



Rep. Justin Slaughter

**Filed: 3/20/2019**

10100HB3347ham001

LRB101 11167 SLF 56917 a

1 AMENDMENT TO HOUSE BILL 3347

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3347 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Criminal Justice Information Act  
5 is 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 and Pretrial Custody and Release Report on the

1 Authority's website on a monthly basis and those reports shall  
2 remain on the website for at least 5 years after being posted.

3 (c) The monthly Pretrial Order Report for the circuit court  
4 of each county shall include the total number of initial  
5 pretrial bond hearings conducted in that county, and of those  
6 hearings:

7 (1) The number of hearings in which the court ordered  
8 release on personal recognizance. Of the number of hearings  
9 in which the court ordered release on personal  
10 recognizance, the Report shall include the following:

11 (A) the number of hearings in which the court  
12 ordered release on personal recognizance without any  
13 of the other conditions under subsection (b) of Section  
14 110-10 of the Code of Criminal Procedure of 1963;

15 (B) the number of hearings in which the court  
16 ordered release on personal recognizance with any  
17 other conditions under subsection (b) of Section  
18 110-10 of the Code of Criminal Procedure of 1963;

19 (C) the number of hearings in which the court  
20 ordered release on personal recognizance with the  
21 condition under paragraph (12) of subsection (b) of  
22 Section 110-10 of the Code of Criminal Procedure of  
23 1963;

24 (D) the number of hearings in which the court  
25 ordered release on personal recognizance with the  
26 condition of electronic monitoring;

1           (E) the number of hearings in which the court  
2           ordered release on personal recognizance with the  
3           condition under paragraph (14) of subsection (b) of  
4           Section 110-10 of the Code of Criminal Procedure of  
5           1963 or a sheriff's office; and

6           (F) the number of hearings in which the court  
7           ordered release on personal recognizance with the  
8           condition under paragraph (16) of subsection (b) of  
9           Section 110-10 of the Code of Criminal Procedure of  
10           1963.

11           (2) The number of hearings in which the court denied  
12           bail and ordered detention.

13           (3) Anonymously by judge, the number of bail orders by  
14           type:

15                   (A) release on personal recognizance;

16                   (B) release on personal recognizance with  
17                   electronic monitoring as a condition of release under  
18                   Section 110-10 of the Code of Criminal Procedure of  
19                   1963; and

20                   (C) denied bail.

21           (20 ILCS 3930/7.8 new)

22           Sec. 7.8. Pretrial Custody and Release Report.

23           (a) The Authority shall produce a monthly Pretrial Custody  
24           and Release Report for each county with aggregated data about  
25           the individuals in jail custody awaiting trial or on electronic

1 monitoring awaiting trial in each county within the previous  
2 month. The Authority shall collect data needed for the Report  
3 from county sheriffs and shall provide a data submission form  
4 for the sheriffs to use for their submissions. The Authority  
5 shall post each county's monthly Report on the Authority's  
6 website on a monthly basis and the Report shall remain on the  
7 website for at least 5 years after being posted.

8 (b) The monthly Pretrial Custody and Release Report shall  
9 record the following pretrial admissions data for defendants  
10 admitted into the sheriff's custody during the previous month:

11 (1) the number of defendants admitted to jail, broken  
12 down by demographic variables including race or ethnicity,  
13 age, and sex;

14 (2) the number of defendants admitted whose most  
15 serious current charge is a forcible felony as defined  
16 under Section 2-8 of the Criminal Code of 2012;

17 (3) the number of defendants admitted whose most  
18 serious current charge is a felony;

19 (4) the number of defendants admitted whose most  
20 serious current charge is a misdemeanor; and

21 (5) the number of defendants who were denied bail.

22 (c) The monthly Pretrial Custody and Release Report shall  
23 record the following jail population data as of the last day of  
24 the prior month:

25 (1) the total jail population, broken down by  
26 demographic variables including race or ethnicity, age,

1           and sex;

2           (2) the number of individuals detained in jail pretrial  
3           and the number of individuals detained in jail for all  
4           other reasons;

5           (3) the number of defendants admitted whose most  
6           serious current charge is a forcible felony as defined  
7           under Section 2-8 of the Criminal Code of 2012;

8           (4) the number of individuals detained in jail pretrial  
9           whose most serious current charge is a felony;

10           (5) the number of individuals detained in jail pretrial  
11           whose most serious current charge is a misdemeanor; and

12           (6) the total pretrial jail population by average and  
13           median length in custody.

14           (d) The monthly Pretrial Custody and Release Report shall  
15           record the following discharge data for pretrial defendants  
16           released from the sheriff's custody during the previous month:

17           (1) the number of pretrial defendants discharged by the  
18           following disposition types:

19           (A) convicted of a felony and sent to the Illinois  
20           Department of Corrections;

21           (B) convicted of a misdemeanor and released on time  
22           served;

23           (C) convicted of a felony or misdemeanor and given  
24           a sentence of probation, conditional discharge, or  
25           supervision;

26           (D) released on personal recognizance bond or

1           electronic monitoring;

2           (E) released under earned credit, as defined in  
3           Section 110-14 of the Code of Criminal Procedure of  
4           1963;

5           (F) charged dismissed or any other non-conviction  
6           resolution, including, but not limited to, deferred  
7           prosecution;

8           (2) the average and median length of stay of pretrial  
9           defendants; and

10           (3) the number of individuals discharged after  
11           spending 2 days or less in jail.

12           (e) The monthly Pretrial Custody and Release Report shall  
13           record the following data from the sheriff's electronic  
14           monitoring program as of the last day of the prior month:

15           (1) the total number of individuals under the sheriff's  
16           supervision on electronic monitoring;

17           (2) the demographics of the individuals on electronic  
18           monitoring including breakdowns of race or ethnicity, age,  
19           and sex;

20           (3) the number of individuals on electronic monitoring  
21           whose most serious current charge is a felony;

22           (4) the number of individuals on electronic monitoring  
23           whose most serious current charge is a misdemeanor; and

24           (5) the average and median length of time spent on  
25           electronic monitoring.

