

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended  
5 by changing Section 5-6-1 as follows:

6 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

7 Sec. 5-6-1. Sentences of Probation and of Conditional  
8 Discharge and Disposition of Supervision. The General  
9 Assembly finds that in order to protect the public, the  
10 criminal justice system must compel compliance with the  
11 conditions of probation by responding to violations with  
12 swift, certain and fair punishments and intermediate  
13 sanctions. The Chief Judge of each circuit shall adopt a  
14 system of structured, intermediate sanctions for violations  
15 of the terms and conditions of a sentence of probation,  
16 conditional discharge or disposition of supervision.

17 (a) Except where specifically prohibited by other  
18 provisions of this Code, the court shall impose a sentence of  
19 probation or conditional discharge upon an offender unless,  
20 having regard to the nature and circumstance of the offense,  
21 and to the history, character and condition of the offender,  
22 the court is of the opinion that:

23 (1) his imprisonment or periodic imprisonment is  
24 necessary for the protection of the public; or

25 (2) probation or conditional discharge would  
26 deprecate the seriousness of the offender's conduct and  
27 would be inconsistent with the ends of justice.

28 The court shall impose as a condition of a sentence of  
29 probation, conditional discharge, or supervision, that the  
30 probation agency may invoke any sanction from the list of  
31 intermediate sanctions adopted by the chief judge of the

1 circuit court for violations of the terms and conditions of  
2 the sentence of probation, conditional discharge, or  
3 supervision, subject to the provisions of Section 5-6-4 of  
4 this Act.

5 (b) The court may impose a sentence of conditional  
6 discharge for an offense if the court is of the opinion that  
7 neither a sentence of imprisonment nor of periodic  
8 imprisonment nor of probation supervision is appropriate.

9 (c) The court may, upon a plea of guilty or a  
10 stipulation by the defendant of the facts supporting the  
11 charge or a finding of guilt, defer further proceedings and  
12 the imposition of a sentence, and enter an order for  
13 supervision of the defendant, if the defendant is not charged  
14 with: (i) a Class A misdemeanor, as defined by the following  
15 provisions of the Criminal Code of 1961: Sections 12-3.2;  
16 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of  
17 Section 21-1; paragraph (1) through (5), (8), (10), and (11)  
18 of subsection (a) of Section 24-1; and--Section--1--of--the  
19 Boarding-Aircraft-With-Weapon-Act; (ii) a Class A misdemeanor  
20 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care  
21 for Animals Act; or (iii) a felony. If the defendant is not  
22 barred from receiving an order for supervision as provided in  
23 this subsection, the court may enter an order for supervision  
24 after considering the circumstances of the offense, and the  
25 history, character and condition of the offender, if the  
26 court is of the opinion that:

27 (1) the offender is not likely to commit further  
28 crimes;

29 (2) the defendant and the public would be best  
30 served if the defendant were not to receive a criminal  
31 record; and

32 (3) in the best interests of justice an order of  
33 supervision is more appropriate than a sentence otherwise  
34 permitted under this Code.

1 (d) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating Section 11-501 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance when the defendant has previously been:

5 (1) convicted for a violation of Section 11-501 of  
6 the Illinois Vehicle Code or a similar provision of a  
7 local ordinance or any similar law or ordinance of  
8 another state; or

9 (2) assigned supervision for a violation of Section  
10 11-501 of the Illinois Vehicle Code or a similar  
11 provision of a local ordinance or any similar law or  
12 ordinance of another state; or

13 (3) pleaded guilty to or stipulated to the facts  
14 supporting a charge or a finding of guilty to a violation  
15 of Section 11-503 of the Illinois Vehicle Code or a  
16 similar provision of a local ordinance or any similar law  
17 or ordinance of another state, and the plea or  
18 stipulation was the result of a plea agreement.

19 The court shall consider the statement of the prosecuting  
20 authority with regard to the standards set forth in this  
21 Section.

22 (e) The provisions of paragraph (c) shall not apply to a  
23 defendant charged with violating Section 16A-3 of the  
24 Criminal Code of 1961 if said defendant has within the last 5  
25 years been:

26 (1) convicted for a violation of Section 16A-3 of  
27 the Criminal Code of 1961; or

28 (2) assigned supervision for a violation of Section  
29 16A-3 of the Criminal Code of 1961.

30 The court shall consider the statement of the prosecuting  
31 authority with regard to the standards set forth in this  
32 Section.

33 (f) The provisions of paragraph (c) shall not apply to a  
34 defendant charged with violating Sections 15-111, 15-112,

1 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
2 Section 11-1414 of the Illinois Vehicle Code or a similar  
3 provision of a local ordinance.

4 (g) Except as otherwise provided in paragraph (i) of  
5 this Section, the provisions of paragraph (c) shall not apply  
6 to a defendant charged with violating Section 3-707, 3-708,  
7 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
8 provision of a local ordinance if the defendant has within  
9 the last 5 years been:

10 (1) convicted for a violation of Section 3-707,  
11 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or  
12 a similar provision of a local ordinance; or

13 (2) assigned supervision for a violation of Section  
14 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
15 Code or a similar provision of a local ordinance.

16 The court shall consider the statement of the prosecuting  
17 authority with regard to the standards set forth in this  
18 Section.

19 (h) The provisions of paragraph (c) shall not apply to a  
20 defendant under the age of 21 years charged with violating a  
21 serious traffic offense as defined in Section 1-187.001 of  
22 the Illinois Vehicle Code:

23 (1) unless the defendant, upon payment of the  
24 fines, penalties, and costs provided by law, agrees to  
25 attend and successfully complete a traffic safety program  
26 approved by the court under standards set by the  
27 Conference of Chief Circuit Judges. The accused shall be  
28 responsible for payment of any traffic safety program  
29 fees. If the accused fails to file a certificate of  
30 successful completion on or before the termination date  
31 of the supervision order, the supervision shall be  
32 summarily revoked and conviction entered. The provisions  
33 of Supreme Court Rule 402 relating to pleas of guilty do  
34 not apply in cases when a defendant enters a guilty plea

1 under this provision; or

2 (2) if the defendant has previously been sentenced  
3 under the provisions of paragraph (c) on or after January  
4 1, 1998 for any serious traffic offense as defined in  
5 Section 1-187.001 of the Illinois Vehicle Code.

6 (i) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Section 3-707 of the  
8 Illinois Vehicle Code or a similar provision of a local  
9 ordinance if the defendant has been assigned supervision for  
10 a violation of Section 3-707 of the Illinois Vehicle Code or  
11 a similar provision of a local ordinance.

12 (j) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating Section 6-303 of the  
14 Illinois Vehicle Code or a similar provision of a local  
15 ordinance when the revocation or suspension was for a  
16 violation of Section 11-501 or a similar provision of a local  
17 ordinance, a violation of Section 11-501.1 or paragraph (b)  
18 of Section 11-401 of the Illinois Vehicle Code, or a  
19 violation of Section 9-3 of the Criminal Code of 1961 if the  
20 defendant has within the last 10 years been:

21 (1) convicted for a violation of Section 6-303 of  
22 the Illinois Vehicle Code or a similar provision of a  
23 local ordinance; or

24 (2) assigned supervision for a violation of Section  
25 6-303 of the Illinois Vehicle Code or a similar provision  
26 of a local ordinance.

27 (Source: P.A. 90-369, eff. 1-1-98; 90-738, eff. 1-1-99;  
28 90-784, eff. 1-1-99; 91-114, eff. 1-1-00; 91-357, eff.  
29 7-29-99.)

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.