



Rep. Marlow H. Colvin

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LRB094 18675 RLC 60648 a

1 AMENDMENT TO SENATE BILL 2684

2 AMENDMENT NO. _____. Amend Senate Bill 2684 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 103-5 as follows:

6 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)
7 Sec. 103-5. Speedy trial.)

8 (a) Every person in custody in this State for an alleged
9 offense shall be tried by the court having jurisdiction within
10 120 days from the date he was taken into custody unless delay
11 is occasioned by the defendant, by an examination for fitness
12 ordered pursuant to Section 104-13 of this Act, by a fitness
13 hearing, by an adjudication of unfitness to stand trial, by a
14 continuance allowed pursuant to Section 114-4 of this Act after
15 a court's determination of the defendant's physical incapacity
16 for trial, or by an interlocutory appeal. Delay shall be
17 considered to be agreed to by the defendant unless he or she
18 objects to the delay by making a written demand for trial or an
19 oral demand for trial on the record. The provisions of this
20 subsection (a) do not apply to a person on bail or recognizance
21 for an offense but who is in custody for a violation of his or
22 her parole or mandatory supervised release for another offense.

23 The 120-day term must be one continuous period of
24 incarceration. In computing the 120-day term, separate periods

1 of incarceration may not be combined. If a defendant is taken
2 into custody a second (or subsequent) time for the same
3 offense, the term will begin again at day zero.

4 (b) Every person on bail or recognizance shall be tried by
5 the court having jurisdiction within 160 days from the date
6 defendant demands trial unless delay is occasioned by the
7 defendant, by an examination for fitness ordered pursuant to
8 Section 104-13 of this Act, by a fitness hearing, by an
9 adjudication of unfitness to stand trial, by a continuance
10 allowed pursuant to Section 114-4 of this Act after a court's
11 determination of the defendant's physical incapacity for
12 trial, or by an interlocutory appeal. The defendant's failure
13 to appear for any court date set by the court operates to waive
14 the defendant's demand for trial made under this subsection.

15 For purposes of computing the 160 day period under this
16 subsection (b), every person who was in custody for an alleged
17 offense and demanded trial and is subsequently released on bail
18 or recognizance and demands trial, shall be given credit for
19 time spent in custody following the making of the demand while
20 in custody. Any demand for trial made under this subsection (b)
21 shall be in writing; and in the case of a defendant not in
22 custody, the demand for trial shall include the date of any
23 prior demand made under this provision while the defendant was
24 in custody.

25 (c) If the court determines that the State has exercised
26 without success due diligence to obtain evidence material to
27 the case and that there are reasonable grounds to believe that
28 such evidence may be obtained at a later day the court may
29 continue the cause on application of the State for not more
30 than an additional 60 days. If the court determines that the
31 State has exercised without success due diligence to obtain
32 results of DNA testing that is material to the case and that
33 there are reasonable grounds to believe that such results may
34 be obtained at a later day, the court may continue the cause on

1 application of the State for not more than an additional 120
2 days.

3 (d) Every person not tried in accordance with subsections
4 (a), (b) and (c) of this Section shall be discharged from
5 custody or released from the obligations of his bail or
6 recognizance.

7 (e) If a person is simultaneously in custody upon more than
8 one charge pending against him in the same county, or
9 simultaneously demands trial upon more than one charge pending
10 against him in the same county, he shall be tried, or adjudged
11 guilty after waiver of trial, upon at least one such charge
12 before expiration relative to any of such pending charges of
13 the period prescribed by subsections (a) and (b) of this
14 Section. Such person shall be tried upon all of the remaining
15 charges thus pending within 160 days from the date on which
16 judgment relative to the first charge thus prosecuted is
17 rendered pursuant to the Unified Code of Corrections or, if
18 such trial upon such first charge is terminated without
19 judgment and there is no subsequent trial of, or adjudication
20 of guilt after waiver of trial of, such first charge within a
21 reasonable time, the person shall be tried upon all of the
22 remaining charges thus pending within 160 days from the date on
23 which such trial is terminated; if either such period of 160
24 days expires without the commencement of trial of, or
25 adjudication of guilt after waiver of trial of, any of such
26 remaining charges thus pending, such charge or charges shall be
27 dismissed and barred for want of prosecution unless delay is
28 occasioned by the defendant, by an examination for fitness
29 ordered pursuant to Section 104-13 of this Act, by a fitness
30 hearing, by an adjudication of unfitness for trial, by a
31 continuance allowed pursuant to Section 114-4 of this Act after
32 a court's determination of the defendant's physical incapacity
33 for trial, or by an interlocutory appeal; provided, however,
34 that if the court determines that the State has exercised