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

1 release policies, the monthly Pretrial Custody and Release  
2 Report shall include information about defendants released  
3 from custody while awaiting trial. The Report shall include the  
4 following data for the previous month:

5 (1) the number of pretrial defendants released within  
6 24 hours of the bail hearing;

7 (2) the number of pretrial defendants released during  
8 the month prior to the reporting month, and of those  
9 defendants:

10 (A) the number of defendants who failed to appear  
11 at least one court hearing within 30 days of their  
12 release;

13 (B) the number of defendants who had at least one  
14 new charge within 30 days of their release with the  
15 most serious new charge being a misdemeanor or traffic  
16 offense;

17 (C) the number of defendants who had at least one  
18 new charge within 30 days of their release with the  
19 most serious new charge being a felony; and

20 (D) the number of defendants who had at least one  
21 new charge within 30 days of their release with the  
22 most serious new charge being a forcible felony as  
23 defined under Section 2-8 of the Criminal Code of 2012;

24 (3) the number of pretrial defendants released during  
25 the month 180 days prior to the reporting month, and of  
26 those defendants:

1           (A) the number of defendants who failed to appear  
2 at least one court hearing within 180 days of their  
3 release;

4           (B) the number of defendants who had at least one  
5 new charge within 180 days of their release with the  
6 most serious new charge being a misdemeanor or traffic  
7 offense;

8           (C) the number of defendants who had at least one  
9 new charge within 180 days of their release with the  
10 most serious new charge being a felony;

11           (D) 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 forcible felony as  
14 defined under Section 2-8 of the Criminal Code of 2012;  
15 and

16           (4) the number of pretrial defendants released during  
17 the month that fell one year prior to the reporting month,  
18 and of those defendants:

19           (A) the number of defendants who failed to appear  
20 at least one court hearing within one year of their  
21 release;

22           (B) the number of defendants who had at least one  
23 new charge within one year of their release with the  
24 most serious new charge being a misdemeanor or traffic  
25 offense;

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



1           new charge within one year of their release with the  
2           most serious new charge being a felony; and

3           (D) the number of defendants who had at least one  
4           new charge within 30 days of their release with the  
5           most serious new charge being a forcible felony as  
6           defined under Section 2-8 of the Criminal Code of 2012.

7           Section 10. The Counties Code is amended by adding Sections  
8           3-6041 and 3-6403 as follows:

9           (55 ILCS 5/3-6041 new)

10          Sec. 3-6041. Sheriff and county clerk data submission. Each  
11          month, the sheriff, or the sheriff in consultation with the  
12          clerk of the court of each county, shall submit to the Illinois  
13          Criminal Justice Information Authority a data set with  
14          information needed for the Illinois Criminal Justice  
15          Information Authority to complete the report described in  
16          Section 7.7 of the Illinois Criminal Justice Information Act.  
17          The sheriff, or the sheriff in consultation with the clerk of  
18          the court, shall submit the data in the form specified by the  
19          Illinois Criminal Justice Information Authority.

20          (55 ILCS 5/3-6403 new)

21          Sec. 3-6403. Sheriff data submission for Pretrial Custody  
22          and Release Reports. Each month, the sheriff of each county  
23          shall submit to the Illinois Criminal Justice Information

1 Authority a data set with information needed for the Illinois  
2 Criminal Justice Information Authority to complete the report  
3 described in Section 7.8 of the Illinois Criminal Justice  
4 Information Act. The sheriff shall submit the data in the form  
5 specified by the Illinois Criminal Justice Information  
6 Authority.

7 Section 15. The Clerks of Courts Act is amended by adding  
8 Section 30 as follows:

9 (705 ILCS 105/30 new)

10 Sec. 30. Report to Illinois Criminal Justice Information  
11 Authority. Each month, the clerk of the circuit court of each  
12 county shall submit to the Illinois Criminal Justice  
13 Information Authority a data set with information needed for  
14 the Illinois Criminal Justice Information Authority to  
15 complete the reports described in Sections 7.7 and 7.8 of the  
16 Illinois Criminal Justice Information Act. The clerk of the  
17 circuit court shall submit the data in the form specified by  
18 the Illinois Criminal Justice Information Authority.

19 Section 20. The Criminal Code of 2012 is amended by  
20 changing Section 32-10 as follows:

21 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

22 Sec. 32-10. Violation of conditions of pre-trial release

1 ~~bail bond.~~

2 (a) Whoever, having been released under conditions of  
3 pre-trial release ~~admitted to bail~~ for appearance before any  
4 court of this State, incurs a violation of conditions of  
5 pre-trial release ~~forfeiture of the bail~~ and knowingly fails to  
6 surrender himself or herself within 30 days following the date  
7 of the violation ~~forfeiture~~, commits, if the conditions of  
8 pre-trial ~~bail was~~ given in connection with a charge of felony  
9 or pending appeal or certiorari after conviction of any  
10 offense, a Class A misdemeanor if the underlying offense is a  
11 felony. If a felony of the next lower Class or a Class A  
12 misdemeanor if the underlying offense was a Class 4 felony; or,  
13 ~~if the~~ conditions of pre-trial release were ~~bail was~~ given in  
14 connection with a charge of committing a misdemeanor, or for  
15 appearance as a witness, commits ~~a misdemeanor of the next~~  
16 ~~lower Class, but not less than~~ a Class C misdemeanor.

17 (a-5) Any person who knowingly violates a condition of  
18 pre-trial release ~~bail bond~~ by possessing a firearm in  
19 violation of his or her conditions of pre-trial release ~~bail~~  
20 commits a Class 4 felony for a first violation and a Class 3  
21 felony for a second or subsequent violation.

22 (b) Whoever, having been admitted to release under  
23 conditions of pre-trial release ~~bail~~ for appearance before any  
24 court of this State, while charged with a criminal offense in  
25 which the victim is a family or household member as defined in  
26 Article 112A of the Code of Criminal Procedure of 1963,

1 knowingly violates a condition of that release as set forth in  
2 Section 110-10, subsection (d) of the Code of Criminal  
3 Procedure of 1963, commits a Class A misdemeanor.

4 (c) Whoever, having been admitted to release under  
5 conditions of pre-trial release ~~bail~~ for appearance before any  
6 court of this State for a felony, Class A misdemeanor or a  
7 criminal offense in which the victim is a family or household  
8 member as defined in Article 112A of the Code of Criminal  
9 Procedure of 1963, is charged with any other felony, Class A  
10 misdemeanor, or a criminal offense in which the victim is a  
11 family or household member as defined in Article 112A of the  
12 Code of Criminal Procedure of 1963 while on this release, must  
13 appear before the court before bail is statutorily set.

