

---

# Bail under the Judicial Article

John S. Boyle

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

---

## Recommended Citation

John S. Boyle, *Bail under the Judicial Article*, 17 DePaul L. Rev. 267 (1968)  
Available at: <https://via.library.depaul.edu/law-review/vol17/iss2/1>

This Article is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact [wsullivan6@depaul.edu](mailto:wsullivan6@depaul.edu), [c.mcclure@depaul.edu](mailto:c.mcclure@depaul.edu).

# DEPAUL LAW REVIEW

*Volume XVII*

WINTER 1968

*Number 2*

## BAIL UNDER THE JUDICIAL ARTICLE

JOHN S. BOYLE\*

### BAIL PROCEDURES

**T**HE CIRCUIT Court of Cook County, one of twenty-one Circuit Court complexes in the State of Illinois, is the largest trial court in the nation. Serving over half of the State's population, the Circuit Court of Cook County has replaced 161 courts which served the metropolitan area prior to January 1, 1964.<sup>1</sup>

The bail system in Cook County is a by-product of a streamlined court system and an advanced bail concept. Numbering among the accomplishments of this unique bail system is a ten percent bail provision,<sup>2</sup> a liberal use of release upon recognizance,<sup>3</sup> a reliance upon punitive rather than pecuniary measures to deter bail jumping<sup>4</sup> and a twenty-four hour bond court.

The eighth amendment to the Constitution of the United States

*\* JUDGE BOYLE is Chief Judge of the Circuit Court of Cook County, Illinois. He received his LL.B. from DePaul University and is a member of the Illinois Bar. He has served as Assistant Corporate Counsel, States' Attorney, Master in Chancery, Judge of the Superior Court of Cook County and Chief Justice of the Criminal Court of Cook County. Judge Boyle was awarded the first Lincoln Academy Award in the Field of Law as well as the Catholic Women's Club of Illinois VIP Citation in Juris Prudence.*

<sup>1</sup> ILL. CONST. art. VI, § 8. Article VI consisting of sections 1-21 and a schedule composed of paragraphs 1-13 was adopted by the electors at the general election on November 6, 1962, to become effective January 1, 1964, as an amendment to the original article VI, consisting of sections 1-33, incorporated in the Constitution of 1870.

<sup>2</sup> ILL. REV. STAT. ch. 38, § 110-7 (1965).

<sup>3</sup> ILL. REV. STAT. ch. 38, § 110-2 (1965).

<sup>4</sup> ILL. REV. STAT. ch. 38, § 32-10 (1965).

provides that "excessive bail shall not be required" and section 7 of article II of the Illinois Constitution requires that "All persons shall beailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great . . . ." In addition to the fundamental principles underlying the granting of bail, the Illinois General Assembly has provided that "All persons shall beailable before conviction, except when death is a possible punishment for the offenses charged and the proof is evident or the presumption great that the person is guilty of the offense."<sup>5</sup>

Supported by a firm constitutional basis, the administration of bail in Illinois proceeds by utilizing three basic provisions of the Illinois Code of Criminal Procedure: section 110-2 which allows release on recognizance,<sup>6</sup> section 110-7 which grants release upon the posting of ten percent of the amount of the bail by the person for whom bail has been set<sup>7</sup> and section 110-8 which allows a security deposit of cash, stocks and bonds or real estate to be posted as bail in lieu of the ten percent deposit provided for by section 110-7.<sup>8</sup>

Since the setting of bail is an inherently judicial function, a judicial officer must set the amount of bail for the particular offense in all cases. The magistrate or judge setting bail is guided by the provisions of section 110-5 in determining the amount of bail.

The amount of bail shall be: (1) Sufficient to assure compliance with the conditions set forth in the bail bond;<sup>9</sup> (2) Not oppressive; (3) Commensurate with the nature of the offense charged; (4) Considerate of the past criminal acts and conduct of the defendant and (5) Considerate of the financial ability of the accused.<sup>10</sup>

When bail has been set by a judicial officer, any sheriff or peace officer may take bail, release the offender and deposit such bail with the clerk of the court.<sup>11</sup> All felony bonds must be set individually by a judicial officer. Specified misdemeanor, quasi-criminal offense, traffic and conservation case bonds may be prescribed uniformly by rule of court.<sup>12</sup> This allows the accused to post bond with the arresting agency

<sup>5</sup> ILL. REV. STAT. ch. 38, § 110-4 (1965).

