102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3750

Introduced 2/22/2021, by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

20 ILCS 3930/7.7 new
20 ILCS 3930/7.8 new
55 ILCS 5/3-6041 new
55 ILCS 5/3-6042 new
55 ILCS 5/3-6403 new
705 ILCS 105/30 new
705 ILCS 105/31 new

Amends the Illinois Criminal Justice Information Act. Requires the Authority to produce a monthly Pretrial Order Report, Pretrial Bail Proceeds Report, and Pretrial Custody and Release Report. Specifies requirements for these reports. Provides that the Authority shall post each county's monthly Pretrial Order Report, Pretrial Custody and Release Report, and Pretrial Bail Proceeds Report on the Authority's website on a monthly basis and those reports shall remain on the website for at least 5 years after being posted. Amends the Counties Code and the Clerk of Courts Act to require certain reporting requirements. Makes other changes. Effective immediately.

LRB102 15796 KMF 21163 b

A BILL FOR

1   AN ACT concerning pretrial reporting.

2   **Be it enacted by the People of the State of Illinois,**

3   **represented in the General Assembly:**

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

16   Pretrial Order Report, Pretrial Custody and Release Report,

17   and Pretrial Bail Proceeds Report on the Authority's website

18   on   a   monthly   basis   and   those   reports   shall   remain   on   the

19   website for at least 5 years after being posted.

20   (c)   The   monthly   Pretrial   Order   Report   for   the   circuit

21   court of each county shall include the total number of initial

22   pretrial bond hearings conducted in that county, and of those

23   hearings:

1   (1) The number of hearings in which the court ordered
2 release on personal recognizance. Of the number of
3 hearings in which the court ordered release on personal
4 recognizance, the Report shall include the following:
5   (A) the number of hearings in which the court
6   ordered release on personal recognizance without any
7   of the other conditions under subsection (b) of
8   Section 110-10 of the Code of Criminal Procedure of
9   1963;
10   (B) the number of hearings in which the court
11   ordered release on personal recognizance with any
12   other conditions under subsection (b) of Section
13   110-10 of the Code of Criminal Procedure of 1963;
14   (C) the number of hearings in which the court
15   ordered release on personal recognizance with the
16   condition under paragraph (12) of subsection (b) of
17   Section 110-10 of the Code of Criminal Procedure of
18   1963;
19   (D) the number of hearings in which the court
20   ordered release on personal recognizance with the
21   condition of electronic monitoring;
22   (E) the number of hearings in which the court
23   ordered release on personal recognizance with the
24   condition under paragraph (14) of subsection (b) of
25   Section 110-10 of the Code of Criminal Procedure of
26   1963 or a sheriff's office; and

1   (F) the number of hearings in which the court

2   ordered release on personal recognizance with the

3   condition under paragraph (16) of subsection (b) of

4   Section 110-10 of the Code of Criminal Procedure of

5   1963.

6   (2) The number of bond hearings in which the court

7   ordered the posting of monetary bail secured by 10% of the

8   bail amount. For such cases, the Report shall include:

9   (A) a breakdown of the dollar amount of the

10   monetary bail orders by mean, median, 25th percentile,

11   and 75th percentile;

12   (B) the number of hearings in which the court

13   ordered the posting of monetary bail without any of

14   the other conditions under subsection (b) of Section

15   110-10 of the Code of Criminal Procedure of 1963;

16   (C) the number of hearings in which the court

17   ordered the posting on monetary bail with any of the

18   other conditions under subsection (b) of Section

19   110-10 of the Code of Criminal Procedure of 1963;

20   (D) the number of hearings in which the court

21   ordered the posting of monetary bail with the

22   condition under paragraph (12) of subsection (b) of

23   Section 110-10 of the Code of Criminal Procedure of

24   1963;

25   (E) the number of hearings in which the court

26   ordered the posting of monetary bail with the

1   condition of electronic monitoring under paragraph

2   (13) of subsection (b) of Section 110-10 of the Code of

3   Criminal Procedure of 1963;

4   (F) the number of hearings in which the court

5   ordered the posting of monetary bail with the

6   condition of electronic monitoring under paragraph

7   (14) of subsection (b) of Section 110-10 of the Code of

8   Criminal Procedure of 1963 or a sheriff's office;

9   (G) the number of hearings in which the court

10   ordered the posting of monetary bail with the

11   condition under paragraph (16) of subsection (b) of

12   Section 110-10 of the Code of Criminal Procedure of

13   1963;

14   (H) the number of hearings in which the court

15   ordered the posting of monetary bail to secure release

16   from electronic monitoring.

