

SETTING OF BAIL

1. The Court has presumed that any conditions of release shall be non-monetary, as required by Statute.
2. The Court has considered the available conditions of bond that are non-monetary in nature.
3. In setting bond, the Court is required to impose the least restrictive conditions necessary to reasonably assure the defendant's appearance at future hearings, to safeguard the public and witnesses, and to safeguard the integrity of judicial proceedings.
4. The Court has considered the defendant's socio-economic circumstances.
5. The Court finds that the imposition of a monetary bail is required to assure compliance with the conditions set forth in the bail bond.

NOTES

Category B offenses are most misdemeanors and most Class 3&4 felonies.

Persons in custody for Class B offenses who can't post bond must be brought to court at the next available court date, or within 7 calendar days (whichever is earlier).

Persons in custody for Category B offenses shall have \$30 deducted from the total monetary bail for every day incarcerated.

Category A Offenses

All Class X felonies

All Class 1 felonies

All Class 2 felonies

First degree murder (720 ILCS 5/9-1)

The following Class 3 and 4 felonies, specifically:

- Fleeing/attempting to elude a peace officer (625 ILCS 5/11-204)
- 2nd/subsequent DUI (625 ILCS 5/11-501)
- Aggravated DUI (625 ILCS 5/11-501(d))
- Leaving the scene of an accident resulting in injury; failure to report within 30 minutes (625 ILCS 5/11-401)
- Involuntary manslaughter or reckless homicide (720 ILCS 5/9-3)
- Concealing a homicidal death (720 ILCS 5/9-3.4)
- Unlawful restraint (720 ILCS 5/10-3)
- Aggravated unlawful restraint (720 ILCS 5/10-3.1)
- Child abduction (720 ILCS 5/10-5)
- Indecent solicitation of a child (720 ILCS 5/11-6)
- Custodial sexual misconduct (720 ILCS 5/11-9.2)
- Child pornography (720 ILCS 5/11-20.1)
- Non-consensual dissemination of private sexual images (720 ILCS 5/11-23.5)
- Grooming (720 ILCS 5/11-25)
- Aggravated assault w/ a weapon or motor vehicle (720 ILCS 5/12.2)
- Aggravated battery (720 ILCS 5/12-3.05)
- Domestic battery (720 ILCS 5/12-3.2)
- Violation of an order of protection (720 ILCS 5/12-3.4)
- Criminal abuse/neglect of an elderly person/LTC resident/disabled person (720 ILCS 5/12-4.4a)
- Reckless conduct causing great bodily harm/permanent disability or disfigurement of another (720 ILCS 5/12-5)
- Intimidation (720 ILCS 5/12-6)
- Hate crime (720 ILCS 5/12-7.1)
- Stalking (720 ILCS 5/12-7.3)
- Aggravated stalking (720 ILCS 5/12-7.4)
- Cyberstalking (720 ILCS 5/12-7.5)
- Endangering the life or health of a child (720 ILCS 5/12C-5)
- Reckless discharge of a firearm (720 ILCS 5/24-1.5)
- Unlawful sale/delivery of firearms (720 ILCS 5/24-3)
- Mob action (720 ILCS 5/25-1)
- Harassment by telephone (720 ILCS 5/26.5-2)
- Dogfighting (720 ILCS 5/48-1)
- Involuntary servitude (720 ILCS 5/10-9(b)(5) or (6))
- Criminal sexual abuse (720 ILCS 5/11-1.50(a)(1) or (2))
- Compelling a confession or information by infliction or threat of bodily harm (720 ILCS 5/12-7)
- False personation of a peace officer (720 ILCS 5/17-2(b)(3))
- Unlawful use of a weapon, sawed-off or silencer (720 ILCS 5/24-1(a)(7)(ii) or (a)(6))
- Failure to register as a sex offender (730 ILCS 150/10)

The following Class A, B, and C misdemeanors, specifically:

- Aggravated assault (720 ILCS 5/12.2)
- Battery (720 ILCS 5/12-3)
- Domestic battery (720 ILCS 5/12-3.2)
- Violation of an order of protection (720 ILCS 5/12-3.4)
- Reckless conduct causing bodily harm/endangering safety of another (720 ILCS 5/12-5)
- Endangering the life or health of a child (720 ILCS 5/12C-5)
- Unlawful sale/delivery of firearms (720 ILCS 5/24-3)
- Mob action (720 ILCS 5/25-1)
- Harassment by telephone (720 ILCS 5/26.5-2)
- Criminal sexual abuse (720 ILCS 5/11-1.50(b) or (c))

