

West's Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 725. Criminal Procedure

Act 5. Code of Criminal Procedure of 1963 (Refs & Annos)

Title III. Proceedings After Arrest

Article 110. Pretrial Release (Refs & Annos)

725 ILCS 5/110-7.5

5/110-7.5. Previously deposited bail security

Effective: January 1, 2023

Currentness

§ 110-7.5. Previously deposited bail security.

(a) On or after January 1, 2023, any person having been previously released pretrial on the condition of the deposit of security shall be allowed to remain on pretrial release under the terms of their original bail bond. This Section shall not limit the State's Attorney's ability to file a verified petition for detention under Section 110-6.1 or a petition for revocation or sanctions under Section 110-6.

(b) On or after January 1, 2023, any person who remains in pretrial detention after having been ordered released with pretrial conditions, including the condition of depositing security, shall be entitled to a hearing under subsection (e) of Section 110-5.

On or after January 1, 2023, any person, not subject to subsection (b), who remains in pretrial detention and is eligible for detention under Section 110-6.1 shall be entitled to a hearing according to the following schedule:

(1) For persons charged with offenses under paragraphs (1) through (7) of subsection (a) of Section 110-6.1, the hearing shall be held within 90 days of the person's motion for reconsideration of pretrial release conditions.

(2) For persons charged with offenses under paragraph (8) of subsection (a) of Section 110-6.1, the hearing shall be held within 60 days of the person's motion for reconsideration of pretrial release conditions.

(3) For persons charged with all other offenses not listed in subsection (a) of Section 110-6.1, the hearing shall be held within 7 days of the person's motion for reconsideration of pretrial release conditions.

(c) Processing of previously deposited bail security. The provisions of this Section shall apply to all monetary bonds,

regardless of whether they were previously posted in cash or in the form of stocks, bonds, or real estate.

(1) Once security has been deposited and a charge is pending or is thereafter filed in or transferred to a court of competent jurisdiction, the latter court may continue the original security in that court or modify the conditions of pretrial release subject to the provisions of Section 110-6.

(2) After conviction, the court may order that a previously deposited security stand pending appeal, reconsider conditions of release, or deny release subject to the provisions of Section 110-6.2.

(3) After the entry of an order by the trial court granting or denying pretrial release pending appeal, either party may apply to the reviewing court having jurisdiction or to a justice thereof sitting in vacation for an order modifying the conditions of pretrial release or denying pretrial release subject to the provisions of Section 110-6.2.

(4) When the conditions of the previously posted bail bond have been performed and the accused has been discharged from all obligations in the cause, the clerk of the court shall return to the accused or to the defendant's designee by an assignment executed at the time the bail amount is deposited, unless the court orders otherwise, 90% of the sum which had been deposited and shall retain as bail bond costs 10% of the amount deposited. However, in no event shall the amount retained by the clerk as bail bond costs be less than \$5.

Notwithstanding the foregoing, in counties with a population of 3,000,000 or more, in no event shall the amount retained by the clerk as bail bond costs exceed \$100. Bail bond deposited by or on behalf of a defendant in one case may be used, in the court's discretion, to satisfy financial obligations of that same defendant incurred in a different case due to a fine, court costs, restitution or fees of the defendant's attorney of record. In counties with a population of 3,000,000 or more, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs and attorney's fees in the case in which the bail bond has been deposited and any other unpaid child support obligations are satisfied.

In counties with a population of less than 3,000,000, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs in the case in which the bail bond has been deposited.

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

(5) If there is an alleged violation of the conditions of pretrial release in a matter in which the defendant has previously deposited security, the court having jurisdiction shall follow the procedures for revocation of pretrial release or sanctions set forth in Section 110-6. The previously deposited security shall be returned to the defendant following the procedures of paragraph (4) of subsection (a) of this Section once the defendant has been discharged from all obligations in the cause.

(6) If security was previously deposited for failure to appear in a matter involving enforcement of child support or

maintenance, the amount of the cash deposit on the bond, less outstanding costs, may be awarded to the person or entity to whom the child support or maintenance is due.

(7) After a judgment for a fine and court costs or either is entered in the prosecution of a cause in which a deposit of security was previously made, the balance of such deposit shall be applied to the payment of the judgment.

Credits

Laws 1963, p. 2836, § 110-7.5, added by P.A. 102-1104, § 70, eff. Jan. 1, 2023.

725 I.L.C.S. 5/110-7.5, IL ST CH 725 § 5/110-7.5

Current through P.A. 103-471 of the 2023 Reg. Sess. Some statute sections may be more current, see credits for details.

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