



Rep. La Shawn K. Ford

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09900HB0381ham001

LRB099 05698 RLC 32290 a

1 AMENDMENT TO HOUSE BILL 381

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 381 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 110-7 as follows:

6 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

7 Sec. 110-7. Deposit of Bail Security.

8 (a) The person for whom bail has been set shall execute the  
9 bail bond and deposit with the clerk of the court before which  
10 the proceeding is pending a sum of money equal to 10% of the  
11 bail, but in no event shall such deposit be less than \$25. The  
12 clerk of the court shall provide a space on each form for a  
13 person other than the accused who has provided the money for  
14 the posting of bail to so indicate and a space signed by an  
15 accused who has executed the bail bond indicating whether a  
16 person other than the accused has provided the money for the

1 posting of bail. The form shall also include a written notice  
2 to such person who has provided the defendant with the money  
3 for the posting of bail indicating that the bail may be used to  
4 pay costs, attorney's fees, fines, or other purposes authorized  
5 by the court and if the defendant fails to comply with the  
6 conditions of the bail bond, the court shall enter an order  
7 declaring the bail to be forfeited. The written notice must be:  
8 (1) distinguishable from the surrounding text; (2) in bold type  
9 or underscored; and (3) in a type size at least 2 points larger  
10 than the surrounding type. When a person for whom bail has been  
11 set is charged with an offense under the Illinois Controlled  
12 Substances Act or the Methamphetamine Control and Community  
13 Protection Act which is a Class X felony, or making a terrorist  
14 threat in violation of Section 29D-20 of the Criminal Code of  
15 1961 or the Criminal Code of 2012 or an attempt to commit the  
16 offense of making a terrorist threat, the court may require the  
17 defendant to deposit a sum equal to 100% of the bail. Where any  
18 person is charged with a forcible felony while free on bail and  
19 is the subject of proceedings under Section 109-3 of this Code  
20 the judge conducting the preliminary examination may also  
21 conduct a hearing upon the application of the State pursuant to  
22 the provisions of Section 110-6 of this Code to increase or  
23 revoke the bail for that person's prior alleged offense.

24 (b) Upon depositing this sum and any bond fee authorized by  
25 law, the person shall be released from custody subject to the  
26 conditions of the bail bond.

1           (c) Once bail has been given and a charge is pending or is  
2 thereafter filed in or transferred to a court of competent  
3 jurisdiction the latter court shall continue the original bail  
4 in that court subject to the provisions of Section 110-6 of  
5 this Code.

6           (d) After conviction the court may order that the original  
7 bail stand as bail pending appeal or deny, increase or reduce  
8 bail subject to the provisions of Section 110-6.2.

9           (e) After the entry of an order by the trial court allowing  
10 or denying bail pending appeal either party may apply to the  
11 reviewing court having jurisdiction or to a justice thereof  
12 sitting in vacation for an order increasing or decreasing the  
13 amount of bail or allowing or denying bail pending appeal  
14 subject to the provisions of Section 110-6.2.

15           (f) When the conditions of the bail bond have been  
16 performed and the accused has been discharged from all  
17 obligations in the cause the clerk of the court shall return to  
18 the accused or to the defendant's designee by an assignment  
19 executed at the time the bail amount is deposited, unless the  
20 court orders otherwise, 90% of the sum which had been deposited  
21 and shall retain as bail bond costs 10% of the amount  
22 deposited. However, in no event shall the amount retained by  
23 the clerk as bail bond costs be less than \$5. Notwithstanding  
24 the foregoing, in counties with a population of 3,000,000 or  
25 more, in no event shall the amount retained by the clerk as  
26 bail bond costs exceed \$100. Bail bond deposited by or on

1 behalf of a defendant in one case may be used, in the court's  
2 discretion, to satisfy financial obligations of that same  
3 defendant incurred in a different case due to a fine, court  
4 costs, restitution or fees of the defendant's attorney of  
5 record. In counties with a population of 3,000,000 or more, the  
6 court shall not order bail bond deposited by or on behalf of a  
7 defendant in one case to be used to satisfy financial  
8 obligations of that same defendant in a different case until  
9 the bail bond is first used to satisfy court costs and  
10 attorney's fees in the case in which the bail bond has been  
11 deposited and any other unpaid child support obligations are  
12 satisfied. In counties with a population of less than  
13 3,000,000, the court shall not order bail bond deposited by or  
14 on behalf of a defendant in one case to be used to satisfy  
15 financial obligations of that same defendant in a different  
16 case until the bail bond is first used to satisfy court costs  
17 in the case in which the bail bond has been deposited.

