



Sen. Bill Cunningham

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09900SB0202sam001

LRB099 03372 RLC 33978 a

1 AMENDMENT TO SENATE BILL 202

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 202 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Accelerated Resolution Court Act.

6 Section 5. Accelerated Resolution Court pilot program. The  
7 Accelerated Resolution Court pilot program is hereby created in  
8 Cook County. Under this pilot program, the Cook County Sheriff  
9 or his or her designee, acting in his or her official capacity  
10 as Director of the Cook County Department of Corrections, may  
11 refer eligible defendants to the Accelerated Resolution Court  
12 provided that notice is given to the prosecuting State's  
13 Attorney, the defendant's counsel of record, and the Presiding  
14 Judge of the Criminal Division of the Circuit Court of Cook  
15 County.

1 Section 10. Eligibility.

2 (a) To be eligible for the program the defendant must be:

3 (1) in the custody of the Cook County Department of  
4 Corrections 72 hours after bond has been set;

5 (2) unable to post bond or ineligible to be placed on  
6 electronic monitoring due to homelessness or a lack of a  
7 sufficient host site approved by the Sheriff; and

8 (3) charged with:

9 (A) retail theft of property the full retail value  
10 of which does not exceed \$300 under Section 16-25 of  
11 the Criminal Code of 2012;

12 (B) criminal trespass to real property under  
13 Section 21-3 of the Criminal Code of 2012; or

14 (C) criminal trespass to State supported land  
15 under Section 21-5 of the Criminal Code of 2012.

16 (b) A defendant shall be excluded from the program if the  
17 defendant has been convicted of a crime of violence in the past  
18 10 years excluding incarceration time, specifically first  
19 degree murder, second degree murder, predatory criminal sexual  
20 assault of a child, aggravated criminal sexual assault,  
21 criminal sexual assault, armed robbery, aggravated arson,  
22 arson, aggravated kidnaping, kidnapping, aggravated battery  
23 resulting in great bodily harm or permanent disability,  
24 aggravated stalking, stalking, or any offense involving the  
25 discharge of a firearm.

1 Section 15. Procedure.

2 (a) Once referred to the Accelerated Resolution Court by  
3 the Cook County Sheriff or his or her designee, notice shall be  
4 given by the Sheriff to the prosecuting State's Attorney, the  
5 defendant's counsel of record, and the Presiding Judge of the  
6 Criminal Division of the Circuit Court of Cook County. Any  
7 referred case shall be adjudicated within 30 days.

8 (b) If a case within the Accelerated Resolution Court is  
9 not resolved within 30 days of referral, then the defendant  
10 shall be released from custody on his or her own recognizance  
11 provided the defendant agrees to the terms and conditions of  
12 release provided by the court pending adjudication of the  
13 charge.

14 (c) Nothing in this Act shall be construed as prohibiting a  
15 defendant from requesting a continuance. Any continuance  
16 granted on behalf of the defendant shall toll the 30-day  
17 requirement of this Act. Lack of participation by the victim or  
18 other continuances required on behalf of the State do not toll  
19 the 30-day requirement of this Act.

20 (d) If a person is released on his or her own recognizance,  
21 the conditions of the release shall be that he or she shall:

22 (1) appear to answer the charge in the court having  
23 jurisdiction on a day certain and thereafter ordered by the  
24 court until discharged or final order of the court;

25 (2) submit himself or herself to the orders and process  
26 of the court;

1 (3) not depart this State without leave of the court;

2 (4) not violate any criminal statute of any  
3 jurisdiction;

4 (5) at a time and place designated by the court,  
5 surrender all firearms in his or her possession to a law  
6 enforcement officer as required under paragraph (5) of  
7 subsection (a) of Section 110-10 of the Code of Criminal  
8 Procedure of 1963; and

9 (6) file written notice with the clerk of the court  
10 before which the proceeding is pending of any change in his  
11 or her address within 24 hours after the change. The  
12 address of a defendant who has been released on his or her  
13 own recognizance shall at all times remain a matter of  
14 public record with the clerk of the court.

15 (e) The Court may impose other conditions, such as the  
16 following, if the court finds that the conditions are  
17 reasonably necessary to assure the defendant's appearance in  
18 court, protect the public from the defendant, or prevent the  
19 defendant's unlawful interference with the orderly  
20 administration of justice:

21 (1) refrain from going to certain described  
22 geographical areas or premises;

23 (2) refrain from engaging in certain activities or  
24 indulging in intoxicating liquors or in certain drugs;

25 (3) undergo treatment for drug addiction or  
26 alcoholism;

1           (4) attend or reside in a facility designated by the  
2 court; or

3           (5) other reasonable conditions as the court may  
4 impose.

5           (f) A failure to appear as required by the recognizance  
6 shall constitute an offense subject to the penalty provided in  
7 Section 32-10 of the Criminal Code of 2012 for violation of  
8 bail bond.

9           (g) The State may appeal any order permitting release by  
10 personal recognizance.

11           Section 20. Repeal. This Act is repealed on June 30, 2017.

12           Section 99. Effective date. This Act takes effect July 1,  
13 2015.".