



Sen. Terry Link

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LRB099 07774 RLC 36122 a

1 AMENDMENT TO HOUSE BILL 2569

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2569 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 113-4 as follows:

6 (725 ILCS 5/113-4) (from Ch. 38, par. 113-4)

7 Sec. 113-4. Plea. (a) When called upon to plead at  
8 arraignment the defendant shall be furnished with a copy of the  
9 charge and shall plead guilty, guilty but mentally ill, or not  
10 guilty.

11 (b) If the defendant stands mute a plea of not guilty shall  
12 be entered for him or her and the trial shall proceed on the  
13 ~~such~~ plea.

14 (c) If the defendant pleads guilty, the ~~such~~ plea shall not  
15 be accepted until the court shall have fully explained to the  
16 defendant the following:

1           (1) consequences of such plea and the maximum and  
2           minimum penalty provided by law for the offense which may  
3           be imposed by the court;

4           (2) any possible increased sentence by reason of the  
5           fact of a prior conviction and any possibility of the  
6           imposition of consecutive sentences; and

7           (3) any registration requirement that may result from  
8           the plea.

9           After the such explanation, the court shall ask the defendant  
10          in open court if the consequences of the defendant's guilty  
11          plea have been explained by defendant's counsel. If if the  
12          defendant answers in the affirmative and understandingly  
13          persists in his or her plea, it shall be accepted by the court  
14          and recorded. For purposes of this subsection (c),  
15          "consequences of the defendant's guilty plea" means all  
16          relevant consequences that the defendant's counsel shall  
17          explain in order for the defendant to make an informed  
18          decision. These consequences may include, but are not limited  
19          to, any possible increased sentence for a future conviction,  
20          any restrictions associated with a registration requirement  
21          that may result from the plea, or the reasonably foreseeable  
22          negative effect the plea may have on the defendant's ability to  
23          retain or obtain housing, retain or obtain employment, retain  
24          or obtain an occupational or driver's license, retain or obtain  
25          custody of a child, acquire loans, or possess a firearm. In  
26          determining what is a "reasonably foreseeable negative

1 effect", defendant's counsel may take into account the  
2 defendant's age, education level, prior criminal and driving  
3 record, the nature and length of any sentence that may or will  
4 be imposed for the offense, the prior or current employment or  
5 housing of the defendant, and any other factor in the  
6 defendant's background that makes it probable that the  
7 collateral consequence of defendant's conviction would or  
8 would not affect the defendant.

9 (d) If the defendant pleads guilty but mentally ill, the  
10 court shall not accept that ~~such a~~ plea until the defendant has  
11 undergone examination by a clinical psychologist or  
12 psychiatrist and the judge has examined the psychiatric or  
13 psychological report or reports, held a hearing on the issue of  
14 the defendant's mental condition and is satisfied that there is  
15 a factual basis that the defendant was mentally ill at the time  
16 of the offense to which the plea is entered.

17 (e) If a defendant pleads not guilty, the court shall  
18 advise him or her at that time or at any later court date on  
19 which he or she is present that if the defendant ~~he~~ escapes  
20 from custody or is released on bond and fails to appear in  
21 court when required by the court that his or her failure to  
22 appear would constitute a waiver of his or her right to  
23 confront the witnesses against him or her and trial could  
24 proceed in his or her absence.

25 (Source: P.A. 82-553.)".