<sup>6</sup> ILL. REV. STAT. ch. 38, § 110-2 (1965).

<sup>7</sup> ILL. REV. STAT. ch. 38, § 110-7 (1965).

<sup>8</sup> ILL. REV. STAT. ch. 38, § 110-8 (1965).

<sup>9</sup> Conditions of the bail bond are set out by ILL. REV. STAT. ch. 38, § 110-10 (1963).

<sup>10</sup> ILL. REV. STAT. ch. 38, § 110-5 (1965).

<sup>11</sup> ILL. REV. STAT. ch. 38, § 110-9 (1965).

<sup>12</sup> ILL. REV. STAT. ch. 38, § 110-15 (1967).

and obtain immediate release when a judge or magistrate is not available and when bail is deposited in accordance with the amount pre-set by rule.<sup>13</sup> Individual determination of the bond amount may thus appear to be side-stepped. However, the accused still retains the right to have his bail reviewed by a judge or magistrate if he so prefers.<sup>14</sup> The ten percent cash with a minimum \$25 deposit, the full cash deposit and the security property deposits are still available to the accused for all offenses aforementioned.

Under recent legislative enactment, chapter 38, section 110-15 was amended. The amendment provides that the Illinois Supreme Court may, by rule or order, prescribe a uniform schedule of amounts of bail in specified traffic and conservation cases, quasi-criminal offenses and misdemeanors whereby the ten percent provisions of section 110-7 shall not apply to bail amounts established for alleged violations punishable by fine alone, and that in specified traffic cases a valid Illinois driver's license must be deposited if the accused wishes to avail himself of the ten percent bail provisions.<sup>15</sup>

Provision has been made in Cook County to grant physical release upon bail to any accused within two or three hours of arrest. Often it is accomplished within minutes. Cook County's 954 square miles have been apportioned for purposes of judicial administration into six municipal districts. District number one, services 3½ million inhabitants of Chicago and covers an area of 227 square miles. Districts two through six service a proportionate share of the remainder of suburban Cook County's two million people dispersed throughout its 120 cities, villages and towns.

Bail may be posted or accepted in accordance with the uniform court schedule for the specified misdemeanors, quasi-criminal offenses, traffic and conservation cases in any police station, sheriff's office or jail, or other county, municipal or other building housing governmental units, or a division headquarters building of the Illinois Highway Police within districts one through six.<sup>16</sup> The accused may then be released immediately. When an offender is charged with a felony or either cannot or does not post bond in accordance with the uniform

<sup>13</sup> ILL. REV. STAT. ch. 16, § 81 (1967).

<sup>14</sup> ILL. REV. STAT. ch. 16, § 83 (1965).

<sup>15</sup> ILL. REV. STAT. ch. 38, § 110-15 (1967).

<sup>16</sup> General Order of the Circuit Court of Cook County No. 8, January 2, 1964.

schedule, he must appear before a judicial officer in order to obtain release. In Cook County a judge is available twenty-four hours a day, within the vicinity of the occurrence of the offense specifically for the purpose of setting bail.

The Court has established a twenty-four hour bond court in the City of Chicago, Municipal District One. The city is divided into twenty-one police districts. Each district is electronically linked with central headquarters which houses bond court. During court hours from nine to five, applications for bail for persons arrested must be made to the judge presiding in a court where the case is assigned. If the case has not yet at that time been assigned, application must be made to bond court. Bond court functions 365 days per year and twenty-four hours per day. All persons who have not been released by rule of court who are in custody and who are formally charged (booked) must appear in court. Upon arrest the arresting agency transports the accused to appear personally before Bond Court. The judge who will set bail has the police arrest report, the complaint and the previous criminal record of the accused available for immediate consideration. The judge makes inquiry as to the various residences and durations, marital status, family, employment, social, church and club affiliations and state of health of the accused. Notwithstanding the fact that the accused may have been informed of his rights at the time of arrest or that he will again be so informed at his preliminary hearing the accused is advised as to: (1) the nature of his charge; (2) his right to remain silent and the fact that any statement he may make may be used against him; (3) his right to counsel; (4) his right to communicate with his attorney and family in any reasonable manner; (5) his right to be released on bail after executing the proper bond and agreeing to comply with the conditions of the bail bond<sup>17</sup> and (6) the penalties for violation of the bond. Guided by chapter 38, section 110-5 the judge then sets bail. The accused is then advised that if he cannot make bail because it is too high he can petition to reduce it or if he is indigent he can petition that he be released on his own recognizance.