17   (3) The number of hearings in which the court ordered

18 the posting of monetary bail secured by 100% of the bail

19 amount.

20   (4) The number of hearings in which the court denied

21 bail and ordered detention.

22   (5) Anonymously by judge, the number of bail orders by

23 type:

24   (A) release on personal recognizance;

25   (B) release based on posting of monetary bail

26   secured by 10% of the bail amount;

1   (C) release based on posting monetary bail secured

2   by 100% of the bail amount;

3   (D)   release   on   personal   recognizance   with

4   electronic monitoring as a condition of release under

5   Section 110-10 of the Code of Criminal Procedure of

6   1963; and

7   (E) denied bail.

8   (20 ILCS 3930/7.8 new)

9   Sec. 7.8. Pretrial Custody and Release Report.

10   (a) The Authority shall produce a monthly Pretrial Custody

11 and Release Report for each county with aggregated data about

12 the   individuals   in   jail   custody   awaiting   trial   or   on

13 electronic monitoring awaiting trial in each county within the

14 previous month. The Authority shall collect data needed for

15 the Report from county sheriffs and shall provide a data

16 submission form for the sheriffs to use for their submissions.

17 The Authority shall post each county's monthly Report on the

18 Authority's website on a monthly basis and the Report shall

19 remain on the website for at least 5 years after being posted.

20   (b) The monthly Pretrial Custody and Release Report shall

21 record the following pretrial admissions data for defendants

22 admitted into the sheriff's custody during the previous month:

23   (1) the number of defendants admitted to jail, broken

24   down by demographic variables including race or ethnicity,

25   age, and sex;

1   (2) the number of defendants admitted whose most

2 serious current charge is a forcible felony as defined

3 under Section 2-8 of the Criminal Code of 2012;

4   (3) the number of defendants admitted whose most

5 serious current charge is a felony;

6   (4) the number of defendants admitted whose most

7 serious current charge is a misdemeanor; and

8   (5) the number of defendants admitted who received a

9 monetary bail order and the number of defendants admitted

10 who were denied bail.

11 (c) The monthly Pretrial Custody and Release Report shall

12 record the following jail population data as of the last day of

13 the prior month:

14   (1) the total jail population, broken down by

15 demographic variables including race or ethnicity, age,

16 and sex;

17   (2) the number of individuals detained in jail

18 pretrial and the number of individuals detained in jail

19 for all other reasons;

20   (3) the number of defendants admitted whose most

21 serious current charge is a forcible felony as defined

22 under Section 2-8 of the Criminal Code of 2012;

23   (4) the number of individuals detained in jail

24 pretrial whose most serious current charge is a felony;

25   (5) the number of individuals detained in jail

26 pretrial whose most serious current charge is a

1   misdemeanor;

2   (6) the total pretrial jail population by average and

3   median length in custody;

4   (7) the total pretrial jail population by the number

5   of defendants ordered monetary bail and the number of

6   defendants denied bail; and

7   (8) the number of individuals detained in jail

8   pretrial who did not pay the monetary bail amount ordered,

9   and of those detainees, the mean, median, 25th percentile,

10   and 75th percentile of the ordered bail amounts.

11   (d) The monthly Pretrial Custody and Release Report shall

12   record the following discharge data for pretrial defendants

13   released from the sheriff's custody during the previous month:

14   (1) the number of pretrial defendants discharged by

15   the following disposition types:

16   (A) convicted of a felony and sent to the Illinois

17   Department of Corrections;

18   (B) convicted of a misdemeanor and released on

19   time served;

20   (C) convicted of a felony or misdemeanor and given

21   a sentence of probation, conditional discharge, or

22   supervision;

23   (D) posted a monetary bond;

24   (E) released on personal recognizance bond or

25   electronic monitoring;

26   (F) released under earned credit, as defined in

1   Section 110-14 of the Code of Criminal Procedure of

2   1963;

3   (G) charged dismissed or any other non-conviction

4   resolution, including, but not limited to, deferred

5   prosecution;

6   (2) the average and median length of stay of pretrial

7   defendants; and

8   (3) the number of individuals discharged after

9   spending 2 days or less in jail.

