



Sen. Terry Link

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09900HB2569sam005

LRB099 07774 SLF 48652 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) as a consequence of a conviction or a plea of  
4        guilty, the sentence for any future conviction may be  
5        increased or there may be a higher possibility of the  
6        imposition of consecutive sentences;

7        (3) as a consequence of a conviction or a plea of  
8        guilty, there may be registration requirements that  
9        restrict where the defendant may work, live, or be present;  
10       and

11       (4) as a consequence of a conviction or a plea of  
12       guilty, there may be an impact upon the defendant's ability  
13       to, among others:

14                (A) retain or obtain housing in the public or  
15                private market;

16                (B) retain or obtain employment; and

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

19        After such explanation if the defendant understandingly  
20        persists in his plea it shall be accepted by the court and  
21        recorded.

22        (d) If the defendant pleads guilty but mentally ill, the  
23        court shall not accept such a plea until the defendant has  
24        undergone examination by a clinical psychologist or  
25        psychiatrist and the judge has examined the psychiatric or  
26        psychological report or reports, held a hearing on the issue of

1 the defendant's mental condition and is satisfied that there is  
2 a factual basis that the defendant was mentally ill at the time  
3 of the offense to which the plea is entered.

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

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