14 (d) Nothing in this Section shall interfere with or prevent  
15 the exercise by any court of its power to punishment for  
16 contempt. Any sentence imposed for violation of this Section  
17 shall be served consecutive to the sentence imposed for the  
18 charge for which bail had been granted and with respect to  
19 which the defendant has been convicted.

20 (Source: P.A. 97-1108, eff. 1-1-13.)

21 Section 25. The Code of Criminal Procedure of 1963 is  
22 amended by changing Sections 109-1, 110-1, 110-2, 110-3, 110-4,  
23 110-5, and 110-5.1 and by adding Section 110-1.5 as follows:

24 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

1           Sec. 109-1. Person arrested; release from law enforcement  
2 custody and court appearance.

3           (a) A person arrested with or without a warrant on an  
4 offense for which pre-trial release may be denied, unless  
5 released by the arresting officer shall be taken without  
6 unnecessary delay before the nearest and most accessible judge  
7 in that county, except when such county is a participant in a  
8 regional jail authority, in which event such person may be  
9 taken to the nearest and most accessible judge, irrespective of  
10 the county where such judge presides, and a charge shall be  
11 filed. An arresting officer may release a person arrested on an  
12 offense for which pre-trial release may be denied, other than  
13 first degree murder, attempted first degree murder, or violent  
14 sexual offense, without an appearance before a judge if release  
15 of the person is in the public interest. Whenever a person  
16 arrested either with or without a warrant is required to be  
17 taken before a judge, a charge may be filed against such person  
18 by way of a two-way closed circuit television system, except  
19 that a hearing to deny pre-trial release ~~bail~~ to the defendant  
20 may not be conducted by way of closed circuit television.

21           (a-3) A person arrested with or without a warrant on an  
22 offense for which pre-trial release may not be denied shall,  
23 except as otherwise provided in this Code, be released by the  
24 officer without appearing before a judge. The releasing officer  
25 shall issue the person a summons to appear or a personal  
26 recognizance bond that may be conditioned on a promise to pay a

1 sum, as set by Supreme Court Rule, for willful failure to  
2 appear.

3 (a-5) A person charged with an offense shall be allowed  
4 counsel at the hearing at which pre-trial release ~~bail~~ is  
5 determined under Article 110 of this Code. If the defendant  
6 desires counsel for his or her initial appearance but is unable  
7 to obtain counsel, the court shall appoint a public defender or  
8 licensed attorney at law of this State to represent him or her  
9 for purposes of that hearing.

10 (a-7) A presumption in favor of pre-trial release of a  
11 person shall be applied by an arresting officer in the exercise  
12 of his or her discretion under this Section.

13 (b) Upon initial appearance of a person before the court,  
14 the ~~The~~ judge shall:

15 (1) inform ~~Inform~~ the defendant of the charge against  
16 him and shall provide him with a copy of the charge;

17 (2) advise ~~Advise~~ the defendant of his right to counsel  
18 and if indigent shall appoint a public defender or licensed  
19 attorney at law of this State to represent him in  
20 accordance with the provisions of Section 113-3 of this  
21 Code;

22 (3) schedule ~~Schedule~~ a preliminary hearing in  
23 appropriate cases;

24 (4) release or detain the defendant under ~~Admit the~~  
25 ~~defendant to bail in accordance with the provisions of~~  
26 Article 110 of this Code; and

1           (5) order ~~Order~~ the confiscation of the person's  
2 passport or impose travel restrictions on a defendant  
3 arrested for first degree murder or other violent crime as  
4 defined in Section 3 of the Rights of Crime Victims and  
5 Witnesses Act, if the judge determines, based on the  
6 factors in Section 110-5 of this Code, that this will  
7 reasonably ensure the appearance of the defendant and  
8 compliance by the defendant with all conditions of release.

9           (b-5) A presumption in favor of pre-trial release of a  
10 person shall be applied by a judge in exercising his or her  
11 discretion under this Section.

12           (c) The court may issue an order of protection in  
13 accordance with the provisions of Article 112A of this Code.

14           (d) At the initial appearance of a defendant in any  
15 criminal proceeding, the court must advise the defendant in  
16 open court that any foreign national who is arrested or  
17 detained has the right to have notice of the arrest or  
18 detention given to his or her country's consular  
19 representatives and the right to communicate with those  
20 consular representatives if the notice has not already been  
21 provided. The court must make a written record of so advising  
22 the defendant.

23           (e) If consular notification is not provided to a defendant  
24 before his or her first appearance in court, the court shall  
25 grant any reasonable request for a continuance of the  
26 proceedings to allow contact with the defendant's consulate.

1 Any delay caused by the granting of the request by a defendant  
2 shall temporarily suspend for the time of the delay the period  
3 within which a person shall be tried as prescribed by  
4 subsections (a), (b), or (e) of Section 103-5 of this Code and  
5 on the day of the expiration of delay the period shall continue  
6 at the point at which it was suspended.

7 (f) At the hearing at which bail is determined, the person  
8 charged shall be present in-person, rather than by video,  
9 phone, or any other form of electronic communication, unless  
10 the physical health and safety of the person would be  
11 endangered by appearing in court or the accused waives the  
12 right to be present in-person.

13 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,  
14 eff. 1-1-18.)

15 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

16 Sec. 110-1. Definitions.

17 (a) "Bail" means a security, which may include a bond  
18 without monetary conditions, required by a court for the  
19 release of a person in custody set to provide reasonable  
20 assurance of public safety and court appearance. "Security" is  
21 that which is required to be pledged to insure the payment of  
22 bail.

23 (a-5) "Forcible felony" has the meaning ascribed to the  
24 term in Section 2-8 of the Criminal Code of 2012.

25 (b) "Sureties" encompasses the monetary and nonmonetary



1 requirements set by the court as conditions for release either  
2 before or after conviction. ~~"Surety" is one who executes a bail~~  
3 ~~bond and binds himself to pay the bail if the person in custody~~  
4 ~~fails to comply with all conditions of the bail bond.~~

5 (c) The phrase "for which a sentence of imprisonment,  
6 without conditional and revocable release, shall be imposed by  
7 law as a consequence of conviction" means an offense for which  
8 a sentence of imprisonment, without probation, periodic  
9 imprisonment or conditional discharge, is required by law upon  
10 conviction.

