

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 110-7 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
9 the bail bond and deposit with the clerk of the court before
10 which the proceeding is pending a sum of money equal to 10%
11 of the bail, but in no event shall such deposit be less than
12 \$25. The clerk of the court shall provide a space on each
13 form for a person other than the accused who has provided the
14 money for the posting of bail to so indicate and a space
15 signed by an accused who has executed the bail bond
16 indicating whether a person other than the accused has
17 provided the money for the posting of bail. The form shall
18 also include a written notice to such person who has provided
19 the defendant with the money for the posting of bail
20 indicating that the bail may be used to pay costs, attorney's
21 fees, fines, or other purposes authorized by the court and if
22 the defendant fails to comply with the conditions of the bail
23 bond, the court shall enter an order declaring the bail to be
24 forfeited. The written notice must be: (1) distinguishable
25 from the surrounding text; (2) in bold type or underscored;
26 and (3) in a type size at least 2 points larger than the
27 surrounding type. When a person for whom bail has been set
28 is charged with an offense under the "Illinois Controlled
29 Substances Act" which is a Class X felony, the court may
30 require the defendant to deposit a sum equal to 100% of the
31 bail. Where any person is charged with a forcible felony

1 while free on bail and is the subject of proceedings under
2 Section 109-3 of this Code the judge conducting the
3 preliminary examination may also conduct a hearing upon the
4 application of the State pursuant to the provisions of
5 Section 110-6 of this Code to increase or revoke the bail for
6 that person's prior alleged offense.

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

10 (c) Once bail has been given and a charge is pending or
11 is thereafter filed in or transferred to a court of competent
12 jurisdiction the latter court shall continue the original
13 bail in that court subject to the provisions of Section 110-6
14 of this Code.

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

18 (e) After the entry of an order by the trial court
19 allowing or denying bail pending appeal either party may
20 apply to the reviewing court having jurisdiction or to a
21 justice thereof sitting in vacation for an order increasing
22 or decreasing the amount of bail or allowing or denying bail
23 pending appeal subject to the provisions of Section 110-6.2.

24 (f) When the conditions of the bail bond have been
25 performed and the accused has been discharged from all
26 obligations in the cause the clerk of the court shall return
27 to the accused or to the defendant's designee by an
28 assignment executed at the time the bail amount is deposited,
29 unless the court orders otherwise, 90% of the sum which had
30 been deposited and shall retain as bail bond costs 10% of the
31 amount deposited. However, in no event shall the amount
32 retained by the clerk as bail bond costs be less than \$5.
33 Bail bond deposited by or on behalf of a defendant in one
34 case may be used, in the court's discretion, to satisfy

1 financial obligations of that same defendant incurred in a
2 different case due to a fine, court costs, restitution or
3 fees of the defendant's attorney of record. The court shall
4 not order bail bond deposited by or on behalf of a defendant
5 in one case to be used to satisfy financial obligations of
6 that same defendant in a different case until the bail bond
7 is first used to satisfy court costs in the case in which the
8 bail bond has been deposited.

9 At the request of the defendant the court may order such
10 90% of defendant's bail deposit, or whatever amount is
11 repayable to defendant from such deposit, to be paid to
12 defendant's attorney of record.

13 (g) If the accused does not comply with the conditions
14 of the bail bond the court having jurisdiction shall enter an
15 order declaring the bail to be forfeited. Notice of such
16 order of forfeiture shall be mailed forthwith to the accused
17 at his last known address. If the accused does not appear
18 and surrender to the court having jurisdiction within 30 days
19 from the date of the forfeiture or within such period satisfy
20 the court that appearance and surrender by the accused is
21 impossible and without his fault the court shall enter
22 judgment for the State if the charge for which the bond was
23 given was a felony or misdemeanor, or if the charge was
24 quasi-criminal or traffic, judgment for the political
25 subdivision of the State which prosecuted the case, against
26 the accused for the amount of the bail and costs of the court
27 proceedings; however, in counties with a population of less
28 than 3,000,000, instead of the court entering a judgment for
29 the full amount of the bond the court may, in its discretion,
30 enter judgment for the cash deposit on the bond, less costs,
31 retain the deposit for further disposition or, if a cash bond
32 was posted for failure to appear in a matter involving
33 enforcement of child support or maintenance, the amount of
34 the cash deposit on the bond, less outstanding costs, may be

1 awarded to the person or entity to whom the child support or
2 maintenance is due. The deposit made in accordance with
3 paragraph (a) shall be applied to the payment of costs. The
4 court may direct that all or part of the remainder be
5 remitted to the accused's counsel of record in payment of
6 attorney's fees. If judgment is entered and any amount of
7 such deposit remains, ~~after the payment of costs~~ it shall be
8 applied to payment of the judgment and transferred to the
9 treasury of the municipal corporation wherein the bond was
10 taken if the offense was a violation of any penal ordinance
11 of a political subdivision of this State, or to the treasury
12 of the county wherein the bond was taken if the offense was a
13 violation of any penal statute of this State. The balance of
14 the judgment may be enforced and collected in the same manner
15 as a judgment entered in a civil action.

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

21 (Source: P.A. 91-94, eff. 1-1-00; 91-183, eff. 1-1-00; 92-16,
22 eff. 6-28-01.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.