10   (e) The monthly Pretrial Custody and Release Report shall

11   record the following data from the sheriff's electronic

12   monitoring program as of the last day of the prior month:

13   (1) the total number of individuals under the

14   sheriff's supervision on electronic monitoring;

15   (2) the demographics of the individuals on electronic

16   monitoring including breakdowns of race or ethnicity, age,

17   and sex;

18   (3) the number of individuals on electronic monitoring

19   whose most serious current charge is a felony;

20   (4) the number of individuals on electronic monitoring

21   whose most serious current charge is a misdemeanor; and

22   (5) the average and median length of time spent on

23   electronic monitoring.

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

25   release policies, the monthly Pretrial Custody and Release

26   Report shall include information about defendants released

1   from custody while awaiting trial. The Report shall include

2   the following data for the previous month:

3   (1) the number of pretrial defendants released within

4   24 hours of the bail hearing;

5   (2) the number of pretrial defendants released during

6   the month prior to the reporting month, and of those

7   defendants:

8   (A) the number of defendants who failed to appear

9   at least one court hearing within 30 days of their

10   release;

11   (B) 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 misdemeanor or traffic

14   offense;

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

16   new charge within 30 days of their release with the

17   most serious new charge being a felony; and

18   (D) the number of defendants who had at least one

19   new charge within 30 days of their release with the

20   most serious new charge being a forcible felony as

21   defined under Section 2-8 of the Criminal Code of

22   2012;

23   (3) the number of pretrial defendants released during

24   the month 180 days prior to the reporting month, and of

25   those defendants:

26   (A) the number of defendants who failed to appear

1   at least one court hearing within 180 days of their

2   release;

3   (B) the number of defendants who had at least one

4   new charge within 180 days of their release with the

5   most serious new charge being a misdemeanor or traffic

6   offense;

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

8   new charge within 180 days of their release with the

9   most serious new charge being a felony;

10   (D) the number of defendants who had at least one

11   new charge within 30 days of their release with the

12   most serious new charge being a forcible felony as

13   defined under Section 2-8 of the Criminal Code of

14   2012; and

15   (4) the number of pretrial defendants released during

16 the month that fell one year prior to the reporting month,

17 and of those defendants:

18   (A) the number of defendants who failed to appear

19   at least one court hearing within one year of their

20   release;

21   (B) the number of defendants who had at least one

22   new charge within one year of their release with the

23   most serious new charge being a misdemeanor or traffic

24   offense;

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

26   new charge within one year of their release with the

1   most serious new charge being a felony; and

2   (D) the number of defendants who had at least one

3   new charge within 30 days of their release with the

4   most serious new charge being a forcible felony as

5   defined under Section 2-8 of the Criminal Code of

6   2012.

7   Section 10. The Counties Code is amended by adding

8   Sections 3-6041, 3-6042, 3-6403 as follows:

9   (55 ILCS 5/3-6041 new)

10   Sec. 3-6041. Sheriff, county clerk, county board data

11   submission for Pretrial Bail Proceeds Report. Each month, the

12   sheriff, or the sheriff in consultation with the clerk of the

13   court of each county, shall submit to the Illinois Criminal

14   Justice Information Authority a data set with information

15   needed for the Illinois Criminal Justice Information Authority

16   to complete the report described in Section 7.7 of the

17   Illinois Criminal Justice Information Act. The sheriff, or the

18   sheriff in consultation with the clerk of the court, shall

19   submit the data in the form specified by the Illinois Criminal

20   Justice Information Authority.

21   (55 ILCS 5/3-6042 new)

22   Sec. 3-6042. Bail Proceeds Report. The county board of

23   each county shall, for each calendar year, prepare a report of

1   the amount of money bond collected and dispersed in the course

2   of administering bail. The report shall include:

3   (1) the amount of money received from each governmental

4   entity in the county that is entitled to collect or administer

5   a money bond;

6   (2) the name of each governmental entity, fund, or program

7   to which the county board allocates money generated by

8   collecting or administering a money bond and the amount so

9   allocated;

10   (3) the fee charged by the county sheriff for the taking of

11 all bonds on legal process, civil and criminal; and

12   (4) any study or report used to justify an increase in the

13 fee charged for the taking of all bonds on legal process, civil

14 and criminal, under Section 4-5001, if the county board has

15 increased the fee under the requirements of Section 4-5001.

