

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 110-10 as follows:

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

7 Sec. 110-10. Conditions of bail bond.

8 (a) If a person is released prior to conviction, either
9 upon payment of bail security or on his or her own
10 recognizance, the conditions of the bail bond shall be that
11 he or she will:

12 (1) Appear to answer the charge in the court having
13 jurisdiction on a day certain and thereafter as ordered
14 by the court until discharged or final order of the
15 court;

16 (2) Submit himself or herself to the orders and
17 process of the court;

18 (3) Not depart this State without leave of the
19 court;

20 (4) Not violate any criminal statute of any
21 jurisdiction;

22 (5) At a time and place designated by the court,
23 surrender all firearms in his or her possession to a law
24 enforcement officer designated by the court to take
25 custody of and impound the firearms when the offense the
26 person has been charged with is a forcible felony,
27 stalking, aggravated stalking, domestic battery, any
28 violation of either the Illinois Controlled Substances
29 Act or the Cannabis Control Act that is classified as a
30 Class 2 or greater felony, or any felony violation of
31 Article 24 of the Criminal Code of 1961; the court may,

1 however, forgo the imposition of this condition when the
2 circumstances of the case clearly do not warrant it or
3 when its imposition would be impractical; all legally
4 possessed firearms shall be returned to the person upon
5 that person completing a sentence for a conviction on a
6 misdemeanor domestic battery, upon the charges being
7 dismissed, or if the person is found not guilty, unless
8 the finding of not guilty is by reason of insanity; and

9 (6) At a time and place designated by the court,
10 submit to a psychological evaluation when the person has
11 been charged with a violation of item (4) of subsection
12 (a) of Section 24-1 of the Criminal Code of 1961 and that
13 violation occurred in a school or in any conveyance
14 owned, leased, or contracted by a school to transport
15 students to or from school or a school-related activity,
16 or on any public way within 1,000 feet of real property
17 comprising any school.

18 Psychological evaluations ordered pursuant to this
19 Section shall be completed promptly and made available to the
20 State, the defendant, and the court. As a further condition
21 of bail under these circumstances, the court shall order the
22 defendant to refrain from entering upon the property of the
23 school, including any conveyance owned, leased, or contracted
24 by a school to transport students to or from school or a
25 school-related activity, or on any public way within 1,000
26 feet of real property comprising any school. Upon receipt of
27 the psychological evaluation, either the State or the
28 defendant may request a change in the conditions of bail,
29 pursuant to Section 110-6 of this Code. The court may change
30 the conditions of bail to include a requirement that the
31 defendant follow the recommendations of the psychological
32 evaluation, including undergoing psychiatric treatment. The
33 conclusions of the psychological evaluation and any
34 statements elicited from the defendant during its

1 administration are not admissible as evidence of guilt during
2 the course of any trial on the charged offense, unless the
3 defendant places his or her mental competency in issue.

4 (b) The court may impose other conditions, such as the
5 following, if the court finds that such conditions are
6 reasonably necessary to assure the defendant's appearance in
7 court, protect the public from the defendant, or prevent the
8 defendant's unlawful interference with the orderly
9 administration of justice:

10 (1) Report to or appear in person before such
11 person or agency as the court may direct;

12 (2) Refrain from possessing a firearm or other
13 dangerous weapon;

14 (3) Refrain from approaching or communicating with
15 particular persons or classes of persons;

16 (4) Refrain from going to certain described
17 geographical areas or premises;

18 (5) Refrain from engaging in certain activities or
19 indulging in intoxicating liquors or in certain drugs;

20 (6) Undergo treatment for drug addiction or
21 alcoholism;

22 (7) Undergo medical or psychiatric treatment;

23 (8) Work or pursue a course of study or vocational
24 training;

25 (9) Attend or reside in a facility designated by
26 the court;

27 (10) Support his or her dependents;

28 (11) If a minor resides with his or her parents or
29 in a foster home, attend school, attend a non-residential
30 program for youths, and contribute to his or her own
31 support at home or in a foster home;

32 (12) Observe any curfew ordered by the court;

33 (13) Remain in the custody of such designated
34 person or organization agreeing to supervise his release.

