

1 AN ACT concerning driving offenses, which may be referred
2 to as Matt's Law.

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

5 Section 5. The Illinois Vehicle Code is amended by changing
6 Section 11-501.6 as follows:

7 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

8 Sec. 11-501.6. Driver involvement in serious personal
9 injury or fatal motor vehicle accident - chemical test.

10 (a) Any person who drives or is in actual control of a
11 motor vehicle upon the public highways of this State and who
12 has been involved in a personal injury or fatal motor vehicle
13 accident, shall be deemed to have given consent to a breath
14 test using a portable device as approved by the Department of
15 State Police or to a chemical test or tests of blood, breath,
16 or urine for the purpose of determining the content of alcohol,
17 other drug or drugs, or intoxicating compound or compounds of
18 such person's blood ~~if arrested as evidenced by the issuance of~~
19 ~~a Uniform Traffic Ticket for any violation of the Illinois~~
20 ~~Vehicle Code or a similar provision of a local ordinance, with~~
21 ~~the exception of equipment violations contained in Chapter 12~~
22 ~~of this Code, or similar provisions of local ordinances.~~ The
23 test or tests must ~~shall~~ be administered at the direction of a
24 law enforcement ~~the arresting~~ officer to any person who has
25 driven or been in actual control of a motor vehicle upon the
26 public highways of this State that has been involved in a fatal
27 motor vehicle accident or in an accident in which one or more
28 persons suffered injuries that included severely bleeding
29 wounds, distorted extremities, or injuries that require the
30 injured party to be carried from the scene. The law enforcement
31 agency employing the officer shall designate which of the
32 aforesaid tests shall be administered. A urine test may be

1 administered even after a blood or breath test or both has been
2 administered. Compliance with this Section does not relieve
3 such person from the requirements of Section 11-501.1 of this
4 Code.

5 (b) Any person who is dead, unconscious or who is otherwise
6 in a condition rendering such person incapable of refusal shall
7 be deemed not to have withdrawn the consent provided by
8 subsection (a) of this Section. In addition, if a driver of a
9 vehicle is receiving medical treatment as a result of a motor
10 vehicle accident, any physician licensed to practice medicine,
11 registered nurse or a phlebotomist acting under the direction
12 of a licensed physician shall withdraw blood for testing
13 purposes to ascertain the presence of alcohol, other drug or
14 drugs, or intoxicating compound or compounds, upon the specific
15 request of a law enforcement officer. However, no such testing
16 shall be performed until, in the opinion of the medical
17 personnel on scene, the withdrawal can be made without
18 interfering with or endangering the well-being of the patient.

19 (c) A person requested to submit to a test as provided
20 above shall be warned by the law enforcement officer requesting
21 the test that a refusal to submit to the test, or submission to
22 the test resulting in an alcohol concentration of 0.08 or more,
23 or any amount of a drug, substance, or intoxicating compound
24 resulting from the unlawful use or consumption of cannabis, as
25 covered by the Cannabis Control Act, a controlled substance
26 listed in the Illinois Controlled Substances Act, or an
27 intoxicating compound listed in the Use of Intoxicating
28 Compounds Act as detected in such person's blood or urine, may
29 result in the suspension of such person's privilege to operate
30 a motor vehicle. The length of the suspension shall be the same
31 as outlined in Section 6-208.1 of this Code regarding statutory
32 summary suspensions.

33 (d) If the person refuses testing or submits to a test
34 which discloses an alcohol concentration of 0.08 or more, or
35 any amount of a drug, substance, or intoxicating compound in
36 such person's blood or urine resulting from the unlawful use or

1 consumption of cannabis listed in the Cannabis Control Act, a
2 controlled substance listed in the Illinois Controlled
3 Substances Act, or an intoxicating compound listed in the Use
4 of Intoxicating Compounds Act, the law enforcement officer
5 shall immediately submit a sworn report to the Secretary of
6 State on a form prescribed by the Secretary, certifying that
7 the test or tests were requested pursuant to subsection (a) and
8 the person refused to submit to a test or tests or submitted to
9 testing which disclosed an alcohol concentration of 0.08 or
10 more, or any amount of a drug, substance, or intoxicating
11 compound in such person's blood or urine, resulting from the
12 unlawful use or consumption of cannabis listed in the Cannabis
13 Control Act, a controlled substance listed in the Illinois
14 Controlled Substances Act, or an intoxicating compound listed
15 in the Use of Intoxicating Compounds Act.