11 (d) "Real and present threat to the physical safety of any  
12 person or persons", as used in this Article, includes a threat  
13 to the community, person, persons or class of persons.

14 (Source: P.A. 85-892.)

15 (725 ILCS 5/110-1.5 new)

16 Sec. 110-1.5. Abolishment of monetary bail. Under this  
17 amendatory Act of the 101st General Assembly, the requirement  
18 of posting monetary bail is abolished, except as provided in  
19 the Uniform Criminal Extradition Act which is a compact that  
20 has been entered into between this State and its sister states.

21 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

22 Sec. 110-2. Release on own recognizance. It should be  
23 presumed that a defendant is entitled to release on personal  
24 recognizance on the condition that he or she attend all

1 required court proceedings and the defendant does not commit  
2 any criminal offense. Detention or additional conditions  
3 should be set only when it is determined that no other  
4 conditions of release will reasonably assure the defendant's  
5 appearance in court, that the defendant does not present a  
6 danger to any person or the community, and that the defendant  
7 will comply with all conditions of bond. If the court deems  
8 that the defendant is to be released on personal recognizance,  
9 the court may require ~~When from all the circumstances the court~~  
10 ~~is of the opinion that the defendant will appear as required~~  
11 ~~either before or after conviction and the defendant will not~~  
12 ~~pose a danger to any person or the community and that the~~  
13 ~~defendant will comply with all conditions of bond, which shall~~  
14 ~~include the defendant's current address with~~ that a written  
15 admonishment be signed by the defendant requiring ~~to the~~  
16 ~~defendant~~ that he or she must comply with the provisions of  
17 Section 110-12 of this Code. The ~~regarding any change in his or~~  
18 ~~her address, the~~ defendant may be released on his or her own  
19 recognizance upon signature. The defendant's address shall at  
20 all times remain a matter of public record with the clerk of  
21 the court. A failure to appear as required by such recognizance  
22 shall constitute an offense subject to the penalty provided in  
23 Section 32-10 of the Criminal Code of 2012 for violation of  
24 conditions of pre-trial release ~~the bail bond~~, and any  
25 obligated sum fixed in the recognizance shall be forfeited and  
26 collected in accordance with subsection (g) of Section 110-7 of

1 this Code.

2 This Section shall be liberally construed to effectuate the  
3 purpose of relying upon contempt of court proceedings or  
4 criminal sanctions ~~instead of financial loss~~ to assure the  
5 appearance of the defendant, and that the defendant will not  
6 pose a danger to any person or the community and that the  
7 defendant will comply with all conditions of pre-trial release  
8 ~~bond. Monetary bail should be set only when it is determined~~  
9 ~~that no other conditions of release will reasonably assure the~~  
10 ~~defendant's appearance in court, that the defendant does not~~  
11 ~~present a danger to any person or the community and that the~~  
12 ~~defendant will comply with all conditions of bond.~~

13 The State may appeal any order permitting release by  
14 personal recognizance.

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

16 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

17 Sec. 110-3. Issuance of warrant. Upon failure of a person  
18 to comply with any condition of pre-trial release ~~a bail bond~~  
19 or recognizance the court having jurisdiction at the time of  
20 such failure may on its own motion or upon motion from the  
21 State, issue an order to show cause as to why he or she shall  
22 not be found in contempt of court or subject to revocation or  
23 forfeiture of pre-trial release. The order issued by the court  
24 shall state the facts alleged to constitute the hearing to show  
25 cause or otherwise why the person is subject to revocation or

1 forfeiture of pre-trial release. A certified copy of the order  
2 shall be served upon the person at least 48 hours in advance of  
3 the scheduled hearing. If the person does not appear at the  
4 hearing to show cause or absconds, the court may, in addition  
5 to any other action provided by law, issue a warrant for the  
6 arrest of the person at liberty on pre-trial release ~~bail~~ or  
7 his or her own recognizance. The contents of such a warrant  
8 shall be the same as required for an arrest warrant issued upon  
9 complaint and may modify any previously imposed conditions  
10 placed upon the person, rather than revoking pre-trial release  
11 or issuing a warrant for the person. When a defendant is at  
12 liberty on pre-trial release ~~bail~~ or his own recognizance on a  
13 felony charge and fails to appear in court as directed, the  
14 court shall issue a warrant for the arrest of such person after  
15 his or her failure to appear at the show for cause hearing as  
16 provided in this Section. Such warrant shall be noted with a  
17 directive to peace officers to arrest the person and hold such  
18 person without pre-trial release ~~bail~~ and to deliver such  
19 person before the court for further proceedings. The court may  
20 not revoke pre-trial release and order the defendant detained  
21 pending trial unless, after considering all relevant  
22 circumstances including, but not limited to, the nature and  
23 seriousness of the violation or criminal act alleged, the court  
24 finds clear and convincing evidence that no condition or  
25 combination of conditions of release would reasonably assure  
26 the appearance of the defendant for later hearings and protect

1 the integrity of the judicial proceedings from a specific  
2 threat to a witness or participant. ~~A defendant who is arrested~~  
3 ~~or surrenders within 30 days of the issuance of such warrant~~  
4 ~~shall not be bailable in the case in question unless he shows~~  
5 ~~by the preponderance of the evidence that his failure to appear~~  
6 ~~was not intentional.~~

7 (Source: P.A. 86-298; 86-984; 86-1028.)