1 without success due diligence to obtain evidence material to
2 the case and that there are reasonable grounds to believe that
3 such evidence may be obtained at a later day the court may
4 continue the cause on application of the State for not more
5 than an additional 60 days.

6 (f) Delay occasioned by the defendant shall temporarily
7 suspend for the time of the delay the period within which a
8 person shall be tried as prescribed by subsections (a), (b), or
9 (e) of this Section and on the day of expiration of the delay
10 the said period shall continue at the point at which it was
11 suspended. Where such delay occurs within 21 days of the end of
12 the period within which a person shall be tried as prescribed
13 by subsections (a), (b), or (e) of this Section, the court may
14 continue the cause on application of the State for not more
15 than an additional 21 days beyond the period prescribed by
16 subsections (a), (b), or (e). This subsection (f) shall become
17 effective on, and apply to persons charged with alleged
18 offenses committed on or after, March 1, 1977.

19 (Source: P.A. 90-705, eff. 1-1-99; 91-123, eff. 1-1-00.)

20 Section 10. The County Jail Act is amended by changing
21 Section 5 as follows:

22 (730 ILCS 125/5) (from Ch. 75, par. 105)

23 Sec. 5. Costs of maintaining prisoners.

24 (a) Except as provided in subsections ~~subsection~~ (b) and
25 (c), all costs of maintaining persons committed for violations
26 of Illinois law, shall be the responsibility of the county.
27 Except as provided in subsection (b), all costs of maintaining
28 persons committed under any ordinance or resolution of a unit
29 of local government, including medical costs, is the
30 responsibility of the unit of local government enacting the
31 ordinance or resolution, and arresting the person.

32 (b) If a person who is serving a term of mandatory

1 ~~supervised release for~~ ~~has been convicted of~~ a felony ~~and has~~
2 ~~violated mandatory supervised release for that felony~~ is
3 incarcerated in a county jail ~~pending the resolution of the~~
4 ~~violation of mandatory supervised release,~~ the Illinois
5 Department of Corrections shall pay the county in which that
6 jail is located one-half of the cost of incarceration, as
7 calculated by the Governor's Office of Management and Budget
8 and the county's chief financial officer, for each day that the
9 person remains in the county jail after notice of the
10 incarceration is given to the Illinois Department of
11 Corrections by the county, provided that (i) the Illinois
12 Department of Corrections has issued a warrant for an alleged
13 violation of mandatory supervised release by the person; (ii)
14 if the person is incarcerated on a new charge, unrelated to the
15 offense for which he or she is on mandatory supervised release,
16 there has been a court hearing at which bail has been set on
17 the new charge; (iii) the county has notified the Illinois
18 Department of Corrections that the person is incarcerated in
19 the county jail, which notice shall not be given until the bail
20 hearing has concluded, if the person is incarcerated on a new
21 charge; and (iv) the person remains incarcerated in the county
22 jail for more than 48 hours after the notice has been given to
23 the Department of Corrections by the county. Calculation of the
24 per diem cost shall be agreed upon prior to the passage of the
25 annual State budget.

26 (c) If a person who is serving a term of mandatory
27 supervised release is incarcerated in a county jail, following
28 an arrest on a warrant issued by the Illinois Department of
29 Corrections, solely for violation of a condition of mandatory
30 supervised release and not on any new charges for a new
31 offense, then the Illinois Department of Corrections shall pay
32 the medical costs incurred by the county in securing treatment
33 for that person, for any injury or condition other than one
34 arising out of or in conjunction with the arrest of the person

1 or resulting from the conduct of county personnel, while he or
2 she remains in the county jail on the warrant issued by the
3 Illinois Department of Corrections.

4 (Source: P.A. 94-678, eff. 1-1-06.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".