16 Upon receipt of the sworn report of a law enforcement
17 officer, the Secretary shall enter the suspension to the
18 individual's driving record and the suspension shall be
19 effective on the 46th day following the date notice of the
20 suspension was given to the person.

21 The law enforcement officer submitting the sworn report
22 shall serve immediate notice of this suspension on the person
23 and such suspension shall be effective on the 46th day
24 following the date notice was given.

25 In cases where the blood alcohol concentration of 0.08 or
26 more, or any amount of a drug, substance, or intoxicating
27 compound resulting from the unlawful use or consumption of
28 cannabis as listed in the Cannabis Control Act, a controlled
29 substance listed in the Illinois Controlled Substances Act, or
30 an intoxicating compound listed in the Use of Intoxicating
31 Compounds Act, is established by a subsequent analysis of blood
32 or urine collected at the time of arrest, the arresting officer
33 shall give notice as provided in this Section or by deposit in
34 the United States mail of such notice in an envelope with
35 postage prepaid and addressed to such person at his address as
36 shown on the Uniform Traffic Ticket and the suspension shall be

1 effective on the 46th day following the date notice was given.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary shall also give notice of the suspension
4 to the driver by mailing a notice of the effective date of the
5 suspension to the individual. However, should the sworn report
6 be defective by not containing sufficient information or be
7 completed in error, the notice of the suspension shall not be
8 mailed to the person or entered to the driving record, but
9 rather the sworn report shall be returned to the issuing law
10 enforcement agency.

11 (e) A driver may contest this suspension of his driving
12 privileges by requesting an administrative hearing with the
13 Secretary in accordance with Section 2-118 of this Code. At the
14 conclusion of a hearing held under Section 2-118 of this Code,
15 the Secretary may rescind, continue, or modify the order of
16 suspension. If the Secretary does not rescind the order, a
17 restricted driving permit may be granted by the Secretary upon
18 application being made and good cause shown. A restricted
19 driving permit may be granted to relieve undue hardship to
20 allow driving for employment, educational, and medical
21 purposes as outlined in Section 6-206 of this Code. The
22 provisions of Section 6-206 of this Code shall apply.

23 (f) (Blank).

24 (g) For the purposes of this Section, a personal injury
25 shall include any type A injury as indicated on the traffic
26 accident report completed by a law enforcement officer that
27 requires immediate professional attention in either a doctor's
28 office or a medical facility. A type A injury shall include
29 severely bleeding wounds, distorted extremities, and injuries
30 that require the injured party to be carried from the scene.

31 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-357,
32 eff. 7-29-99; 91-828, eff. 1-1-01.)

33 Section 10. The Unified Code of Corrections is amended by
34 changing Sections 5-5-3.2 and 5-6-1 as follows:

1 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

2 Sec. 5-5-3.2. Factors in Aggravation.

3 (a) The following factors shall be accorded weight in favor
4 of imposing a term of imprisonment or may be considered by the
5 court as reasons to impose a more severe sentence under Section
6 5-8-1:

7 (1) the defendant's conduct caused or threatened
8 serious harm;

9 (2) the defendant received compensation for committing
10 the offense;

11 (3) the defendant has a history of prior delinquency or
12 criminal activity;

13 (4) the defendant, by the duties of his office or by
14 his position, was obliged to prevent the particular offense
15 committed or to bring the offenders committing it to
16 justice;

17 (5) the defendant held public office at the time of the
18 offense, and the offense related to the conduct of that
19 office;

20 (6) the defendant utilized his professional reputation
21 or position in the community to commit the offense, or to
22 afford him an easier means of committing it;

23 (7) the sentence is necessary to deter others from
24 committing the same crime;

25 (8) the defendant committed the offense against a
26 person 60 years of age or older or such person's property;

27 (9) the defendant committed the offense against a
28 person who is physically handicapped or such person's
29 property;

30 (10) by reason of another individual's actual or
31 perceived race, color, creed, religion, ancestry, gender,
32 sexual orientation, physical or mental disability, or
33 national origin, the defendant committed the offense
34 against (i) the person or property of that individual; (ii)
35 the person or property of a person who has an association
36 with, is married to, or has a friendship with the other

1 individual; or (iii) the person or property of a relative
2 (by blood or marriage) of a person described in clause (i)
3 or (ii). For the purposes of this Section, "sexual
4 orientation" means heterosexuality, homosexuality, or
5 bisexuality;

