



Sen. Terry Link

Filed: 5/10/2016

09900HB2569sam004

LRB099 07774 SLF 45264 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 and the trial shall proceed on such plea.

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

16 (1) ~~consequences of such plea and the maximum and~~

1 minimum penalty provided by law for the offense which may
2 be imposed by the court;

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

6 (3) any registration requirement that accompanies the
7 plea and the restrictions associated with the
8 registration; and

9 (4) the consequences of the plea on the defendant's
10 ability to:

11 (A) retain or obtain housing in the public or
12 private market;

13 (B) retain or obtain employment; and

14 (C) retain or obtain a firearm, an occupational
15 license, or a driver's license.

16 After such explanation if the defendant understandingly
17 persists in his plea it shall be accepted by the court and
18 recorded.

19 (d) If the defendant pleads guilty but mentally ill, the
20 court shall not accept such a plea until the defendant has
21 undergone examination by a clinical psychologist or
22 psychiatrist and the judge has examined the psychiatric or
23 psychological report or reports, held a hearing on the issue of
24 the defendant's mental condition and is satisfied that there is
25 a factual basis that the defendant was mentally ill at the time
26 of the offense to which the plea is entered.

1 (e) If a defendant pleads not guilty, the court shall
2 advise him at that time or at any later court date on which he
3 is present that if he escapes from custody or is released on
4 bond and fails to appear in court when required by the court
5 that his failure to appear would constitute a waiver of his
6 right to confront the witnesses against him and trial could
7 proceed in his absence.

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