

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 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
25 of incarceration may not be combined. If a defendant is taken
26 into custody a second (or subsequent) time for the same
27 offense, the term will begin again at day zero.

28 (b) Every person on bail or recognizance shall be tried by
29 the court having jurisdiction within 160 days from the date
30 defendant demands trial unless delay is occasioned by the
31 defendant, by an examination for fitness ordered pursuant to
32 Section 104-13 of this Act, by a fitness hearing, by an

1 adjudication of unfitness to stand trial, by a continuance
2 allowed pursuant to Section 114-4 of this Act after a court's
3 determination of the defendant's physical incapacity for
4 trial, or by an interlocutory appeal. The defendant's failure
5 to appear for any court date set by the court operates to waive
6 the defendant's demand for trial made under this subsection.

7 For purposes of computing the 160 day period under this
8 subsection (b), every person who was in custody for an alleged
9 offense and demanded trial and is subsequently released on bail
10 or recognizance and demands trial, shall be given credit for
11 time spent in custody following the making of the demand while
12 in custody. Any demand for trial made under this subsection (b)
13 shall be in writing; and in the case of a defendant not in
14 custody, the demand for trial shall include the date of any
15 prior demand made under this provision while the defendant was
16 in custody.

17 (c) If the court determines that the State has exercised
18 without success due diligence to obtain evidence material to
19 the case and that there are reasonable grounds to believe that
20 such evidence may be obtained at a later day the court may
21 continue the cause on application of the State for not more
22 than an additional 60 days. If the court determines that the
23 State has exercised without success due diligence to obtain
24 results of DNA testing that is material to the case and that
25 there are reasonable grounds to believe that such results may
26 be obtained at a later day, the court may continue the cause on
27 application of the State for not more than an additional 120
28 days.

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

33 (e) If a person is simultaneously in custody upon more than
34 one charge pending against him in the same county, or
35 simultaneously demands trial upon more than one charge pending
36 against him in the same county, he shall be tried, or adjudged

1 guilty after waiver of trial, upon at least one such charge
2 before expiration relative to any of such pending charges of
3 the period prescribed by subsections (a) and (b) of this
4 Section. Such person shall be tried upon all of the remaining
5 charges thus pending within 160 days from the date on which
6 judgment relative to the first charge thus prosecuted is
7 rendered pursuant to the Unified Code of Corrections or, if
8 such trial upon such first charge is terminated without
9 judgment and there is no subsequent trial of, or adjudication
10 of guilt after waiver of trial of, such first charge within a
11 reasonable time, the person shall be tried upon all of the
12 remaining charges thus pending within 160 days from the date on
13 which such trial is terminated; if either such period of 160
14 days expires without the commencement of trial of, or
15 adjudication of guilt after waiver of trial of, any of such
16 remaining charges thus pending, such charge or charges shall be
17 dismissed and barred for want of prosecution unless delay is
18 occasioned by the defendant, by an examination for fitness
19 ordered pursuant to Section 104-13 of this Act, by a fitness
20 hearing, by an adjudication of unfitness for trial, by a
21 continuance allowed pursuant to Section 114-4 of this Act after
22 a court's determination of the defendant's physical incapacity
23 for trial, or by an interlocutory appeal; provided, however,
24 that if the court determines that the State has exercised
25 without success due diligence to obtain evidence material to
26 the case and that there are reasonable grounds to believe that
27 such evidence may be obtained at a later day the court may
28 continue the cause on application of the State for not more
29 than an additional 60 days.

30 (f) Delay occasioned by the defendant shall temporarily
31 suspend for the time of the delay the period within which a
32 person shall be tried as prescribed by subsections (a), (b), or
33 (e) of this Section and on the day of expiration of the delay
34 the said period shall continue at the point at which it was
35 suspended. Where such delay occurs within 21 days of the end of
36 the period within which a person shall be tried as prescribed

1 by subsections (a), (b), or (e) of this Section, the court may
2 continue the cause on application of the State for not more
3 than an additional 21 days beyond the period prescribed by
4 subsections (a), (b), or (e). This subsection (f) shall become
5 effective on, and apply to persons charged with alleged
6 offenses committed on or after, March 1, 1977.

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

8 Section 10. The County Jail Act is amended by changing
9 Section 5 as follows:

10 (730 ILCS 125/5) (from Ch. 75, par. 105)

11 Sec. 5. Costs of maintaining prisoners.

12 (a) Except as provided in subsections ~~subsection~~ (b) and
13 (c), all costs of maintaining persons committed for violations
14 of Illinois law, shall be the responsibility of the county.
15 Except as provided in subsection (b), all costs of maintaining
16 persons committed under any ordinance or resolution of a unit
17 of local government, including medical costs, is the
18 responsibility of the unit of local government enacting the
19 ordinance or resolution, and arresting the person.

20 (b) If a person who is serving a term of mandatory
21 supervised release for ~~has been convicted of a felony and has~~
22 ~~violated mandatory supervised release for that felony~~ is
23 incarcerated in a county jail ~~pending the resolution of the~~
24 ~~violation of mandatory supervised release~~, the Illinois
25 Department of Corrections shall pay the county in which that
26 jail is located one-half of the cost of incarceration, as
27 calculated by the Governor's Office of Management and Budget
28 and the county's chief financial officer, for each day that the
29 person remains in the county jail after notice of the
30 incarceration is given to the Illinois Department of
31 Corrections by the county, provided that (i) the Illinois
32 Department of Corrections has issued a warrant for an alleged
33 violation of mandatory supervised release by the person; (ii)
34 if the person is incarcerated on a new charge, unrelated to the

1 offense for which he or she is on mandatory supervised release,
2 there has been a court hearing at which bail has been set on
3 the new charge; (iii) the county has notified the Illinois
4 Department of Corrections that the person is incarcerated in
5 the county jail, which notice shall not be given until the bail
6 hearing has concluded, if the person is incarcerated on a new
7 charge; and (iv) the person remains incarcerated in the county
8 jail for more than 48 hours after the notice has been given to
9 the Department of Corrections by the county. Calculation of the
10 per diem cost shall be agreed upon prior to the passage of the
11 annual State budget.

12 (c) If a person who is serving a term of mandatory
13 supervised release is incarcerated in a county jail, following
14 an arrest on a warrant issued by the Illinois Department of
15 Corrections, solely for violation of a condition of mandatory
16 supervised release and not on any new charges for a new
17 offense, then the Illinois Department of Corrections shall pay
18 the medical costs incurred by the county in securing treatment
19 for that person, for any injury or condition other than one
20 arising out of or in conjunction with the arrest of the person
21 or resulting from the conduct of county personnel, while he or
22 she remains in the county jail on the warrant issued by the
23 Illinois Department of Corrections.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.