



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4715

by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

720 ILCS 550/10.4 new
720 ILCS 570/410.1 new

Amends the Cannabis Control Act and the Illinois Controlled Substances Act. Provides that whenever a peace officer has probable cause to arrest a person for a suspected misdemeanor violation of either of these Acts, the peace officer in lieu of making an arrest may issue a citation to the person. Provides that the person shall post bail or other security, as determined by the Illinois Supreme Court, which shall include the posting of bail by either cash payment, a bond card, or a charge to the defendant's debit or credit card. Provides that if a citation is issued, a court appearance is not required if the person intends to plead guilty to the charge. Provides that if the defendant does not appear on the date set for appearance, or any date to which the case may be continued, the court may enter an ex parte judgment against the defendant assessing fines, penalties, and costs in an amount equal to the cash bail required by the Illinois Supreme Court and the clerk of the circuit court shall apply the cash bail or security in payment of the fines, penalties, and costs.

LRB095 16881 RLC 42924 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Cannabis Control Act is amended by adding
5 Section 10.4 as follows:

6 (720 ILCS 550/10.4 new)

7 Sec. 10.4. Citation in lieu of arrest.

8 (a) Whenever a peace officer has probable cause to arrest a
9 person for a suspected misdemeanor violation of this Act, the
10 peace officer in lieu of making an arrest may issue a citation
11 to the person. The person shall post bail or other security, as
12 determined by the Illinois Supreme Court, which shall include
13 the posting of bail by either cash payment, a bond card, or a
14 charge to the defendant's debit or credit card. If a citation
15 is issued under this Section, a court appearance is not
16 required if the person intends to plead guilty to the charge.
17 Upon timely receipt of notice that the accused intends to plead
18 "not guilty", the clerk shall set a new appearance date not
19 less than 7 days nor more than 60 days after the original
20 appearance date set by the officer issuing the citation or the
21 clerk of the circuit court, and notify all parties of the new
22 date and the time for appearance. If the accused demands a
23 trial by jury, the trial shall be scheduled within a reasonable

1 period. In order to invoke the right to a speedy trial, the
2 accused if not in custody must file an appropriate, separate
3 demand, as provided in Section 103-5 of the Code of Criminal
4 Procedure of 1963. The proper prosecuting attorney shall be
5 served with such separate written demand for speedy trial. If
6 the accused fails to notify the clerk as provided above, the
7 officer issuing the citation's failure to appear on the date
8 originally set for appearance may be considered good cause for
9 a continuance. If the defendant does not appear on the date set
10 for appearance, or any date to which the case may be continued,
11 the court may enter an ex parte judgment against the defendant
12 assessing fines, penalties, and costs in an amount equal to the
13 cash bail required by the Illinois Supreme Court and the clerk
14 of the circuit court shall apply the cash bail or security in
15 payment of the fines, penalties, and costs.

16 (b) The citation form shall be approved by the Illinois
17 Supreme Court and shall be substantially in the following form:

18 "AVOID MULTIPLE COURT APPEARANCES

19 If you intend to plead "not guilty" to this charge, or if,
20 in addition, you intend to demand a trial by jury, so notify
21 the clerk of the court at least 10 days (excluding Saturdays,
22 Sundays and holidays) before the day set for your appearance. A
23 new appearance date will be set, and arrangements will be made
24 to have the officer issuing the citation present on that new
25 date. Failure to notify the clerk of either your intention to
26 plead "not guilty" or your intention to demand a jury trial may

1 result in your having to return to court, if you plead "not
2 guilty" on the date originally set for your court appearance.

3 In the event you fail to appear in court to answer the
4 charge, you thereby consent to the entry of a judgment against
5 you in the amount of all applicable fines, penalties and costs,
6 and the application of the cash bail or other security you have
7 deposited to their payment and satisfaction."

8 Section 10. The Illinois Controlled Substances Act is
9 amended by adding Section 410.1 as follows:

10 (720 ILCS 570/410.1 new)

11 Sec. 410.1. Citation in lieu of arrest.

12 (a) Whenever a peace officer has probable cause to arrest a
13 person for a suspected misdemeanor violation of this Act, the
14 peace officer in lieu of making an arrest may issue a citation
15 to the person. The person shall post bail or other security as
16 determined by the Illinois Supreme Court, which shall include
17 the posting of bail by either cash payment, a bond card, or a
18 charge to the defendant's debit or credit card. If a citation
19 is issued under this Section, a court appearance is not
20 required if the person intends to plead guilty to the charge.
21 Upon timely receipt of notice that the accused intends to plead
22 "not guilty", the clerk shall set a new appearance date not
23 less than 7 days nor more than 60 days after the original
24 appearance date set by the officer issuing the citation or the

1 clerk of the circuit court, and notify all parties of the new
2 date and the time for appearance. If the accused demands a
3 trial by jury, the trial shall be scheduled within a reasonable
4 period. In order to invoke the right to a speedy trial, the
5 accused if not in custody must file an appropriate, separate
6 demand, as provided in Section 103-5 of the Code of Criminal
7 Procedure of 1963. The proper prosecuting attorney shall be
8 served with such separate written demand for speedy trial. If
9 the accused fails to notify the clerk as provided above, the
10 officer issuing the citation's failure to appear on the date
11 originally set for appearance may be considered good cause for
12 a continuance. If the defendant does not appear on the date set
13 for appearance, or any date to which the case may be continued,
14 the court may enter an ex parte judgment against the defendant
15 assessing fines, penalties, and costs in an amount equal to the
16 cash bail required by the Illinois Supreme Court and the clerk
17 of the circuit court shall apply the cash bail or security in
18 payment of the fines, penalties, and costs.

19 (b) The citation form shall be approved by the Illinois
20 Supreme Court and shall be substantially in the following form:

21 "AVOID MULTIPLE COURT APPEARANCES

22 If you intend to plead "not guilty" to this charge, or if,
23 in addition, you intend to demand a trial by jury, so notify
24 the clerk of the court at least 10 days (excluding Saturdays,
25 Sundays and holidays) before the day set for your appearance. A
26 new appearance date will be set, and arrangements will be made

1 to have the officer issuing the citation present on that new
2 date. Failure to notify the clerk of either your intention to
3 plead "not guilty" or your intention to demand a jury trial may
4 result in your having to return to court, if you plead "not
5 guilty" on the date originally set for your court appearance.

6 In the event you fail to appear in court to answer the
7 charge, you thereby consent to the entry of a judgment against
8 you in the amount of all applicable fines, penalties and costs,
9 and the application of the cash bail or other security you have
10 deposited to their payment and satisfaction."

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