8 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

9 Sec. 110-4. ~~Bailable~~ Offenses for which pre-trial release  
10 may be denied.

11 (a) All persons shall be presumed to be subject to release  
12 bailable before conviction, but the presumption may be overcome  
13 by clear and convincing evidence for ~~except~~ the following  
14 offenses where the proof is evident or the presumption great  
15 that the defendant is guilty of the offense:

16 (1) capital offenses;

17 (2) offenses for which a sentence of life imprisonment  
18 may be imposed as a consequence of conviction;

19 (3) forcible felony offenses for which a sentence of  
20 imprisonment, without conditional and revocable release,  
21 shall be imposed by law as a consequence of conviction,  
22 where the court after a hearing, determines that the  
23 release of the defendant would pose a real and present  
24 threat to the physical safety of any person or persons;

25 (4) a forcible felony without mandatory imprisonment

1        as a consequence of a conviction of stalking or aggravated  
2        stalking, where the court, after a hearing, determines that  
3        the release of the defendant would pose a real and present  
4        threat to the physical safety of the alleged victim of the  
5        offense and denial of release ~~bail~~ is necessary to prevent  
6        fulfillment of the threat upon which the charge is based;

7        ~~or~~

8            (5) unlawful use of weapons in violation of item (4) of  
9        subsection (a) of Section 24-1 of the Criminal Code of 1961  
10       or the Criminal Code of 2012 when that offense occurred in  
11       a school or in any conveyance owned, leased, or contracted  
12       by a school to transport students to or from school or a  
13       school-related activity, or on any public way within 1,000  
14       feet of real property comprising any school or felony  
15       unlawful use of weapons, where the court, after a hearing,  
16       determines that the release of the defendant would pose a  
17       real and present threat to the physical safety of any  
18       person and denial of release ~~bail~~ is necessary to prevent  
19       fulfillment of that threat; ~~or~~

20           (6) making a terrorist threat in violation of Section  
21       29D-20 of the Criminal Code of 1961 or the Criminal Code of  
22       2012 or an attempt to commit the offense of making a  
23       terrorist threat, where the court, after a hearing,  
24       determines that the release of the defendant would pose a  
25       real and present threat to the physical safety of any  
26       person and denial of release ~~bail~~ is necessary to prevent

1 fulfillment of that threat; or

2 (7) a felony other than a forcible felony, if the court  
3 after a hearing, determines that the release of the  
4 defendant would pose a real and present threat to the  
5 physical safety of the alleged victim of the offense and  
6 that denial of release is necessary to prevent fulfillment  
7 of the threat upon which that charge is based.

8 (b) (Blank). ~~A person seeking release on bail who is~~  
9 ~~charged with a capital offense or an offense for which a~~  
10 ~~sentence of life imprisonment may be imposed shall not be~~  
11 ~~bailable until a hearing is held wherein such person has the~~  
12 ~~burden of demonstrating that the proof of his guilt is not~~  
13 ~~evident and the presumption is not great.~~

14 (c) Where it is alleged that pre-trial release ~~bail~~ should  
15 be denied to a person upon the grounds that the person presents  
16 a real and present threat to the physical safety of any person  
17 or persons, the burden of proof of such allegations shall be  
18 upon the State to overcome by clear and convincing evidence  
19 that no condition or combination of conditions short of  
20 detention could protect the community and preserve the  
21 integrity of the judicial proceedings from an articulable  
22 threat to a witness or participant.

23 (d) When it is alleged that pre-trial release ~~bail~~ should  
24 be denied to a person charged with stalking or aggravated  
25 stalking upon the grounds set forth in Section 110-6.3 of this  
26 Code, the burden of proof of those allegations shall be upon

1 the State.

2 (e) If pre-trial release is denied, the court must issue in  
3 writing a statement of reasons explaining the specific risks  
4 posed by the person and findings of fact concerning why no  
5 condition or combination of conditions could reasonably  
6 mitigate those risks.

7 (f) If pre-trial release is denied, the defendant shall be  
8 granted the right to an appeal upon motion of the defendant.

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

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

11 Sec. 110-5. Determining the ~~amount of bail and~~ conditions  
12 of pre-trial release.

13 (a) In determining ~~the amount of monetary bail or~~  
14 conditions of pre-trial release, if any, which will reasonably  
15 assure the appearance of a defendant as required or the safety  
16 of any other person or the community and the likelihood of  
17 compliance by the defendant with all the conditions of  
18 pre-trial release ~~bail~~, the court may ~~shall~~, on the basis of  
19 available information, take into account such matters as:

20 (1) the nature and circumstances of the offense  
21 charged;

22 (2) the weight of the evidence against the eligible  
23 defendant, except that the court may consider the  
24 admissibility of any evidence sought to be excluded;

25 (3) The history and characteristics of the eligible



1 defendant, including:

2 (A) the eligible defendant's character, physical  
3 and mental condition, family ties, employment,  
4 financial resources, length of residence in the  
5 community, community ties, past conduct, history  
6 relating to drug or alcohol abuse, criminal history,  
7 and record concerning appearance at court proceedings;  
8 and

9 (B) whether, at the time of the current offense or  
10 arrest, the eligible defendant was on probation,  
11 parole, or on other release pending trial, sentencing,  
12 appeal, or completion of sentence for an offense under  
13 federal law, or the law of this or any other state;

14 (4) the nature and seriousness of the danger to any  
15 other person or the community that would be posed by the  
16 eligible defendant's release, if applicable;

17 (5) the nature and seriousness of the risk of  
18 obstructing or attempting to obstruct the criminal justice  
19 process that would be posed by the eligible defendant's  
20 release, if applicable; and

21 (6) the release recommendation of the pretrial  
22 services program obtained using a risk assessment  
23 instrument under subsection (b-5) of Section 110-5.1. ~~the~~  
24 ~~nature and circumstances of the offense charged, whether~~  
25 ~~the evidence shows that as part of the offense there was a~~  
26 ~~use of violence or threatened use of violence, whether the~~

1 ~~offense involved corruption of public officials or~~  
2 ~~employees, whether there was physical harm or threats of~~  
3 ~~physical harm to any public official, public employee,~~  
4 ~~judge, prosecutor, juror or witness, senior citizen,~~  
5 ~~child, or person with a disability, whether evidence shows~~  
6 ~~that during the offense or during the arrest the defendant~~  
7 ~~possessed or used a firearm, machine gun, explosive or~~  
8 ~~metal piercing ammunition or explosive bomb device or any~~  
9 ~~military or paramilitary armament, whether the evidence~~  
10 ~~shows that the offense committed was related to or in~~  
11 ~~furtherance of the criminal activities of an organized gang~~  
12 ~~or was motivated by the defendant's membership in or~~  
13 ~~allegiance to an organized gang, the condition of the~~  
14 ~~victim, any written statement submitted by the victim or~~  
15 ~~proffer or representation by the State regarding the impact~~  
16 ~~which the alleged criminal conduct has had on the victim~~  
17 ~~and the victim's concern, if any, with further contact with~~  
18 ~~the defendant if released on bail, whether the offense was~~  
19 ~~based on racial, religious, sexual orientation or ethnic~~  
20 ~~hatred, the likelihood of the filing of a greater charge,~~  
21 ~~the likelihood of conviction, the sentence applicable upon~~  
22 ~~conviction, the weight of the evidence against such~~  
23 ~~defendant, whether there exists motivation or ability to~~  
24 ~~flee, whether there is any verification as to prior~~  
25 ~~residence, education, or family ties in the local~~  
26 ~~jurisdiction, in another county, state or foreign country,~~

