

1 AN ACT concerning transportation.

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

4 Section 5. The State Finance Act is amended by changing  
5 Section 8h as follows:

6 (30 ILCS 105/8h)

7 Sec. 8h. Transfers to General Revenue Fund.

8 (a) Except as provided in subsection (b), notwithstanding  
9 any other State law to the contrary, the Governor may, through  
10 June 30, 2007, from time to time direct the State Treasurer and  
11 Comptroller to transfer a specified sum from any fund held by  
12 the State Treasurer to the General Revenue Fund in order to  
13 help defray the State's operating costs for the fiscal year.  
14 The total transfer under this Section from any fund in any  
15 fiscal year shall not exceed the lesser of (i) 8% of the  
16 revenues to be deposited into the fund during that fiscal year  
17 or (ii) an amount that leaves a remaining fund balance of 25%  
18 of the July 1 fund balance of that fiscal year. In fiscal year  
19 2005 only, prior to calculating the July 1, 2004 final  
20 balances, the Governor may calculate and direct the State  
21 Treasurer with the Comptroller to transfer additional amounts  
22 determined by applying the formula authorized in Public Act  
23 93-839 to the funds balances on July 1, 2003. No transfer may  
24 be made from a fund under this Section that would have the  
25 effect of reducing the available balance in the fund to an  
26 amount less than the amount remaining unexpended and unreserved  
27 from the total appropriation from that fund estimated to be  
28 expended for that fiscal year. This Section does not apply to  
29 any funds that are restricted by federal law to a specific use,  
30 to any funds in the Motor Fuel Tax Fund, the Intercity  
31 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
32 Provider Relief Fund, the Teacher Health Insurance Security

1 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
2 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter  
3 Fund, the Lawyers' Assistance Program Fund, the Supreme Court  
4 Federal Projects Fund, the Supreme Court Special State Projects  
5 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development  
6 and Operation Fund, or the Hospital Basic Services Preservation  
7 Fund, or to any funds to which subsection (f) of Section 20-40  
8 of the Nursing and Advanced Practice Nursing Act applies. No  
9 transfers may be made under this Section from the Pet  
10 Population Control Fund. Notwithstanding any other provision  
11 of this Section, for fiscal year 2004, the total transfer under  
12 this Section from the Road Fund or the State Construction  
13 Account Fund shall not exceed the lesser of (i) 5% of the  
14 revenues to be deposited into the fund during that fiscal year  
15 or (ii) 25% of the beginning balance in the fund. For fiscal  
16 year 2005 through fiscal year 2007, no amounts may be  
17 transferred under this Section from the Road Fund, the State  
18 Construction Account Fund, the Criminal Justice Information  
19 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
20 Mandatory Arbitration Fund. No amounts may be transferred under  
21 this Section from the State Police Vehicle Fund.

22 In determining the available balance in a fund, the  
23 Governor may include receipts, transfers into the fund, and  
24 other resources anticipated to be available in the fund in that  
25 fiscal year.

26 The State Treasurer and Comptroller shall transfer the  
27 amounts designated under this Section as soon as may be  
28 practicable after receiving the direction to transfer from the  
29 Governor.

30 (b) This Section does not apply to: (i) the Ticket For The  
31 Cure Fund; (ii) ~~or to~~ any fund established under the Community  
32 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after  
33 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~  
34 ~~amendatory Act of the 94th General Assembly,~~ the Child Labor  
35 and Day and Temporary Labor Enforcement Fund.

36 (c) This Section does not apply to the Demutualization

1 Trust Fund established under the Uniform Disposition of  
2 Unclaimed Property Act.

3 (d) ~~(e)~~ This Section does not apply to moneys set aside in  
4 the Illinois State Podiatric Disciplinary Fund for podiatric  
5 scholarships and residency programs under the Podiatric  
6 Scholarship and Residency Act.

