



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1483

Introduced 02/10/05, by Rep. Lisa M. Dugan - Paul D. Froehlich

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-1

from Ch. 38, par. 1005-6-1

Amends the Unified Code of Corrections. Provides that supervision is not available to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

LRB094 05026 RLC 37106 b

1 AN ACT concerning 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 by  
5 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 Assembly  
9 finds that in order to protect the public, the criminal justice  
10 system must compel compliance with the conditions of probation  
11 by responding to violations with swift, certain and fair  
12 punishments and intermediate sanctions. The Chief Judge of each  
13 circuit shall adopt a system of structured, intermediate  
14 sanctions for violations of the terms and conditions of a  
15 sentence of probation, conditional discharge or disposition of  
16 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 deprecate  
26 the seriousness of the offender's conduct and would be  
27 inconsistent with the ends of justice; or

28 (3) a combination of imprisonment with concurrent or  
29 consecutive probation when an offender has been admitted  
30 into a drug court program under Section 20 of the Drug  
31 Court Treatment Act is necessary for the protection of the  
32 public and for the rehabilitation of the offender.

1           The court shall impose as a condition of a sentence of  
2 probation, conditional discharge, or supervision, that the  
3 probation agency may invoke any sanction from the list of  
4 intermediate sanctions adopted by the chief judge of the  
5 circuit court for violations of the terms and conditions of the  
6 sentence of probation, conditional discharge, or supervision,  
7 subject to the provisions of Section 5-6-4 of this Act.

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

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

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

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

35           (d) The provisions of paragraph (c) shall not apply to a  
36 defendant charged with violating Section 11-501 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance when  
2 the defendant has previously been:

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

7 (2) assigned supervision for a violation of Section  
8 11-501 of the Illinois Vehicle Code or a similar provision  
9 of a local ordinance or any similar law or ordinance of  
10 another state; or

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

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

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

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

26 (2) assigned supervision for a violation of Section  
27 16A-3 of the Criminal Code of 1961.

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

31 (f) The provisions of paragraph (c) shall not apply to a  
32 defendant charged with violating Sections 15-111, 15-112,  
33 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
34 Section 11-1414 of the Illinois Vehicle Code or a similar  
35 provision of a local ordinance.

36 (g) Except as otherwise provided in paragraph (i) of this

1 Section, the provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating Section 3-707, 3-708, 3-710,  
3 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
4 of a local ordinance if the defendant has within the last 5  
5 years been:

6 (1) convicted for a violation of 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; or

9 (2) assigned supervision for a violation of Section  
10 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
11 Code or a similar provision of a local ordinance.

12 The court shall consider the statement of the prosecuting  
13 authority with regard to the standards set forth in this  
14 Section.

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

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

31 (2) if the defendant has previously been sentenced  
32 under the provisions of paragraph (c) on or after January  
33 1, 1998 for any serious traffic offense as defined in  
34 Section 1-187.001 of the Illinois Vehicle Code.

35 (i) The provisions of paragraph (c) shall not apply to a  
36 defendant charged with violating Section 3-707 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance if the  
2 defendant has been assigned supervision for a violation of  
3 Section 3-707 of the Illinois Vehicle Code or a similar  
4 provision of a local ordinance.

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

14 (1) convicted for a violation of Section 6-303 of the  
15 Illinois Vehicle Code or a similar provision of a local  
16 ordinance; or

17 (2) assigned supervision for a violation of Section  
18 6-303 of the Illinois Vehicle Code or a similar provision  
19 of a local ordinance.

20 (k) The provisions of paragraph (c) shall not apply to a  
21 defendant charged with violating any provision of the Illinois  
22 Vehicle Code or a similar provision of a local ordinance that  
23 governs the movement of vehicles if, within the 12 months  
24 preceding the date of the defendant's arrest, the defendant has  
25 been assigned court supervision for a violation that governs  
26 the movement of vehicles under the Illinois Vehicle Code or a  
27 similar provision of a local ordinance.

28 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05.)