1 ~~the defendant's employment, financial resources, character~~  
2 ~~and mental condition, past conduct, prior use of alias~~  
3 ~~names or dates of birth, and length of residence in the~~  
4 ~~community, the consent of the defendant to periodic drug~~  
5 ~~testing in accordance with Section 110-6.5, whether a~~  
6 ~~foreign national defendant is lawfully admitted in the~~  
7 ~~United States of America, whether the government of the~~  
8 ~~foreign national maintains an extradition treaty with the~~  
9 ~~United States by which the foreign government will~~  
10 ~~extradite to the United States its national for a trial for~~  
11 ~~a crime allegedly committed in the United States, whether~~  
12 ~~the defendant is currently subject to deportation or~~  
13 ~~exclusion under the immigration laws of the United States,~~  
14 ~~whether the defendant, although a United States citizen, is~~  
15 ~~considered under the law of any foreign state a national of~~  
16 ~~that state for the purposes of extradition or~~  
17 ~~non-extradition to the United States, the amount of~~  
18 ~~unrecovered proceeds lost as a result of the alleged~~  
19 ~~offense, the source of bail funds tendered or sought to be~~  
20 ~~tendered for bail, whether from the totality of the court's~~  
21 ~~consideration, the loss of funds posted or sought to be~~  
22 ~~posted for bail will not deter the defendant from flight,~~  
23 ~~whether the evidence shows that the defendant is engaged in~~  
24 ~~significant possession, manufacture, or delivery of a~~  
25 ~~controlled substance or cannabis, either individually or~~  
26 ~~in consort with others, whether at the time of the offense~~

1 ~~charged he or she was on bond or pre-trial release pending~~  
2 ~~trial, probation, periodic imprisonment or conditional~~  
3 ~~discharge pursuant to this Code or the comparable Code of~~  
4 ~~any other state or federal jurisdiction, whether the~~  
5 ~~defendant is on bond or pre-trial release pending the~~  
6 ~~imposition or execution of sentence or appeal of sentence~~  
7 ~~for any offense under the laws of Illinois or any other~~  
8 ~~state or federal jurisdiction, whether the defendant is~~  
9 ~~under parole, aftercare release, mandatory supervised~~  
10 ~~release, or work release from the Illinois Department of~~  
11 ~~Corrections or Illinois Department of Juvenile Justice or~~  
12 ~~any penal institution or corrections department of any~~  
13 ~~state or federal jurisdiction, the defendant's record of~~  
14 ~~convictions, whether the defendant has been convicted of a~~  
15 ~~misdemeanor or ordinance offense in Illinois or similar~~  
16 ~~offense in other state or federal jurisdiction within the~~  
17 ~~10 years preceding the current charge or convicted of a~~  
18 ~~felony in Illinois, whether the defendant was convicted of~~  
19 ~~an offense in another state or federal jurisdiction that~~  
20 ~~would be a felony if committed in Illinois within the 20~~  
21 ~~years preceding the current charge or has been convicted of~~  
22 ~~such felony and released from the penitentiary within 20~~  
23 ~~years preceding the current charge if a penitentiary~~  
24 ~~sentence was imposed in Illinois or other state or federal~~  
25 ~~jurisdiction, the defendant's records of juvenile~~  
26 ~~adjudication of delinquency in any jurisdiction, any~~

1 ~~record of appearance or failure to appear by the defendant~~  
2 ~~at court proceedings, whether there was flight to avoid~~  
3 ~~arrest or prosecution, whether the defendant escaped or~~  
4 ~~attempted to escape to avoid arrest, whether the defendant~~  
5 ~~refused to identify himself or herself, or whether there~~  
6 ~~was a refusal by the defendant to be fingerprinted as~~  
7 ~~required by law. Information used by the court in its~~  
8 ~~findings or stated in or offered in connection with this~~  
9 ~~Section may be by way of proffer based upon reliable~~  
10 ~~information offered by the State or defendant. All evidence~~  
11 ~~shall be admissible if it is relevant and reliable~~  
12 ~~regardless of whether it would be admissible under the~~  
13 ~~rules of evidence applicable at criminal trials. If the~~  
14 ~~State presents evidence that the offense committed by the~~  
15 ~~defendant was related to or in furtherance of the criminal~~  
16 ~~activities of an organized gang or was motivated by the~~  
17 ~~defendant's membership in or allegiance to an organized~~  
18 ~~gang, and if the court determines that the evidence may be~~  
19 ~~substantiated, the court shall prohibit the defendant from~~  
20 ~~associating with other members of the organized gang as a~~  
21 ~~condition of bail or release. For the purposes of this~~  
22 ~~Section, "organized gang" has the meaning ascribed to it in~~  
23 ~~Section 10 of the Illinois Streetgang Terrorism Omnibus~~  
24 ~~Prevention Act.~~

25 (a-5) There shall be a presumption that any conditions of  
26 release imposed shall be non-monetary in nature and the court

1 shall impose the least restrictive conditions or combination of  
2 conditions necessary to reasonably assure the appearance of the  
3 defendant for further court proceedings and protect the  
4 integrity of the judicial proceedings from a specific threat to  
5 a witness or participant. Conditions of release may include,  
6 but not be limited to, electronic home monitoring, curfews,  
7 drug counseling, stay-away orders, and in-person reporting.  
8 The court shall consider the defendant's socio-economic  
9 circumstance when setting conditions of release ~~or imposing~~  
10 ~~monetary bail.~~

11 (a-10) Access to money shall not be a factor in what  
12 conditions are made available to the defendant nor shall  
13 inability to pay fees or costs prevent a defendant from being  
14 eligible for or accessing the least restrictive conditions  
15 ordered by the court.

