



Rep. Karen A. Yarbrough

**Filed: 3/29/2011**

09700HB0927ham001

LRB097 03747 RLC 53338 a

1 AMENDMENT TO HOUSE BILL 927

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 927 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 110-8 as follows:

6 (725 ILCS 5/110-8) (from Ch. 38, par. 110-8)

7 Sec. 110-8. Cash, stocks, bonds and real estate as security  
8 for bail.

9 (a) In lieu of the bail deposit provided for in Section  
10 110-7 of this Code any person for whom bail has been set may  
11 execute the bail bond with or without sureties which bond may  
12 be secured:

13 (1) By a deposit, with the clerk of the court, of an amount  
14 equal to the required bail, of cash, or stocks and bonds in  
15 which trustees are authorized to invest trust funds under the  
16 laws of this State; or

1           (2) By real estate situated in this State with unencumbered  
2 equity not exempt owned by the accused or sureties worth double  
3 the amount of bail set in the bond.

4           (b) If the bail bond is secured by stocks and bonds the  
5 accused or sureties shall file with the bond a sworn schedule  
6 which shall be approved by the court and shall contain:

7                 (1) A list of the stocks and bonds deposited describing  
8 each in sufficient detail that it may be identified;

9                 (2) The market value of each stock and bond;

10                (3) The total market value of the stocks and bonds  
11 listed;

12                (4) A statement that the affiant is the sole owner of  
13 the stocks and bonds listed and they are not exempt from  
14 the enforcement of a judgment thereon;

15                (5) A statement that such stocks and bonds have not  
16 previously been used or accepted as bail in this State  
17 during the 12 months preceding the date of the bail bond;  
18 and

19                (6) A statement that such stocks and bonds are security  
20 for the appearance of the accused in accordance with the  
21 conditions of the bail bond.

22           (c) If the bail bond is secured by real estate the accused  
23 or sureties shall file with the bond a sworn schedule which  
24 shall contain:

25                 (1) A legal description of the real estate;

26                 (2) A description of any and all encumbrances on the

1 real estate including the amount of each and the holder  
2 thereof;

3 (3) The market value of the unencumbered equity owned  
4 by the affiant;

5 (4) A statement that the affiant is the sole owner of  
6 such unencumbered equity and that it is not exempt from the  
7 enforcement of a judgment thereon;

8 (5) A statement that the real estate has not previously  
9 been used or accepted as bail in this State during the 12  
10 months preceding the date of the bail bond; and

11 (6) A statement that the real estate is security for  
12 the appearance of the accused in accordance with the  
13 conditions of the bail bond.

14 (d) The sworn schedule shall constitute a material part of  
15 the bail bond. The affiant commits perjury if in the sworn  
16 schedule he makes a false statement which he does not believe  
17 to be true. He shall be prosecuted and punished accordingly,  
18 or, he may be punished for contempt.

19 (e) A certified copy of the bail bond and schedule of real  
20 estate shall be filed immediately in the office of the  
21 registrar of titles or recorder of the county in which the real  
22 estate is situated and the State shall have a lien on such real  
23 estate from the time such copies are filed in the office of the  
24 registrar of titles or recorder. The registrar of titles or  
25 recorder shall enter, index and record (or register as the case  
26 may be) such bail bonds and schedules without requiring any

1 advance fee, which fee shall be taxed as costs in the  
2 proceeding and paid out of such costs when collected.

3 (f) When the conditions of the bail bond have been  
4 performed and the accused has been discharged from his  
5 obligations in the cause, the clerk of the court shall retain  
6 2% and return to him or his sureties the remainder of the  
7 deposit of any cash, or shall return to him or her or his or her  
8 sureties the deposit of any stocks or bonds. If the bail bond  
9 has been secured by stocks, bonds, or real estate, the  
10 defendant shall pay to the clerk of the court a document  
11 storage fee pursuant to Section 27.3c of the Clerks of Courts  
12 Act in advance of the return of the stocks, bonds, or real  
13 estate. If the bail bond has been secured by real estate the  
14 clerk of the court shall forthwith notify in writing the  
15 registrar of titles or recorder and the lien of the bail bond  
16 on the real estate shall be discharged. The clerk of the court  
17 shall not retain any amount from the bail bond in child support  
18 cases.

19 (g) If the accused does not comply with the conditions of  
20 the bail bond the court having jurisdiction shall enter an  
21 order declaring the bail to be forfeited. Notice of such order  
22 of forfeiture shall be mailed forthwith by the clerk of the  
23 court to the accused and his sureties at their last known  
24 address. If the accused does not appear and surrender to the  
25 court having jurisdiction within 30 days from the date of the  
26 forfeiture or within such period satisfy the court that

1 appearance and surrender by the accused is impossible and  
2 without his fault the court shall enter judgment for the State  
3 against the accused and his sureties for the amount of the bail  
4 and costs of the proceedings; however, in counties with a  
5 population of less than 3,000,000, if the defendant has posted  
6 a cash bond, instead of the court entering a judgment for the  
7 full amount of the bond the court may, in its discretion, enter  
8 judgment for the cash deposit on the bond, less costs, retain  
9 the deposit for further disposition or, if a cash bond was  
10 posted for failure to appear in a matter involving enforcement  
11 of child support or maintenance, the amount of the cash deposit  
12 on the bond, less outstanding costs, may be awarded to the  
13 person or entity to whom the child support or maintenance is  
14 due.

15 (h) When judgment is entered in favor of the State on any  
16 bail bond given for a felony or misdemeanor, or judgement for a  
17 political subdivision of the state on any bail bond given for a  
18 quasi-criminal or traffic offense, the State's Attorney or  
19 political subdivision's attorney shall forthwith obtain a  
20 certified copy of the judgment and deliver same to the sheriff  
21 to be enforced by levy on the stocks or bonds deposited with  
22 the clerk of the court and the real estate described in the  
23 bail bond schedule. Any cash forfeited under subsection (g) of  
24 this Section shall be used to satisfy the judgment and costs  
25 and, without necessity of levy, ordered paid into the treasury  
26 of the municipal corporation wherein the bail bond was taken if

1 the offense was a violation of any penal ordinance of a  
2 political subdivision of this State, or into the treasury of  
3 the county wherein the bail bond was taken if the offense was a  
4 violation of any penal statute of this State, or to the person  
5 or entity to whom child support or maintenance is owed if the  
6 bond was taken for failure to appear in a matter involving  
7 child support or maintenance. The stocks, bonds and real estate  
8 shall be sold in the same manner as in sales for the  
9 enforcement of a judgment in civil actions and the proceeds of  
10 such sale shall be used to satisfy all court costs, prior  
11 encumbrances, if any, and from the balance a sufficient amount  
12 to satisfy the judgment shall be paid into the treasury of the  
13 municipal corporation wherein the bail bond was taken if the  
14 offense was a violation of any penal ordinance of a political  
15 subdivision of this State, or into the treasury of the county  
16 wherein the bail bond was taken if the offense was a violation  
17 of any penal statute of this State. The balance shall be  
18 returned to the owner. The real estate so sold may be redeemed  
19 in the same manner as real estate may be redeemed after  
20 judicial sales or sales for the enforcement of judgments in  
21 civil actions.

22 (i) No stocks, bonds or real estate may be used or accepted  
23 as bail bond security in this State more than once in any 12  
24 month period.

25 (Source: P.A. 89-469, eff. 1-1-97.)".