6 (11) the offense took place in a place of worship or on
7 the grounds of a place of worship, immediately prior to,
8 during or immediately following worship services. For
9 purposes of this subparagraph, "place of worship" shall
10 mean any church, synagogue or other building, structure or
11 place used primarily for religious worship;

12 (12) the defendant was convicted of a felony committed
13 while he was released on bail or his own recognizance
14 pending trial for a prior felony and was convicted of such
15 prior felony, or the defendant was convicted of a felony
16 committed while he was serving a period of probation,
17 conditional discharge, or mandatory supervised release
18 under subsection (d) of Section 5-8-1 for a prior felony;

19 (13) the defendant committed or attempted to commit a
20 felony while he was wearing a bulletproof vest. For the
21 purposes of this paragraph (13), a bulletproof vest is any
22 device which is designed for the purpose of protecting the
23 wearer from bullets, shot or other lethal projectiles;

24 (14) the defendant held a position of trust or
25 supervision such as, but not limited to, family member as
26 defined in Section 12-12 of the Criminal Code of 1961,
27 teacher, scout leader, baby sitter, or day care worker, in
28 relation to a victim under 18 years of age, and the
29 defendant committed an offense in violation of Section
30 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
31 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
32 against that victim;

33 (15) the defendant committed an offense related to the
34 activities of an organized gang. For the purposes of this
35 factor, "organized gang" has the meaning ascribed to it in
36 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation of
3 one of the following Sections while in a school, regardless
4 of the time of day or time of year; on any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school related activity; on
7 the real property of a school; or on a public way within
8 1,000 feet of the real property comprising any school:
9 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
10 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
11 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
12 33A-2 of the Criminal Code of 1961;

13 (16.5) the defendant committed an offense in violation
14 of one of the following Sections while in a day care
15 center, regardless of the time of day or time of year; on
16 the real property of a day care center, regardless of the
17 time of day or time of year; or on a public way within
18 1,000 feet of the real property comprising any day care
19 center, regardless of the time of day or time of year:
20 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
22 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
23 33A-2 of the Criminal Code of 1961;

24 (17) the defendant committed the offense by reason of
25 any person's activity as a community policing volunteer or
26 to prevent any person from engaging in activity as a
27 community policing volunteer. For the purpose of this
28 Section, "community policing volunteer" has the meaning
29 ascribed to it in Section 2-3.5 of the Criminal Code of
30 1961;

31 (18) the defendant committed the offense in a nursing
32 home or on the real property comprising a nursing home. For
33 the purposes of this paragraph (18), "nursing home" means a
34 skilled nursing or intermediate long term care facility
35 that is subject to license by the Illinois Department of
36 Public Health under the Nursing Home Care Act; ~~or~~

1 (19) the defendant was a federally licensed firearm
2 dealer and was previously convicted of a violation of
3 subsection (a) of Section 3 of the Firearm Owners
4 Identification Card Act and has now committed either a
5 felony violation of the Firearm Owners Identification Card
6 Act or an act of armed violence while armed with a firearm;
7 or-

8 (20) the defendant (i) committed the offense of
9 reckless driving or aggravated reckless driving under
10 Section 11-503 of the Illinois Vehicle Code and (ii) was
11 operating a motor vehicle in excess of 20 miles per hour
12 over the posted speed limit as provided in Article VI of
13 Chapter 11 of the Illinois Vehicle Code.

14 For the purposes of this Section:

15 "School" is defined as a public or private elementary or
16 secondary school, community college, college, or university.

17 "Day care center" means a public or private State certified
18 and licensed day care center as defined in Section 2.09 of the
19 Child Care Act of 1969 that displays a sign in plain view
20 stating that the property is a day care center.

21 (b) The following factors may be considered by the court as
22 reasons to impose an extended term sentence under Section 5-8-2
23 upon any offender:

24 (1) When a defendant is convicted of any felony, after
25 having been previously convicted in Illinois or any other
26 jurisdiction of the same or similar class felony or greater
27 class felony, when such conviction has occurred within 10
28 years after the previous conviction, excluding time spent
29 in custody, and such charges are separately brought and
30 tried and arise out of different series of acts; or

31 (2) When a defendant is convicted of any felony and the
32 court finds that the offense was accompanied by
33 exceptionally brutal or heinous behavior indicative of
34 wanton cruelty; or

35 (3) When a defendant is convicted of voluntary
36 manslaughter, second degree murder, involuntary

1 manslaughter or reckless homicide in which the defendant
2 has been convicted of causing the death of more than one
3 individual; or

4 (4) When a defendant is convicted of any felony
5 committed against:

