

SB0039



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0039

Introduced 1/10/2013, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

725 ILCS 5/109-1

from Ch. 38, par. 109-1

Amends the Code of Criminal Procedure of 1963. Provides that if a person was arrested for first degree murder or other violent crime as defined in the Rights of Crime Victims and Witnesses Act, the court, after the arrest of the person, shall determine the citizenship of the person and if the person arrested is not a citizen of the United States of America, order the confiscation of the person's passport or impose travel restrictions on the person if he or she is admitted to bail.

LRB098 02910 MRW 32922 b

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 109-1 as follows:

6 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

7 Sec. 109-1. Person arrested.

8 (a) A person arrested with or without a warrant shall be
9 taken without unnecessary delay before the nearest and most
10 accessible judge in that county, except when such county is a
11 participant in a regional jail authority, in which event such
12 person may be taken to the nearest and most accessible judge,
13 irrespective of the county where such judge presides, and a
14 charge shall be filed. Whenever a person arrested either with
15 or without a warrant is required to be taken before a judge, a
16 charge may be filed against such person by way of a two-way
17 closed circuit television system, except that a hearing to deny
18 bail to the defendant may not be conducted by way of closed
19 circuit television.

20 (b) The judge shall:

21 (1) Inform the defendant of the charge against him and
22 shall provide him with a copy of the charge;

23 (2) Advise the defendant of his right to counsel and if

1 indigent shall appoint a public defender or licensed
2 attorney at law of this State to represent him in
3 accordance with the provisions of Section 113-3 of this
4 Code;

5 (3) Schedule a preliminary hearing in appropriate
6 cases; ~~and~~

7 (4) Admit the defendant to bail in accordance with the
8 provisions of Article 110 of this Code; and -

9 (5) If the person was arrested for first degree murder
10 or other violent crime as defined in Section 3 of the
11 Rights of Crime Victims and Witnesses Act, determine the
12 citizenship of the person and if the person arrested is not
13 a citizen of the United States of America, order the
14 confiscation of the person's passport or impose travel
15 restrictions on the person if he or she is admitted to
16 bail.

17 (c) The court may issue an order of protection in
18 accordance with the provisions of Article 112A of this Code.

19 (Source: P.A. 97-813, eff. 7-13-12.)