



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT
HC0022

Introduced 11/22/2005, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

ILCON Art. 1, Sec. 9

Proposes to amend the Bill of Rights Article of the Illinois Constitution concerning bail. Provides that a domestic battery offense that results in death to a victim of the offense is not bailable. Effective upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

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HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 9 of Article I of the Illinois Constitution as follows:

ARTICLE I

BILL OF RIGHTS

(ILCON Art. 1, Sec. 9)

SECTION 9. BAIL AND HABEAS CORPUS

All persons shall be bailable by sufficient sureties, except for:

(1) The ~~the~~ following offenses where the proof is evident or the presumption great: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; and felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, when the court, after a hearing, determines that release of the offender would pose a real and present threat to the physical safety of any person.

(2) A domestic battery offense that results in death to a victim of the offense regardless of whether or not the proof is evident or the presumption great. As used in this paragraph (2), "domestic battery offense" means an offense involving the infliction of great bodily harm to a victim who at the time of the commission of the offense is the offender's spouse, former spouse, parent, child, stepchild, or other person related by blood or by present

1 or prior marriage, a person who shares or formerly shared a
 2 common dwelling, a person who has or allegedly had a child
 3 in common, a person who shares or allegedly shares a blood
 4 relationship through a child, a person who has or has had a
 5 dating or engagement relationship, a person with
 6 disabilities and his or her personal assistant, or a
 7 caregiver who provides for the health and personal care of
 8 a person at that person's residence.

9 The privilege of the writ of habeas corpus shall not be
 10 suspended except in cases of rebellion or invasion when the
 11 public safety may require it.

12 Any costs accruing to a unit of local government as a
 13 result of the denial of bail pursuant to the 1986 Amendment to
 14 this Section shall be reimbursed by the State to the unit of
 15 local government.

16 (Source: Amendment adopted at general election November 4,
 17 1986.)

18 SCHEDULE

19 This Constitutional Amendment takes effect upon being
 20 declared adopted in accordance with Section 7 of the Illinois
 21 Constitutional Amendment Act.