6 (i) a person under 12 years of age at the time of
7 the offense or such person's property;

8 (ii) a person 60 years of age or older at the time
9 of the offense or such person's property; or

10 (iii) a person physically handicapped at the time
11 of the offense or such person's property; or

12 (5) In the case of a defendant convicted of aggravated
13 criminal sexual assault or criminal sexual assault, when
14 the court finds that aggravated criminal sexual assault or
15 criminal sexual assault was also committed on the same
16 victim by one or more other individuals, and the defendant
17 voluntarily participated in the crime with the knowledge of
18 the participation of the others in the crime, and the
19 commission of the crime was part of a single course of
20 conduct during which there was no substantial change in the
21 nature of the criminal objective; or

22 (6) When a defendant is convicted of any felony and the
23 offense involved any of the following types of specific
24 misconduct committed as part of a ceremony, rite,
25 initiation, observance, performance, practice or activity
26 of any actual or ostensible religious, fraternal, or social
27 group:

28 (i) the brutalizing or torturing of humans or
29 animals;

30 (ii) the theft of human corpses;

31 (iii) the kidnapping of humans;

32 (iv) the desecration of any cemetery, religious,
33 fraternal, business, governmental, educational, or
34 other building or property; or

35 (v) ritualized abuse of a child; or

36 (7) When a defendant is convicted of first degree

1 murder, after having been previously convicted in Illinois
2 of any offense listed under paragraph (c)(2) of Section
3 5-5-3, when such conviction has occurred within 10 years
4 after the previous conviction, excluding time spent in
5 custody, and such charges are separately brought and tried
6 and arise out of different series of acts; or

7 (8) When a defendant is convicted of a felony other
8 than conspiracy and the court finds that the felony was
9 committed under an agreement with 2 or more other persons
10 to commit that offense and the defendant, with respect to
11 the other individuals, occupied a position of organizer,
12 supervisor, financier, or any other position of management
13 or leadership, and the court further finds that the felony
14 committed was related to or in furtherance of the criminal
15 activities of an organized gang or was motivated by the
16 defendant's leadership in an organized gang; or

17 (9) When a defendant is convicted of a felony violation
18 of Section 24-1 of the Criminal Code of 1961 and the court
19 finds that the defendant is a member of an organized gang;
20 or

21 (10) When a defendant committed the offense using a
22 firearm with a laser sight attached to it. For purposes of
23 this paragraph (10), "laser sight" has the meaning ascribed
24 to it in Section 24.6-5 of the Criminal Code of 1961; or

25 (11) When a defendant who was at least 17 years of age
26 at the time of the commission of the offense is convicted
27 of a felony and has been previously adjudicated a
28 delinquent minor under the Juvenile Court Act of 1987 for
29 an act that if committed by an adult would be a Class X or
30 Class 1 felony when the conviction has occurred within 10
31 years after the previous adjudication, excluding time
32 spent in custody; or

33 (12) When a defendant commits an offense involving the
34 illegal manufacture of a controlled substance under
35 Section 401 of the Illinois Controlled Substances Act or
36 the illegal possession of explosives and an emergency

1 response officer in the performance of his or her duties is
2 killed or injured at the scene of the offense while
3 responding to the emergency caused by the commission of the
4 offense. In this paragraph (12), "emergency" means a
5 situation in which a person's life, health, or safety is in
6 jeopardy; and "emergency response officer" means a peace
7 officer, community policing volunteer, fireman, emergency
8 medical technician-ambulance, emergency medical
9 technician-intermediate, emergency medical
10 technician-paramedic, ambulance driver, other medical
11 assistance or first aid personnel, or hospital emergency
12 room personnel.

13 (b-1) For the purposes of this Section, "organized gang"
14 has the meaning ascribed to it in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

16 (c) The court may impose an extended term sentence under
17 Section 5-8-2 upon any offender who was convicted of aggravated
18 criminal sexual assault or predatory criminal sexual assault of
19 a child under subsection (a)(1) of Section 12-14.1 of the
20 Criminal Code of 1961 where the victim was under 18 years of
21 age at the time of the commission of the offense.

22 (d) The court may impose an extended term sentence under
23 Section 5-8-2 upon any offender who was convicted of unlawful
24 use of weapons under Section 24-1 of the Criminal Code of 1961
25 for possessing a weapon that is not readily distinguishable as
26 one of the weapons enumerated in Section 24-1 of the Criminal
27 Code of 1961.