Category B Offenses

Business offenses

Petty offenses

Class A, B and C misdemeanors, other than those specified as Category A

Class 3 and 4 felonies, other than those specified as Category A

DENIAL OF BOND

I have considered all the evidence presented at this Bond Hearing, arguments of counsel, applicable case and statutory law, and the relevant portions of the Illinois Criminal Code including 725 ILCS 5/110-6.1. The Court has also considered the weight and quality of the evidence and arguments presented and applied the requisite standards and burdens of proof.

(1) The Court finds that the proof is evident or the presumption great that the defendant has committed an offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, must be imposed by law as a consequence of conviction, and

(2) the defendant poses a real and present threat to the physical safety of any person or persons, by conduct which may include, but is not limited to, a forcible felony, the obstruction of justice, intimidation, injury, physical harm, an offense under the Illinois Controlled Substances Act which is a Class X felony, or an offense under the Methamphetamine Control and Community Protection Act which is a Class X felony, and

(3) the court finds that no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Article, can reasonably assure the physical safety of any other person or persons.

(e) Detention order. The court shall, in any order for detention:

1. (1) briefly summarize the evidence of the defendant's culpability and its reasons for concluding that the defendant should be held without bail;

(2) direct that the defendant be committed to the custody of the sheriff for confinement in the county jail pending trial;

(3) direct that the defendant be given a reasonable opportunity for private consultation with counsel, and for communication with others of his choice by visitation, mail and telephone; and

(4) direct that the sheriff deliver the defendant as required for appearances in connection with court proceedings.

Bail Reform Act of 2017

Public Act 100-001 (SB2034)

Changes which are Effective Immediately:

RICO Extension (Criminal Code of 2012)

- Amends Section 33G-9 to extend the sunset of the RICO Article to June 11, 2022 (previously June 11, 2017).

Changes which are Effective January 1, 2018:

Right to Counsel in Bail Hearings (Code of Criminal Procedure)

- Provides a right to counsel at bail hearings. If the defendant desires counsel but cannot afford it, the court shall appoint a public defender or other licensed attorney.

Presumption of Non-Monetary Bail (Code of Criminal Procedure)

- Creates a presumption that any conditions of release shall be non-monetary, and the court shall impose the least restrictive conditions necessary to reasonably assure the defendant's appearance at future hearings, safeguard the public, and protect the integrity of judicial proceedings.
- Requires the court to consider the defendant's socio-economic circumstances when imposing bail or setting conditions of release.

Automatic 2nd Look Bail Hearings (Code of Criminal Procedure)

- Creates "Category A" offenses: Class X, 1, & 2 felonies, first degree murder, other violent felonies and violent misdemeanors (see attached list).
- Creates "Category B" offenses: business & petty offenses, misdemeanors, Class 3 & 4 felonies.
- Persons in custody for category B offenses due to inability to post monetary bail must be brought before the court at the next available court date or within 7 calendar days (whichever is earlier) for a rehearing on the amount of bail/conditions of release.

Bail Credit for Time Served (Code of Criminal Procedure)

- Persons subject to bail on category B offenses shall have \$30 deducted from their monetary bail for every day incarcerated. A review of case law suggests that the legislation intends that this amount would be deducted from the total bail amount ordered, not from the 10% cash bond required to secure release.

Statewide Risk Assessment Tool (Code of Criminal Procedure)

- Encourages the Illinois Supreme Court to adopt a statewide risk assessment tool for use in bail proceedings which assesses whether the defendant poses a real and present threat to safety and assesses his/her likelihood of appearing at future proceedings.
- Encourages the Supreme Court to adopt a risk assessment tool which does not discriminate on the basis of race, gender, education level, or socio-economic status.

Amends the Crime of "Threatening a Public Official" (Criminal Code of 2012)

- Adds attorneys and persons employed by the Guardianship & Advocacy Commission, and guardians, attorneys, social workers, case managers, and investigators employed by public guardians to the definition of "public official."