Further review of the bail set can be accomplished in the preliminary

<sup>17</sup> The conditions of the bail bond are expressed in chapter 38, section 110-10. "If a person is admitted to bail before conviction the conditions of the bail bond shall be that he will: (1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court; (2) Submit himself to the orders and process of the court; and (3) Not depart this State without leave."

hearing which is heard at nine o'clock on the morning following the arrest of the accused. Bail may be increased or reduced by the court before which the proceeding is pending based upon further personal interrogation of the defendant, argument of counsel and testimony of witnesses. If the defendant is unable to make bail he is transmitted to the County Jail or House of Correction to await trial. As soon as it is determined by court records that the defendant is being held pending trial for failure to post bond, an assistant Public Defender interviews him to determine his suitability for a release upon individual recognizance.<sup>18</sup> The assistant inquires into the charge, the defendant's police and employment record, his length of residence in the community, his family ties and general background. The information obtained is then verified. A recommendation for release of the defendant on his own recognizance is then presented to the court which may grant the recognizance bond. Released defendants are given a card, verifying the time, date and place of their next required appearance. All defendants who are not released on bond are set on an accelerated trial schedule, trial usually being set within a week of the preliminary hearing. At any time after failure to post bond, upon application by the defendant, the court before which the proceeding is pending may reduce the amount of bail or alter the conditions of the bail bond.<sup>19</sup> All that is necessary on the part of the defendant is that reasonable notice of the application to reduce bail be given to the State's Attorney, which is in most cases waived by the State's Attorney, especially where the defendant is not represented by an attorney.

[I]t is obvious that excessive pre-trial confinement of defendants in criminal cases most frequently is not the fault of the judiciary or the prosecuting authorities. Counsel for defendants, whether privately retained, court-appointed or in a Public Defender's office, must take the initiative in presenting motions for reduction of bail or in proper cases in urging the entry of r.o.r. orders.<sup>20</sup>

#### ELIMINATION OF BONDSMEN

Given a new Bail Article, the Circuit Court of Cook County immediately proceeded with its administrative and judicial authority<sup>21</sup>

<sup>18</sup> From February 1, 1967 to October 1, 1967 the Public Defender's Office interviewed 1,486 defendants who had not been able to make bail. Pursuant to these interviews 777 were released on their own recognizance.

<sup>19</sup> ILL. REV. STAT. ch. 38, § 110-6 (1965).

<sup>20</sup> Kamin, *Bail Administration in Illinois*, 53 ILL. B.J. 674, 683 (1965).

<sup>21</sup> ILL. CONST. art. VI § 8.

to ferret out what constituted some very grave defects in the pre-1965 bail system. The major difficulties in the bail process centered around the professional bail bond business. More specifically the problems of the unlawful activities of certain professional bail bondsmen and collection of forfeited bonds required immediate solution.

"By common consent a major evil in our American administration of justice . . . is the professional bondsman."<sup>22</sup> The abuses of the professional bail bond business have been notorious.<sup>23</sup> In Cook County, however, the problem was resolved. There is no record of a bondsman having posted a full cash bond since September of 1965. In Cook County the professional bail bondsman no longer holds the keys to the jail in his pockets.

The reason for the abrupt disappearance of the bail bondsman has been due primarily to the success of the ten percent bail deposit provision.<sup>24</sup> The operation of this provision proceeds upon a simple theory: the accused is given the right to be released upon depositing with the court clerk, in cash, ten percent of the amount set as his bail. Ninety percent of that deposit is refunded when the accused returns for trial and the case is adjudicated or disposed of by a final order. The total net cost of the bond is therefore ten percent of the deposit or one percent of its face amount as compared with up to ten percent of its face amount charged by a bail bondsman.<sup>25</sup> The accused, in the alternative, is also allowed to deposit the full amount of bail in cash, stocks or bonds, or double the amount of bail in real estate if he so prefers.<sup>26</sup> By posting the full amount of bail, he is able to avoid payment of the one percent bail cost. In 1965 the Illinois General Assembly made the provisions of section 110-7 and section 110-8 the exclusive methods of "giving, taking or enforcement of bail."<sup>27</sup> This enactment signaled the end of the criminal bail bond business.

