

19-0768

ORDINANCE

Sponsored by

**THE HONORABLE LARRY SUFFREDIN, STANLEY MOORE, PETER N. SILVESTRI,
BRANDON JOHNSON AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

ARTICLE III. - PROTECTIONS FOR CHARITABLE ROTATING CRIMINAL BOND FUNDS AND THIRD-PARTY SURETIES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 18 Courts, Article III Charitable Rotating Criminal Bond Funds and Third-Party Sureties, Sections 18-48 through 18-49, of the Cook County Code is hereby enacted as Follows:

Sec. 18-48. – Definitions

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable Bond Fund means a not-for-profit 501c3, as defined by the Internal Revenue Service, organization that uses its funds to post bond for individuals who are detained at the Cook County Jail.

Third Party Surety means any individual who posts bond for an accused person and who does not have a legal duty to support the accused person.

Explicit Voluntary Consent means actual and informed consent and does not include consenting as a predicate to being allowed to post the bond.

Sec. 18-49. -Encourage posting of bond by Charitable Bond Funds and Third-Party Sureties

Cook County encourages Charitable Bond Funds and Third-Party Sureties to post bond for individuals who cannot afford to post bond. This policy will allow for more resources to be put toward Pre-Trial Services and less toward housing individuals at the Cook County Jail. Further, Cook County will work with the Chief Judge of Cook County to revise the local rules to encourage Judges to do the following:

(a) Not deem a criminal defendant whose deposit or cash bond is posted by a Charitable Bond Fund or Third-Party Surety to be ineligible for representation by the Cook County Public Defender's Office due to the posting of bond.

(b) Not order any bonds posted by a Charitable Bond Fund or Third-Party Surety to be used to pay attorney's fees without the surety's explicit voluntary consent. This prohibition applies to reimbursement to the County for representation by the Public Defender's Office.

(c) Order the Clerk of the Court not to deduct any fees, court costs, or penalties from bond funds that were posted by a Charitable Bond Fund or Third-Party Surety without the surety's explicit voluntary consent and, at the conclusion of the case, to return available funds to the Charitable Bond Fund or Third-Party Surety.

(d) In the instance where a judgment of forfeiture is ordered in favor of the state, order that no part of the amount deposited by the Charitable Bond Fund or Third-Party Surety shall be forfeited to the state.

(e) Order the Clerk of the Court to return bond monies posted by a Charitable Bond Fund or a Third-Party Surety within ten (10) business days of the conclusion of the case, and order funds posted by a Charitable Bond Fund to be returned via direct deposit.

Effective date: This Ordinance shall be in effect six months after adoption.

Approved and adopted this 26th of September 2019.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: KAREN A. YARBROUGH, County Clerk