



Sen. Don Harmon

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09800SB3007sam001

LRB098 19809 MRW 56500 a

1 AMENDMENT TO SENATE BILL 3007

2 AMENDMENT NO. _____. Amend Senate Bill 3007 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 109-3.1 as follows:

6 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

7 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
8 case involving a person charged with a felony in this State,
9 alleged to have been committed on or after January 1, 1984, the
10 provisions of this Section shall apply.

11 (b) Every person in custody in this State for the alleged
12 commission of a felony shall receive either a preliminary
13 examination as provided in Section 109-3 or an indictment by
14 Grand Jury as provided in Section 111-2, within 10 ~~30~~ days from
15 the date he or she was taken into custody. Every person on bail
16 or recognizance for the alleged commission of a felony shall

1 receive either a preliminary examination as provided in Section
2 109-3 or an indictment by Grand Jury as provided in Section
3 111-2, within 30 ~~60~~ days from the date he or she was arrested.

4 The provisions of this paragraph shall not apply in the
5 following situations:

6 (1) when delay is occasioned by the defendant; or

7 (2) when the defendant has been indicted by the Grand Jury
8 on the felony offense for which he or she was initially taken
9 into custody or on an offense arising from the same transaction
10 or conduct of the defendant that was the basis for the felony
11 offense or offenses initially charged; or

12 (3) when a competency examination is ordered by the court;

13 or

14 (4) when a competency hearing is held; or

15 (5) when an adjudication of incompetency for trial has been
16 made; or

17 (6) when the case has been continued by the court under
18 Section 114-4 of this Code after a determination that the
19 defendant is physically incompetent to stand trial.

20 (c) Delay occasioned by the defendant shall temporarily
21 suspend, for the time of the delay, the period within which the
22 preliminary examination must be held. On the day of expiration
23 of the delay the period in question shall continue at the point
24 at which it was suspended.

25 (Source: P.A. 83-644.)".