<sup>22</sup> BEELEY, *THE BAIL SYSTEM IN CHICAGO* 39 (1927).

<sup>23</sup> Some of the more common abuses were overcharges of bail fees, taking security pledges and failing to return them to the owner and collecting money reimbursements for forfeited bond judgments which were later vacated. *See also* FREED & WALD, *BAIL IN THE UNITED STATES*: 1964 34 (1964).

<sup>24</sup> Section 110-7 of the Illinois Code of Criminal Procedure served as a model for section 3146(a) of the United States Code as amended in 1966. (18 U.S.C.A. § 3146).

<sup>25</sup> The statutory maximum that can be charged by a bail bondsman is ten percent of the face amount of the bond and the statutory minimum is ten dollars. ILL. REV. STAT. ch. 16, § 62(d) (1965).

<sup>26</sup> ILL. REV. STAT. ch. 38, § 110-8 (1965).

<sup>27</sup> ILL. REV. STAT. ch. 38, § 110-15 (1965).

Under the old Bail Bond Act, bondsmen could procure the release of their customers simply by signing a power of attorney on their bonds.<sup>28</sup> At this time there are only two means of depositing bail, neither of which fulfills the purpose of the professional bondsman. Bail bondsmen are expressly precluded from depositing ten percent in cash for their clients by the language of section 110-7. "The person for whom bail has been set shall execute the bail and deposit with the clerk of the court before which the proceeding is pending a sum of money equal to 10% of the bail. . . ."<sup>29</sup> Clerks have been instructed that no surety or professional bondsman may make the deposit upon or execute a ten percent bail bond. They have been further instructed that all refunds, checks, and receipts be endorsed, made payable and delivered directly to the defendant only. Bondsmen do not find it profitable to deposit with the clerk of the court an amount equal to the required bail as ordained by section 110-8. To come to the clerk of the court with a one hundred percent cash or securities deposit or a pledge of real estate worth double the amount of the bond would entail an uneconomical placement of assets for any bondsman or surety company.

The constitutionality of sections 110-7 and 110-8 operating as the exclusive methods of depositing bail was upheld by the Illinois Supreme Court in *People ex rel. Gendron v. Ingram*.<sup>30</sup> In that case the petitioner, Gendron, was indicted in the Circuit Court of Peoria County in January of 1966 for the crime of burglary and his bail was fixed at five thousand dollars. Gendron did not have five hundred dollars to post as ten percent of the amount of bail as required by section 110-7 nor did he have any stocks and bonds or real estate to deposit as security under section 110-8. He was, however, able to obtain the signature of a surety. No cash, stocks, and bonds or real estate were deposited with the clerk of the court as security and the surety bond was refused. The surety company was licensed under the Bail Bond Act<sup>31</sup> and had on deposit with the Director of Insurance securities in the amount of fifteen thousand dollars and capital stock and surplus in excess of one million dollars. It was argued that the surety company was a sufficient surety within the meaning of section 7 of article II

<sup>28</sup> ILL. REV. STAT. ch. 16, § 51 (1961).

<sup>29</sup> ILL. REV. STAT. ch. 38, § 110-7(a) (1965).

<sup>30</sup> 34 Ill. 2d 623, 217 N.E.2d 803 (1966).

<sup>31</sup> ILL. REV. STAT. ch. 16, §§ 51-65 (1965).

of the Illinois Constitution and that it need not deposit security for the full amount of the bail. It was further argued that section 110-15 was discriminatory against those persons charged with a crime who could not provide the ten percent deposit but could furnish a surety. In denying both of the above contentions the court founded its opinion upon the purpose of bail. The purpose of article II, section 7 "is to give the accused liberty until he is proved guilty, but yet have some assurance that he will appear for trial."<sup>32</sup> "Sufficient sureties," the court went on to say, "means sufficient to accomplish the purpose of bail, not just the ability to pay in the event of a 'skip.'" "Experience shows that the method of allowing a person to make bond with a professional surety does not accomplish the purpose of bail."<sup>33</sup> It is very apparent that the legislative intention to "severely restrict the activities of professional bail bondsmen and to reduce the cost of liberty to arrested persons awaiting trial"<sup>34</sup> has been approved by the Illinois Supreme Court.