1 Such third party custodian shall be responsible for
2 notifying the court if the defendant fails to observe the
3 conditions of release which the custodian has agreed to
4 monitor, and shall be subject to contempt of court for
5 failure so to notify the court;

6 (14) Be placed under direct supervision of the
7 Pretrial Services Agency, Probation Department or Court
8 Services Department in a pretrial bond home supervision
9 capacity with or without the use of an approved
10 electronic monitoring device subject to Article 8A of
11 Chapter V of the Unified Code of Corrections;

12 (14.1) The court shall impose upon a defendant who
13 is charged with any alcohol, cannabis or controlled
14 substance violation and is placed under direct
15 supervision of the Pretrial Services Agency, Probation
16 Department or Court Services Department in a pretrial
17 bond home supervision capacity with the use of an
18 approved monitoring device, as a condition of such bail
19 bond, a fee that represents costs incidental to the
20 electronic monitoring for each day of such bail
21 supervision ordered by the court, unless after
22 determining the inability of the defendant to pay the
23 fee, the court assesses a lesser fee or no fee as the
24 case may be. The fee shall be collected by the clerk of
25 the circuit court. The clerk of the circuit court shall
26 pay all monies collected from this fee to the county
27 treasurer for deposit in the substance abuse services
28 fund under Section 5-1086.1 of the Counties Code;

29 (14.2) The court shall impose upon all defendants,
30 including those defendants subject to paragraph (14.1)
31 above, placed under direct supervision of the Pretrial
32 Services Agency, Probation Department or Court Services
33 Department in a pretrial bond home supervision capacity
34 with the use of an approved monitoring device, as a

1 condition of such bail bond, a fee which shall represent
 2 costs incidental to such electronic monitoring for each
 3 day of such bail supervision ordered by the court, unless
 4 after determining the inability of the defendant to pay
 5 the fee, the court assesses a lesser fee or no fee as the
 6 case may be. The fee shall be collected by the clerk of
 7 the circuit court. The clerk of the circuit court shall
 8 pay all monies collected from this fee to the county
 9 treasurer who shall use the monies collected to defray
 10 the costs of corrections. The county treasurer shall
 11 deposit the fee collected in the county working cash fund
 12 under Section 6-27001 or Section 6-29002 of the Counties
 13 Code, as the case may be;

14 (14.3) Refrain from operating a motor vehicle not
 15 equipped with an ignition interlock device, as defined in
 16 Section 1-129.1 of the Illinois Vehicle Code, pursuant to
 17 the rules promulgated by the Secretary of State for the
 18 installation of ignition interlock devices. Under this
 19 condition the court may allow a defendant who is not
 20 self-employed to operate a vehicle owned by the
 21 defendant's employer that is not equipped with an
 22 ignition interlock device in the course and scope of the
 23 defendant's employment;

24 (15) Comply with the terms and conditions of an
 25 order of protection issued by the court under the
 26 Illinois Domestic Violence Act of 1986 or an order of
 27 protection issued by the court of another state, tribe,
 28 or United States territory;

29 (16) Under Section 110-6.5 comply with the
 30 conditions of the drug testing program; and

31 (17) Such other reasonable conditions as the court
 32 may impose.

33 (c) When a person is charged with an offense under
 34 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the

1 "Criminal Code of 1961", involving a victim who is a minor
2 under 18 years of age living in the same household with the
3 defendant at the time of the offense, in granting bail or
4 releasing the defendant on his own recognizance, the judge
5 shall impose conditions to restrict the defendant's access to
6 the victim which may include, but are not limited to
7 conditions that he will:

8 1. Vacate the Household.

9 2. Make payment of temporary support to his
10 dependents.

11 3. Refrain from contact or communication with the
12 child victim, except as ordered by the court.

13 (d) When a person is charged with a criminal offense and
14 the victim is a family or household member as defined in
15 Article 112A, conditions shall be imposed at the time of the
16 defendant's release on bond that restrict the defendant's
17 access to the victim. Unless provided otherwise by the court,
18 the restrictions shall include requirements that the
19 defendant do the following:

20 (1) refrain from contact or communication with the
21 victim for a minimum period of 72 hours following the
22 defendant's release; and

23 (2) refrain from entering or remaining at the
24 victim's residence for a minimum period of 72 hours
25 following the defendant's release.

26 (e) Local law enforcement agencies shall develop
27 standardized bond forms for use in cases involving family or
28 household members as defined in Article 112A, including
29 specific conditions of bond as provided in subsection (d).
30 Failure of any law enforcement department to develop or use
31 those forms shall in no way limit the applicability and
32 enforcement of subsections (d) and (f).

33 (f) If the defendant is admitted to bail after
34 conviction the conditions of the bail bond shall be that he

1 will, in addition to the conditions set forth in subsections
2 (a) and (b) hereof:

3 (1) Duly prosecute his appeal;

4 (2) Appear at such time and place as the court may
5 direct;

6 (3) Not depart this State without leave of the
7 court;

8 (4) Comply with such other reasonable conditions as
9 the court may impose; and,

10 (5) If the judgment is affirmed or the cause
11 reversed and remanded for a new trial, forthwith
12 surrender to the officer from whose custody he was
13 bailed.

14 (Source: P.A. 90-399, eff. 1-1-98; 91-11, eff. 6-4-99;
15 91-312, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff.
16 1-1-01.)