28 (Source: P.A. 91-119, eff. 1-1-00; 91-120, eff. 7-15-99;
29 91-252, eff. 1-1-00; 91-267, eff. 1-1-00; 91-268, eff. 1-1-00;
30 91-357, eff. 7-29-99; 91-437, eff. 1-1-00; 91-696, eff.
31 4-13-00; 92-266, eff. 1-1-02.)

32 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

33 Sec. 5-6-1. Sentences of Probation and of Conditional
34 Discharge and Disposition of Supervision. The General Assembly
35 finds that in order to protect the public, the criminal justice

1 system must compel compliance with the conditions of probation
2 by responding to violations with swift, certain and fair
3 punishments and intermediate sanctions. The Chief Judge of each
4 circuit shall adopt a system of structured, intermediate
5 sanctions for violations of the terms and conditions of a
6 sentence of probation, conditional discharge or disposition of
7 supervision.

8 (a) Except where specifically prohibited by other
9 provisions of this Code, the court shall impose a sentence of
10 probation or conditional discharge upon an offender unless,
11 having regard to the nature and circumstance of the offense,
12 and to the history, character and condition of the offender,
13 the court is of the opinion that:

14 (1) his imprisonment or periodic imprisonment is
15 necessary for the protection of the public; or

16 (2) probation or conditional discharge would deprecate
17 the seriousness of the offender's conduct and would be
18 inconsistent with the ends of justice; or

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

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

31 (b) The court may impose a sentence of conditional
32 discharge for an offense if the court is of the opinion that
33 neither a sentence of imprisonment nor of periodic imprisonment
34 nor of probation supervision is appropriate.

35 (b-1) Subsections (a) and (b) of this Section do not apply
36 to a defendant charged with a misdemeanor or felony under the

1 Illinois Vehicle Code or reckless homicide under Section 9-3 of
2 the Criminal Code of 1961 if the defendant within the past 12
3 months has been convicted of or pleaded guilty to a misdemeanor
4 or felony under the Illinois Vehicle Code or reckless homicide
5 under Section 9-3 of the Criminal Code of 1961.

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

22 (1) the offender is not likely to commit further
23 crimes;

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

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

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

33 (1) convicted for a violation of Section 11-501 of the
34 Illinois Vehicle Code or a similar provision of a local
35 ordinance or any similar law or ordinance of another state;
36 or

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

5 (3) pleaded guilty to or stipulated to the facts
6 supporting a charge or a finding of guilty to a violation
7 of Section 11-503 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance or any similar law or
9 ordinance of another state, and the plea or stipulation was
10 the result of a plea agreement.

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

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

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

20 (2) assigned supervision for a violation of Section
21 16A-3 of the Criminal Code of 1961.

22 The court shall consider the statement of the prosecuting
23 authority with regard to the standards set forth in this
24 Section.

25 (f) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating Sections 15-111, 15-112,
27 15-301, paragraph (b) of Section 6-104, Section 11-605, or
28 Section 11-1414 of the Illinois Vehicle Code or a similar
29 provision of a local ordinance.

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

36 (1) convicted for a violation of Section 3-707, 3-708,

1 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
2 provision of a local ordinance; or

3 (2) assigned supervision for a violation of Section
4 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
5 Code or a similar provision of a local ordinance.

6 The court shall consider the statement of the prosecuting
7 authority with regard to the standards set forth in this
8 Section.

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

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

25 (2) if the defendant has previously been sentenced
26 under the provisions of paragraph (c) on or after January
27 1, 1998 for any serious traffic offense as defined in
28 Section 1-187.001 of the Illinois Vehicle Code.

29 (i) The provisions of paragraph (c) shall not apply to a
30 defendant charged with violating Section 3-707 of the Illinois
31 Vehicle Code or a similar provision of a local ordinance if the
32 defendant has been assigned supervision for a violation of
33 Section 3-707 of the Illinois Vehicle Code or a similar
34 provision of a local ordinance.

35 (j) The provisions of paragraph (c) shall not apply to a
36 defendant charged with violating Section 6-303 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance when
2 the revocation or suspension was for a violation of Section
3 11-501 or a similar provision of a local ordinance, a violation
4 of Section 11-501.1 or paragraph (b) of Section 11-401 of the
5 Illinois Vehicle Code, or a violation of Section 9-3 of the
6 Criminal Code of 1961 if the defendant has within the last 10
7 years been:

8 (1) convicted for a violation of Section 6-303 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance; or

11 (2) assigned supervision for a violation of Section
12 6-303 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance.

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