The ten percent bail deposit has completely replaced the bond writing activities of the professional bail bondsman. Statistics for the Municipal Court of Chicago, now Municipal District One, show that in 1962, 51,161 professional bail bonds were written. Data for 1966 shows that no professional bonds were written and 68,355 ten percent bonds were posted. Total collections by the Municipal Court of Chicago on Scire Facias judgments and costs for bond forfeitures amounted to \$183,938 in 1962. In 1966, \$339,881 was accumulated due solely to the one percent amount retained by the clerk as costs under section 110-7(f)<sup>35</sup> and an additional \$312,130 was satisfied from ten percent deposits on forfeited bonds.

Professional bondsmen and surety company representatives predicted at the advent of the ten percent deposit system that forfeitures under the proposed plan would be as high as ninety percent since no defendant would bother to appear if he had no professional bondsman to fear.<sup>36</sup> In the Municipal Court of Chicago in 1962, 51,161 profes-

<sup>32</sup> *People ex. rel. Gendron v. Ingram*, 34 Ill. 2d 623, 625, 217 N.E.2d 803, 805 (1966).

<sup>33</sup> *Id.* at 626, 217 N.E.2d at 805-06.

<sup>34</sup> ILL. ANN. STAT. ch. 38 Committee Comments at p. 145 (S.H. 1965).

<sup>35</sup> ILL. REV. STAT. ch. 38, § 110-7(f) (1965).

<sup>36</sup> Bowman, *The Illinois Ten Per Cent Bail Deposit Provision*, 1965 LAW FORUM 35, 38. "Bondsmen and sheriffs in Illinois object to the 10% cash deposit system on the ground that it will cost \$500 to bring back someone who deposited only \$300 to begin

sional bail bonds were written and 5,487 forfeited, a forfeiture rate of ten percent. Figures for Municipal District One show that in 1964, 27,956 ten percent bonds were written and 2,154 forfeited, a seven percent forfeiture rate. In 1965, 46,418 ten percent bonds were written and 4,910 forfeited, a ten percent forfeiture rate and in 1966, 68,355 ten percent bonds were written and 8,106 forfeited for an eleven percent rate. Also in 1966, 990 ten percent bonds were written in the criminal court and 72 forfeited for a seven percent forfeiture rate.

The bondsmen's ominous predictions have failed to crystallize into fact. Little change, if any, can be seen between the forfeiture rate under the professional bail bond system and the forfeiture rate under the present ten percent bond deposit system. More revenue has accrued to the court as a by-product of the ten percent provision than was collected by deliberate effort prior to the 1965 system. The success of the ten percent bail deposit plan is undeniable.

#### COLLECTION OF FORFEITED BONDS

It has been stated that in the three year period from 1956 to 1959, the Municipal Court of Chicago recorded only one forfeiture payment of \$5,955.<sup>37</sup> A 1960 investigation disclosed that \$300,000 in forfeitures had been set aside. Their reinstatement caused five bonding companies to go out of business.<sup>38</sup> It was reported to the Joint Committee on the Revision of the Illinois Criminal Code that from December, 1960 to April 17, 1962, \$133,366 was collected on Scire Facias judgments in the Municipal Court of Chicago.<sup>39</sup>

With a view towards a more efficient regulation of the surety bond business and with a further regard for uniform administration of bail in Cook County, the Office of the Chief Judge under its administrative authority to provide for specialized divisions established the Surety Section.<sup>40</sup> Functioning as an arm of the Office of the Chief Judge, the Surety Section is granted specific authority to collect and enforce

---

with. Some predict that Illinois new cash deposit statute will cause forfeitures to increase four to five times over their present rate." FREED & WALD, BAIL IN THE UNITED STATES: 1964 31 n. (1964).

<sup>37</sup> FREED & WALD, *supra* note 36, at 30.

<sup>38</sup> FREED & WALD, *supra* note 36, at 30.

<sup>39</sup> ILL. ANN. STAT. ch. 38 Committee Comments at p. 148 (S.H. 1965).

