the case may  
4 be. The fee shall be collected by the clerk of the circuit  
5 court, except as provided in an administrative order of the  
6 Chief Judge of the circuit court. The clerk of the circuit  
7 court shall pay all monies collected from this fee to the  
8 county treasurer who shall use the monies collected to  
9 defray the costs of corrections. The county treasurer shall  
10 deposit the fee collected in the county working cash fund  
11 under Section 6-27001 or Section 6-29002 of the Counties  
12 Code, as the case may be, except as provided in an  
13 administrative order of the Chief Judge of the circuit  
14 court.

15 The Chief Judge of the circuit court of the county may  
16 by administrative order establish a program for electronic  
17 monitoring of offenders with regard to drug-related and  
18 alcohol-related offenses, in which a vendor supplies and  
19 monitors the operation of the electronic monitoring  
20 device, and collects the fees on behalf of the county. The  
21 program shall include provisions for indigent offenders  
22 and the collection of unpaid fees. The program shall not  
23 unduly burden the offender and shall be subject to review  
24 by the Chief Judge.

25 The Chief Judge of the circuit court may suspend any  
26 additional charges or fees for late payment, interest, or

1 damage to any device;

2 (14.3) The Chief Judge of the Judicial Circuit may  
3 establish reasonable fees to be paid by a person receiving  
4 pretrial services while under supervision of a pretrial  
5 services agency, probation department, or court services  
6 department. Reasonable fees may be charged for pretrial  
7 services including, but not limited to, pretrial  
8 supervision, diversion programs, electronic monitoring,  
9 victim impact services, drug and alcohol testing, DNA  
10 testing, GPS electronic monitoring, assessments and  
11 evaluations related to domestic violence and other  
12 victims, and victim mediation services. The person  
13 receiving pretrial services may be ordered to pay all costs  
14 incidental to pretrial services in accordance with his or  
15 her ability to pay those costs;

16 (14.4) For persons charged with violating Section  
17 11-501 of the Illinois Vehicle Code, refrain from operating  
18 a motor vehicle not equipped with an ignition interlock  
19 device, as defined in Section 1-129.1 of the Illinois  
20 Vehicle Code, pursuant to the rules promulgated by the  
21 Secretary of State for the installation of ignition  
22 interlock devices. Under this condition the court may allow  
23 a defendant who is not self-employed to operate a vehicle  
24 owned by the defendant's employer that is not equipped with  
25 an ignition interlock device in the course and scope of the  
26 defendant's employment;



1           (15) Comply with the terms and conditions of an order  
2           of protection issued by the court under the Illinois  
3           Domestic Violence Act of 1986 or an order of protection  
4           issued by the court of another state, tribe, or United  
5           States territory;

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

8           (17) Such other reasonable conditions as the court may  
9           impose.

10          (c) When a person is charged with an offense under Section  
11          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
12          12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
13          Criminal Code of 2012, involving a victim who is a minor under  
14          18 years of age living in the same household with the defendant  
15          at the time of the offense, in granting bail or releasing the  
16          defendant on his own recognizance, the judge shall impose  
17          conditions to restrict the defendant's access to the victim  
18          which may include, but are not limited to conditions that he  
19          will:

- 20                 1. Vacate the household.  
21                 2. Make payment of temporary support to his dependents.  
22                 3. Refrain from contact or communication with the child  
23          victim, except as ordered by the court.

24          (d) When a person is charged with a criminal offense and  
25          the victim is a family or household member as defined in  
26          Article 112A, conditions shall be imposed at the time of the

1 defendant's release on bond that restrict the defendant's  
2 access to the victim. Unless provided otherwise by the court,  
3 the restrictions shall include requirements that the defendant  
4 do the following:

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

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

11 (e) Local law enforcement agencies shall develop  
12 standardized bond forms for use in cases involving family or  
13 household members as defined in Article 112A, including  
14 specific conditions of bond as provided in subsection (d).  
15 Failure of any law enforcement department to develop or use  
16 those forms shall in no way limit the applicability and  
17 enforcement of subsections (d) and (f).

18 (f) If the defendant is admitted to bail after conviction  
19 the conditions of the bail bond shall be that he will, in  
20 addition to the conditions set forth in subsections (a) and (b)  
21 hereof:

22 (1) Duly prosecute his appeal;

23 (2) Appear at such time and place as the court may  
24 direct;

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

26 (4) Comply with such other reasonable conditions as the

1 court may impose; and

2 (5) If the judgment is affirmed or the cause reversed  
3 and remanded for a new trial, forthwith surrender to the  
4 officer from whose custody he was bailed.

5 (g) Upon a finding of guilty for any felony offense, the  
6 defendant shall physically surrender, at a time and place  
7 designated by the court, any and all firearms in his or her  
8 possession and his or her Firearm Owner's Identification Card  
9 as a condition of remaining on bond pending sentencing.

10 (h) In the event the defendant is unable to post bond, the  
11 court may impose a no contact provision with the victim or  
12 other interested party that shall be enforced while the  
13 defendant remains in custody.

14 (Source: P.A. 99-797, eff. 8-12-16.)