



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB6309

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

725 ILCS 5/113-4

from Ch. 38, par. 113-4

Amends the Code of Criminal Procedure of 1963. Provides that if the defendant pleads guilty the plea shall not be accepted until the court shall have fully explained to the defendant the following: (1) the maximum and minimum penalty provided by law for the offense which may be imposed by the court (rather than the consequences of the plea and the maximum penalty provided by law for the offense which may be imposed by the court); (2) any possible increased sentence by reason of the fact of a prior conviction or future conviction and any possibility of the imposition of consecutive sentences; (3) any registration requirement that accompanies the plea and the restrictions associated with the registration; and (4) the consequences of the plea on a defendants's ability to: (A) retain or obtain housing in the public or private market; (B) acquire loans for educational or other purposes; (C) enroll in certain degree programs; (D) retain or obtain employment; (E) retain or obtain an occupational or driver's license; (F) possess a firearm; and (G) retain or obtain custody of a child.

LRB098 22923 RLC 61875 b

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 113-4 as follows:

6 (725 ILCS 5/113-4) (from Ch. 38, par. 113-4)

7 Sec. 113-4. Plea. (a) When called upon to plead at
8 arraignment the defendant shall be furnished with a copy of the
9 charge and shall plead guilty, guilty but mentally ill, or not
10 guilty.

11 (b) If the defendant stands mute a plea of not guilty shall
12 be entered for him and the trial shall proceed on such plea.

13 (c) If the defendant pleads guilty such plea shall not be
14 accepted until the court shall have fully explained to the
15 defendant the following:

16 (1) consequences of such plea and the maximum and
17 minimum penalty provided by law for the offense which may
18 be imposed by the court;

19 (2) any possible increased sentence by reason of the
20 fact of a prior conviction or future conviction and any
21 possibility of the imposition of consecutive sentences;

22 (3) any registration requirement that accompanies the
23 plea and the restrictions associated with the

- 1 registration; and
2 (4) the consequences of the plea on a defendants's
3 ability to:
4 (A) retain or obtain housing in the public or
5 private market;
6 (B) acquire loans for educational or other
7 purposes;
8 (C) enroll in certain degree programs;
9 (D) retain or obtain employment;
10 (E) retain or obtain an occupational or driver's
11 license;
12 (F) possess a firearm; and
13 (G) retain or obtain custody of a child.

14 After such explanation if the defendant understandingly
15 persists in his plea it shall be accepted by the court and
16 recorded.

17 (d) If the defendant pleads guilty but mentally ill, the
18 court shall not accept such a plea until the defendant has
19 undergone examination by a clinical psychologist or
20 psychiatrist and the judge has examined the psychiatric or
21 psychological report or reports, held a hearing on the issue of
22 the defendant's mental condition and is satisfied that there is
23 a factual basis that the defendant was mentally ill at the time
24 of the offense to which the plea is entered.

25 (e) If a defendant pleads not guilty, the court shall
26 advise him at that time or at any later court date on which he

1 is present that if he escapes from custody or is released on
2 bond and fails to appear in court when required by the court
3 that his failure to appear would constitute a waiver of his
4 right to confront the witnesses against him and trial could
5 proceed in his absence.

6 (Source: P.A. 82-553.)