



Rep. La Shawn K. Ford

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09900HB5984ham001

LRB099 16388 SLF 46964 a

1 AMENDMENT TO HOUSE BILL 5984

2 AMENDMENT NO. _____. Amend House Bill 5984 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 111-2 as follows:

6 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

7 Sec. 111-2. Commencement of prosecutions.

8 (a) All prosecutions of felonies shall be by information or
9 by indictment. No prosecution may be pursued by information
10 unless a preliminary hearing has been held or waived in
11 accordance with Section 109-3 and at that hearing probable
12 cause to believe the defendant committed an offense was found,
13 and the provisions of Section 109-3.1 of this Code have been
14 complied with.

15 (b) All other prosecutions may be by indictment,
16 information or complaint, except as provided in subsection

1 (b-5).

2 (b-5) A special prosecutor shall be appointed to provide an
3 independent investigation into an offense that involves a
4 shooting or use of excessive force by a peace officer, as
5 described in Section 7-5 of the Criminal Code of 2012, which
6 leads to the death of a person who is being detained or
7 arrested. A grand jury shall not inquire into an offense that
8 involves a shooting or use of excessive force by a peace
9 officer, as described in Section 7-5 of the Criminal Code of
10 2012, which leads to the death of a person who is being
11 detained or arrested.

12 (c) Upon the filing of an information or indictment in open
13 court charging the defendant with the commission of a sex
14 offense defined in any Section of Article 11 of the Criminal
15 Code of 1961 or the Criminal Code of 2012, and a minor as
16 defined in Section 1-3 of the Juvenile Court Act of 1987 is
17 alleged to be the victim of the commission of the acts of the
18 defendant in the commission of such offense, the court may
19 appoint a guardian ad litem for the minor as provided in
20 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
21 1987.

22 (d) Upon the filing of an information or indictment in open
23 court, the court shall immediately issue a warrant for the
24 arrest of each person charged with an offense directed to a
25 peace officer or some other person specifically named
26 commanding him to arrest such person.

1 (e) When the offense is bailable, the judge shall endorse
2 on the warrant the amount of bail required by the order of the
3 court, and if the court orders the process returnable
4 forthwith, the warrant shall require that the accused be
5 arrested and brought immediately into court.

6 (f) Where the prosecution of a felony is by information or
7 complaint after preliminary hearing, or after a waiver of
8 preliminary hearing in accordance with paragraph (a) of this
9 Section, such prosecution may be for all offenses, arising from
10 the same transaction or conduct of a defendant even though the
11 complaint or complaints filed at the preliminary hearing
12 charged only one or some of the offenses arising from that
13 transaction or conduct.

14 (Source: P.A. 97-1150, eff. 1-25-13.)".