18 At the request of the defendant the court may order such  
19 90% of defendant's bail deposit, or whatever amount is  
20 repayable to defendant from such deposit, to be paid to  
21 defendant's attorney of record.

22 (g) If the accused does not comply with the conditions of  
23 the bail bond the court having jurisdiction shall enter an  
24 order declaring the bail to be forfeited. Notice of such order  
25 of forfeiture shall be mailed forthwith to the accused at his  
26 last known address. If the accused does not appear and

1 surrender to the court having jurisdiction within 30 days from  
2 the date of the forfeiture or within such period satisfy the  
3 court that appearance and surrender by the accused is  
4 impossible and without his fault the court shall enter judgment  
5 for the State if the charge for which the bond was given was a  
6 felony or misdemeanor, or if the charge was quasi-criminal or  
7 traffic, judgment for the political subdivision of the State  
8 which prosecuted the case, against the accused for the amount  
9 of the bail and costs of the court proceedings; however, in  
10 counties with a population of less than 3,000,000, instead of  
11 the court entering a judgment for the full amount of the bond  
12 the court may, in its discretion, enter judgment for the cash  
13 deposit on the bond, less costs, retain the deposit for further  
14 disposition or, if a cash bond was posted for failure to appear  
15 in a matter involving enforcement of child support or  
16 maintenance, the amount of the cash deposit on the bond, less  
17 outstanding costs, may be awarded to the person or entity to  
18 whom the child support or maintenance is due. The deposit made  
19 in accordance with paragraph (a) shall be applied to the  
20 payment of costs. If judgment is entered and any amount of such  
21 deposit remains after the payment of costs it shall be applied  
22 to payment of the judgment and transferred to the treasury of  
23 the municipal corporation wherein the bond was taken if the  
24 offense was a violation of any penal ordinance of a political  
25 subdivision of this State, or to the treasury of the county  
26 wherein the bond was taken if the offense was a violation of

1 any penal statute of this State. The balance of the judgment  
2 may be enforced and collected in the same manner as a judgment  
3 entered in a civil action.

4 (h) After a judgment for a fine and court costs or either  
5 is entered in the prosecution of a cause in which a deposit had  
6 been made in accordance with paragraph (a) the balance of such  
7 deposit, after deduction of bail bond costs, shall be applied  
8 to the payment of the judgment.

9 (i) When a court appearance is required for an alleged  
10 violation of the Criminal Code of 1961, the Criminal Code of  
11 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish  
12 and Aquatic Life Code, the Child Passenger Protection Act, or a  
13 comparable offense of a unit of local government as specified  
14 in Supreme Court Rule 551, and if the accused does not appear  
15 in court on the date set for appearance or any date to which  
16 the case may be continued and the court issues an arrest  
17 warrant for the accused, based upon his or her failure to  
18 appear when having so previously been ordered to appear by the  
19 court, the accused upon his or her admission to bail shall be  
20 assessed by the court a fee of \$75. Payment of the fee shall be  
21 a condition of release unless otherwise ordered by the court.  
22 The fee shall be in addition to any bail that the accused is  
23 required to deposit for the offense for which the accused has  
24 been charged and may not be used for the payment of court costs  
25 or fines assessed for the offense. The clerk of the court shall  
26 remit \$70 of the fee assessed to the arresting agency who

1 brings the offender in on the arrest warrant. If the Department  
2 of State Police is the arresting agency, \$70 of the fee  
3 assessed shall be remitted by the clerk of the court to the  
4 State Treasurer within one month after receipt for deposit into  
5 the State Police Operations Assistance Fund. The clerk of the  
6 court shall remit \$5 of the fee assessed to the Circuit Court  
7 Clerk Operation and Administrative Fund as provided in Section  
8 27.3d of the Clerks of Courts Act.

9 (Source: P.A. 96-1431, eff. 1-1-11; 97-175, eff. 1-1-12;  
10 97-1150, eff. 1-25-13.)".