16   (55 ILCS 5/3-6403 new)

17   Sec. 3-6403. Sheriff data submission for Pretrial Custody

18 and Release Reports. Each month, the sheriff of each county

19 shall submit to the Illinois Criminal Justice Information

20 Authority a data set with information needed for the Illinois

21 Criminal Justice Information Authority to complete the report

22 described in Section 7.8 of the Illinois Criminal Justice

23 Information Act. The sheriff shall submit the data in the form

24 specified by the Illinois Criminal Justice Information

25 Authority.

1   Section 15. The Clerks of Courts Act is amended by adding

2 Sections 30 and 31 as follows:

3   (705 ILCS 105/30 new)

4   Sec. 30. Report to Illinois Criminal Justice Information

5 Authority. Each month, the clerk of the circuit court of each

6 county   shall   submit   to   the   Illinois   Criminal   Justice

7 Information Authority a data set with information needed for

8 the   Illinois   Criminal   Justice   Information   Authority   to

9 complete the reports described in Sections 7.7 and 7.8 of the

10 Illinois Criminal Justice Information Act. Each quarter, the

11 clerk of the circuit court of each county shall submit to the

12 Illinois Criminal Justice Information Authority a data set

13 with   information   needed   for   the   Illinois   Criminal   Justice

14 Information Authority to complete the Pretrial Bail Proceeds

15 Report. The clerk of the circuit court shall submit the data in

16 the   form   specified   by   the   Illinois   Criminal   Justice

17 Information Authority.

18   (705 ILCS 105/31 new)

19   Sec. 31. Clerk of court data submission for Pretrial Bail

20 Proceeds Report. Each quarter, the clerk of the circuit court

21 of each county shall submit to the Illinois Criminal Justice

22 Information Authority a data set with information needed for

23 the   Illinois   Criminal   Justice   Information   Authority   to

1   complete the report described in Section 7.7 of the Illinois

2   Criminal Justice Information Act. The clerk of the circuit

3   court shall submit the data in the form specified by the

4   Illinois Criminal Justice Information Authority. The report

5   shall include:

6   (1) the total amount of an individual money bond received

7   by the clerk;

8   (2) the total amount of a money bond received by the clerk;

9   (3) the total amount of an individual money bond

10 forfeited;

11   (4) the total amount of a money bond forfeited;

12   (5) the total amount of an individual money bond refunded;

13   (6) the total amount of a money bond refunded;

14   (7) the total amount of money collected as a bail bond cost

15 as defined by subsection (f) of Section 110-7 of the Code of

16 Criminal Procedure of 1963;

17   (8) the total amount of a money bond collected by an

18 officer of the peace, under Section 110-9 of the Code of

19 Criminal Procedure of 1963 and Supreme Court Rules 529 and

20 530, and deposited with the clerk of the circuit court;

21   (9) the total amount of money taken from a bond deposit for

22 fines, fees, restitution, or court costs other than a bail

23 bond cost under subsection (f) of Section 110-7 of the Code of

24 Criminal Procedure of 1963;

25   (A) this amount shall be separated by the type of fee,

26   fine, restitution, or court cost that is charged, as

1   listed in subsection (f) of Section 110-7 of the Code of

2   Criminal Procedure of 1963; and

3   (B) the clerk shall list separately the total amount

4   of fees or fines taken from a money bond associated with a

5   case finished as "not charged";

6   (10) the amount paid as reimbursement to a defendant's

7   attorney of record under subsection (f) of Section 110-7 of

8   the Code of Criminal Procedure of 1963;

9   (11) the total amount of money paid by a person posting

10   bond as any other fee, fine, restitution, or court cost not

11   described by subsection (f) of Section 110-7 of the Code of

12   Criminal Procedure of 1963 or Section 4-5001 of the Counties

13   Code. The report shall list separately the total amount of

14   money paid by a person posting a money bond as a fee to a

15   credit card processing merchant pursuant to a contractual

16   agreement between the clerk of the circuit court or county

17   board and a credit card processing merchant; and

18   (12) the total amount of money disbursed by the clerk of

19   the circuit court to each governmental entity or fund that is

20   entitled to receive fees, fines, restitution, or

21   reimbursements from a money bond deposit. These entities

22   include, but are not be limited to:

23   (A) the Office of the State's Attorney;

24   (B) the State Treasurer;

25   (C) the county general fund;

26   (D) a probation services; or

1   (E) a special fund, such as the Violent Crime Victims

2   Assistance Fund or the Trauma Center Fund.

3   Section 99. Effective date. This Act takes effect upon

4   becoming law.