16 (b) (Blank). ~~The amount of bail shall be:~~

17 ~~(1) Sufficient to assure compliance with the~~  
18 ~~conditions set forth in the bail bond, which shall include~~  
19 ~~the defendant's current address with a written~~  
20 ~~admonishment to the defendant that he or she must comply~~  
21 ~~with the provisions of Section 110-12 regarding any change~~  
22 ~~in his or her address. The defendant's address shall at all~~  
23 ~~times remain a matter of public record with the clerk of~~  
24 ~~the court.~~

25 ~~(2) Not oppressive.~~

26 ~~(3) Considerate of the financial ability of the~~

1       ~~accused.~~

2           ~~(4) When a person is charged with a drug related~~  
3       ~~offense involving possession or delivery of cannabis or~~  
4       ~~possession or delivery of a controlled substance as defined~~  
5       ~~in the Cannabis Control Act, the Illinois Controlled~~  
6       ~~Substances Act, or the Methamphetamine Control and~~  
7       ~~Community Protection Act, the full street value of the~~  
8       ~~drugs seized shall be considered. "Street value" shall be~~  
9       ~~determined by the court on the basis of a proffer by the~~  
10       ~~State based upon reliable information of a law enforcement~~  
11       ~~official contained in a written report as to the amount~~  
12       ~~seized and such proffer may be used by the court as to the~~  
13       ~~current street value of the smallest unit of the drug~~  
14       ~~seized.~~

15       ~~(b-5) (Blank). Upon the filing of a written request~~  
16       ~~demonstrating reasonable cause, the State's Attorney may~~  
17       ~~request a source of bail hearing either before or after the~~  
18       ~~posting of any funds. If the hearing is granted, before the~~  
19       ~~posting of any bail, the accused must file a written notice~~  
20       ~~requesting that the court conduct a source of bail hearing. The~~  
21       ~~notice must be accompanied by justifying affidavits stating the~~  
22       ~~legitimate and lawful source of funds for bail. At the hearing,~~  
23       ~~the court shall inquire into any matters stated in any~~  
24       ~~justifying affidavits, and may also inquire into matters~~  
25       ~~appropriate to the determination which shall include, but are~~  
26       ~~not limited to, the following:~~

1           ~~(1) the background, character, reputation, and~~  
2           ~~relationship to the accused of any surety; and~~

3           ~~(2) the source of any money or property deposited by~~  
4           ~~any surety, and whether any such money or property~~  
5           ~~constitutes the fruits of criminal or unlawful conduct; and~~

6           ~~(3) the source of any money posted as cash bail, and~~  
7           ~~whether any such money constitutes the fruits of criminal~~  
8           ~~or unlawful conduct; and~~

9           ~~(4) the background, character, reputation, and~~  
10           ~~relationship to the accused of the person posting cash~~  
11           ~~bail.~~

12           ~~Upon setting the hearing, the court shall examine, under~~  
13           ~~oath, any persons who may possess material information.~~

14           ~~The State's Attorney has a right to attend the hearing, to~~  
15           ~~call witnesses and to examine any witness in the proceeding.~~  
16           ~~The court shall, upon request of the State's Attorney, continue~~  
17           ~~the proceedings for a reasonable period to allow the State's~~  
18           ~~Attorney to investigate the matter raised in any testimony or~~  
19           ~~affidavit. If the hearing is granted after the accused has~~  
20           ~~posted bail, the court shall conduct a hearing consistent with~~  
21           ~~this subsection (b-5). At the conclusion of the hearing, the~~  
22           ~~court must issue an order either approving or disapproving the~~  
23           ~~bail.~~

24           ~~(c) (Blank). When a person is charged with an offense~~  
25           ~~punishable by fine only the amount of the bail shall not exceed~~  
26           ~~double the amount of the maximum penalty.~~



1           (d) (Blank). ~~When a person has been convicted of an offense~~  
2 ~~and only a fine has been imposed the amount of the bail shall~~  
3 ~~not exceed double the amount of the fine.~~

4           (e) (Blank). ~~The State may appeal any order granting bail~~  
5 ~~or setting a given amount for bail.~~

6           (f) When a person is charged with a violation of an order  
7 of protection under Section 12-3.4 or 12-30 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012 or when a person is  
9 charged with domestic battery, aggravated domestic battery,  
10 kidnapping, aggravated kidnaping, unlawful restraint,  
11 aggravated unlawful restraint, stalking, aggravated stalking,  
12 cyberstalking, harassment by telephone, harassment through  
13 electronic communications, or an attempt to commit first degree  
14 murder committed against an intimate partner regardless  
15 whether an order of protection has been issued against the  
16 person,

17           (1) whether the alleged incident involved harassment  
18 or abuse, as defined in the Illinois Domestic Violence Act  
19 of 1986;

20           (2) whether the person has a history of domestic  
21 violence, as defined in the Illinois Domestic Violence Act,  
22 or a history of other criminal acts;

23           (3) based on the mental health of the person;

24           (4) whether the person has a history of violating the  
25 orders of any court or governmental entity;

26           (5) whether the person has been, or is, potentially a

1 threat to any other person;

2 (6) whether the person has access to deadly weapons or  
3 a history of using deadly weapons;

4 (7) whether the person has a history of abusing alcohol  
5 or any controlled substance;

6 (8) based on the severity of the alleged incident that  
7 is the basis of the alleged offense, including, but not  
8 limited to, the duration of the current incident, and  
9 whether the alleged incident involved the use of a weapon,  
10 physical injury, sexual assault, strangulation, abuse  
11 during the alleged victim's pregnancy, abuse of pets, or  
12 forcible entry to gain access to the alleged victim;

13 (9) whether a separation of the person from the alleged  
14 victim or a termination of the relationship between the  
15 person and the alleged victim has recently occurred or is  
16 pending;

17 (10) whether the person has exhibited obsessive or  
18 controlling behaviors toward the alleged victim,  
19 including, but not limited to, stalking, surveillance, or  
20 isolation of the alleged victim or victim's family member  
21 or members;

22 (11) whether the person has expressed suicidal or  
23 homicidal ideations;

24 (12) based on any information contained in the  
25 complaint and any police reports, affidavits, or other  
26 documents accompanying the complaint,