<sup>40</sup> ILL. CONST. art. VI, § 8; ILL. S. CT. R. 21(b); General Order of the Circuit Court of Cook County No. 1.1 (Revised) March 1 and 7, 1966.

liabilities arising from surety obligations. Staffed by a full time Magistrate, it is empowered to authorize, revoke authorization of and generally supervise sureties and their agents. Magistrate Louis J. Giliberto, Supervising Magistrate of the Surety Section, heard over 18,000 cases and collected in excess of one million dollars on outstanding professional bond forfeitures in the year 1966 alone, and in the year 1965 he heard 17,932 cases and collected \$660,715. It is the continuing responsibility of the Surety Section to administer the twenty-four hour bail court and to insure orderly compliance with the bail article.

A glance at the compiled statistics at the bottom of this page points out that the most frequently posted bond is the full cash bond. The reason for this is that most offenses charged are minor misdemeanors,

BOND FORFEITURES  
MUNICIPAL DISTRICT NO. 1

|                 | CASH<br>BONDS | 10 PERCENT<br>BONDS | RECOGNIZANCE<br>BONDS |
|-----------------|---------------|---------------------|-----------------------|
| 1964            |               |                     |                       |
| BONDS FORFEITED |               |                     |                       |
| criminal        | 318           | 1,429               | 67                    |
| traffic         | <u>1,222</u>  | <u>725</u>          | <u>379</u>            |
| total           | 1,540         | 2,154               | 446                   |
| BONDS POSTED    | 100,504       | 27,956              | 6,465                 |
| FORFEITURE RATE | 1½%           | 7½%                 | 7%                    |
| 1965            |               |                     |                       |
| BONDS FORFEITED |               |                     |                       |
| criminal        | 298           | 2,483               | 740                   |
| traffic         | <u>2,454</u>  | <u>2,427</u>        | <u>822</u>            |
| total           | 2,752         | 4,910               | 1,562                 |
| BONDS POSTED    | 107,166       | 46,418              | 10,002                |
| FORFEITURE RATE | 2%            | 10½%                | 15%                   |
| 1966            |               |                     |                       |
| BONDS FORFEITED |               |                     |                       |
| criminal        | 419           | 3,637               | 1,276                 |
| traffic         | <u>6,861</u>  | <u>4,469</u>        | <u>1,048</u>          |
| total           | 7,280         | 8,106               | 2,324                 |
| BONDS POSTED    | 111,227       | 68,355              | 11,237                |
| FORFEITURE RATE | 6½%           | 11%                 | 20½%                  |
| CRIMINAL COURT  |               |                     |                       |
| 1966            |               |                     |                       |
| BONDS FORFEITED | 0             | 72                  | 40                    |
| BONDS POSTED    | 0             | 990                 | 295                   |
| FORFEITURE RATE |               | 7%                  | 13½%                  |

quasi-criminal and traffic offenses for which the bond is usually set at twenty-five dollars by court rule. It can be stated with a reasonable degree of certainty however, that where the total bond exceeds twenty-five dollars the ten percent cash deposit is used.<sup>41</sup> Crimes for which the ten percent bond is most often used are felonies, major misdemeanors and major traffic offenses such as driving while intoxicated or leaving the scene of an accident.

Forfeiture rates for cash bonds are relatively low. Ten percent bond forfeitures do not significantly exceed that of their predecessor, the professional surety bond, while it is to be noted that the volume of use of the ten percent bonds exceeds that of the professional bond.<sup>42</sup>

It is within the spirit of the Illinois Code of Criminal Procedure to rely upon criminal sanctions rather than financial loss to assure the appearance of the accused.<sup>43</sup> Release upon individual recognizance has been given liberal use in Cook County since the beginning of the unified court system in 1964. There has been an almost one hundred percent increase of recognizance bonds written between 1964 and 1966. In 1964, 6,465 recognizance bonds were posted, in 1965, 10,002, and in 1966, 11,237. From the viewpoint of forfeitures, 446 individuals failed to appear in 1964, a seven percent forfeiture rate, 1,562 individuals failed to appear in 1965 a fifteen percent forfeiture rate and 2,324 individuals failed to appear in 1966 for a 20 percent forfeiture rate.

The statistics on forfeitures of individual recognizance bonds encourage review.

<sup>41</sup> An individual will at times post a full cash bond to avoid payment of the one percent net cost retained when the ten percent bond is refunded.

<sup>42</sup> In 1962, 51,161 professional bail bonds were written and 10 percent forfeited. In 1966, 68,355 ten percent bonds were written and eleven percent forfeited.

<sup>43</sup> ILL. REV. STAT. ch. 38, § 110-2 (1965).