1 the court may, in its discretion, order the respondent to  
2 undergo a risk assessment evaluation using a recognized,  
3 evidence-based instrument conducted by an Illinois Department  
4 of Human Services approved partner abuse intervention program  
5 provider, pretrial service, probation, or parole agency. These  
6 agencies shall have access to summaries of the defendant's  
7 criminal history, which shall not include victim interviews or  
8 information, for the risk evaluation. Based on the information  
9 collected from the 12 points to be considered at a pre-trial  
10 release bail hearing under this subsection (f), the results of  
11 any risk evaluation conducted and the other circumstances of  
12 the violation, the court may order that the person, as a  
13 condition of pre-trial release bail, be placed under electronic  
14 surveillance as provided in Section 5-8A-7 of the Unified Code  
15 of Corrections. Upon making a determination whether or not to  
16 order the respondent to undergo a risk assessment evaluation or  
17 to be placed under electronic surveillance and risk assessment,  
18 the court shall document in the record the court's reasons for  
19 making those determinations. The cost of the electronic  
20 surveillance and risk assessment shall be paid by, or on  
21 behalf, of the defendant. As used in this subsection (f),  
22 "intimate partner" means a spouse or a current or former  
23 partner in a cohabitation or dating relationship.

24 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18.)

1           Sec. 110-5.1. Pre-trial release ~~Bail~~; certain persons  
2 charged with violent crimes against family or household  
3 members.

4           (a) Subject to subsection (c), a person who is charged with  
5 a violent crime shall appear before the court for the setting  
6 of conditions of pre-trial release ~~bail~~ if the alleged victim  
7 was a family or household member at the time of the alleged  
8 offense, and if any of the following applies:

9           (1) the person charged, at the time of the alleged  
10 offense, was subject to the terms of an order of protection  
11 issued under Section 112A-14 of this Code or Section 214 of  
12 the Illinois Domestic Violence Act of 1986 or previously  
13 was convicted of a violation of an order of protection  
14 under Section 12-3.4 or 12-30 of the Criminal Code of 1961  
15 or the Criminal Code of 2012 or a violent crime if the  
16 victim was a family or household member at the time of the  
17 offense or a violation of a substantially similar municipal  
18 ordinance or law of this or any other state or the United  
19 States if the victim was a family or household member at  
20 the time of the offense;

21           (2) the arresting officer indicates in a police report  
22 or other document accompanying the complaint any of the  
23 following:

24           (A) that the arresting officer observed on the  
25 alleged victim objective manifestations of physical  
26 harm that the arresting officer reasonably believes

1 are a result of the alleged offense;

2 (B) that the arresting officer reasonably believes  
3 that the person had on the person's person at the time  
4 of the alleged offense a deadly weapon;

5 (C) that the arresting officer reasonably believes  
6 that the person presents a credible threat of serious  
7 physical harm to the alleged victim or to any other  
8 person if released on bail before trial.

9 (b) To the extent that information about any of the  
10 following is available to the court, the court shall consider  
11 all of the following, in addition to any other circumstances  
12 considered by the court, before determining conditions of  
13 pre-trial release ~~setting bail~~ for a person who appears before  
14 the court under ~~pursuant to~~ subsection (a):

15 (1) whether the person has a history of domestic  
16 violence or a history of other violent acts;

17 (2) the mental health of the person;

18 (3) whether the person has a history of violating the  
19 orders of any court or governmental entity;

20 (4) whether the person is potentially a threat to any  
21 other person;

22 (5) whether the person has access to deadly weapons or  
23 a history of using deadly weapons;

24 (6) whether the person has a history of abusing alcohol  
25 or any controlled substance;

26 (7) the severity of the alleged violence that is the

1 basis of the alleged offense, including, but not limited  
2 to, the duration of the alleged violent incident, and  
3 whether the alleged violent incident involved serious  
4 physical injury, sexual assault, strangulation, abuse  
5 during the alleged victim's pregnancy, abuse of pets, or  
6 forcible entry to gain access to the alleged victim;

7 (8) whether a separation of the person from the alleged  
8 victim or a termination of the relationship between the  
9 person and the alleged victim has recently occurred or is  
10 pending;

11 (9) whether the person has exhibited obsessive or  
12 controlling behaviors toward the alleged victim,  
13 including, but not limited to, stalking, surveillance, or  
14 isolation of the alleged victim;

15 (10) whether the person has expressed suicidal or  
16 homicidal ideations;

17 (11) any information contained in the complaint and any  
18 police reports, affidavits, or other documents  
19 accompanying the complaint.

20 (b-5) The court may use a regularly validated risk  
21 assessment tool to determine conditions of release. Risk  
22 assessment tools may not be used as the basis to deny pre-trial  
23 release. If a risk assessment tool is used, the defendant's  
24 counsel shall be provided with the information and scoring  
25 system of the risk assessment tool used to arrive at the  
26 determination. The defendant retains the right to challenge the

1 validity of a risk assessment tool used by the court and to  
2 present evidence relevant to the defendant's challenge.

3 (c) Upon the court's own motion or the motion of a party  
4 and upon any terms that the court may direct, a court may  
5 permit a person who is required to appear before it by  
6 subsection (a) to appear by video conferencing equipment. If,  
7 in the opinion of the court, the appearance in person or by  
8 video conferencing equipment of a person who is charged with a  
9 misdemeanor and who is required to appear before the court by  
10 subsection (a) is not practicable, the court may waive the  
11 appearance and release the person. ~~on bail on one or both of~~  
12 ~~the following types of bail in an amount set by the court:~~

13 ~~(1) a bail bond secured by a deposit of 10% of the~~  
14 ~~amount of the bond in cash;~~

15 ~~(2) a surety bond, a bond secured by real estate or~~  
16 ~~securities as allowed by law, or the deposit of cash, at~~  
17 ~~the option of the person.~~

18 Subsection (a) does not create a right in a person to  
19 appear before the court for determining conditions of pre-trial  
20 release ~~the setting of bail~~ or prohibit a court from requiring  
21 any person charged with a violent crime who is not described in  
22 subsection (a) from appearing before the court for the setting  
23 of bail.

24 (c-5) The pre-trial release hearing may be reopened before  
25 or after a determination by the court under this Section before  
26 trial begins at the request of the defendant if 2 court days

1 notice is given to the State.

2 (d) As used in this Section:

3 (1) "Violent crime" has the meaning ascribed to it in  
4 Section 3 of the Rights of Crime Victims and Witnesses Act.

5 (2) "Family or household member" has the meaning  
6 ascribed to it in Section 112A-3 of this Code.

7 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."