7 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
8 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
9 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
10 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
11 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
12 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
13 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

14 Section 10. The Illinois Vehicle Code is amended by adding  
15 Section 16-104c as follows:

16 (625 ILCS 5/16-104c new)

17 Sec. 16-104c. Court supervision fees.

18 (a) Any person who, after a court appearance in the same  
19 matter, receives a disposition of court supervision for a  
20 violation of any provision of this Code shall pay an additional  
21 fee of \$20, which shall be disbursed as follows:

22 (1) if an officer of the Department of State Police  
23 arrested the person for the violation, the \$20 fee shall be  
24 deposited into the State Police Vehicle Fund; or

25 (2) if an officer of any law enforcement agency in the  
26 State other than the Department of State Police arrested  
27 the person for the violation, the \$20 fee shall be paid to  
28 the law enforcement agency that employed the arresting  
29 officer and shall be used for the acquisition or  
30 maintenance of police vehicles.

31 (b) In addition to the fee provided for in subsection (a),  
32 a person who, after a court appearance in the same matter,  
33 receives a disposition of court supervision for any violation  
34 of this Code shall also pay an additional fee of \$5, which, if

1 not waived by the court, shall be deposited into the Circuit  
2 Court Clerk Operation and Administrative Fund created by the  
3 Clerk of the Circuit Court.

4 Section 15. The Clerks of Courts Act is amended by changing  
5 Sections 27.5 and 27.6 and adding Section 27.3d as follows:

6 (705 ILCS 105/27.3d new)

7 Sec. 27.3d. Circuit Court Clerk Operation and  
8 Administrative Fund. Each Circuit Clerk shall create a Circuit  
9 Court Clerk Operation and Administrative Fund, to be used to  
10 offset the costs incurred by the Circuit Court Clerk in  
11 performing the additional duties required to collect and  
12 disburse funds to entities of State and local government as  
13 provided by law. The Circuit Court Clerk shall be the  
14 custodian, ex officio, of this Fund and shall use the Fund to  
15 perform the duties required by the office. The Fund shall be  
16 audited by the auditor retained by the Clerk for the purpose of  
17 conducting the Annual Circuit Clerk Audit. Expenditures shall  
18 be made from the Fund by the Circuit Court Clerk for expenses  
19 related to the cost of collection for and disbursement to  
20 entities of State and local government.

21 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

22 Sec. 27.5. (a) All fees, fines, costs, additional  
23 penalties, bail balances assessed or forfeited, and any other  
24 amount paid by a person to the circuit clerk that equals an  
25 amount less than \$55, except restitution under Section 5-5-6 of  
26 the Unified Code of Corrections, reimbursement for the costs of  
27 an emergency response as provided under Section 11-501 of the  
28 Illinois Vehicle Code, the court supervision fees collected  
29 under Section 16-104c of the Illinois Vehicle Code, any fees  
30 collected for attending a traffic safety program under  
31 paragraph (c) of Supreme Court Rule 529, any fee collected on  
32 behalf of a State's Attorney under Section 4-2002 of the  
33 Counties Code or a sheriff under Section 4-5001 of the Counties

1 Code, or any cost imposed under Section 124A-5 of the Code of  
2 Criminal Procedure of 1963, for convictions, orders of  
3 supervision, or any other disposition for a violation of  
4 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
5 similar provision of a local ordinance, and any violation of  
6 the Child Passenger Protection Act, or a similar provision of a  
7 local ordinance, and except as provided in subsection (b) shall  
8 be disbursed within 60 days after receipt by the circuit clerk  
9 as follows: 47% shall be disbursed to the entity authorized by  
10 law to receive the fine imposed in the case; 12% shall be  
11 disbursed to the State Treasurer; and 41% shall be disbursed to  
12 the county's general corporate fund. Of the 12% disbursed to  
13 the State Treasurer, 1/6 shall be deposited by the State  
14 Treasurer into the Violent Crime Victims Assistance Fund, 1/2  
15 shall be deposited into the Traffic and Criminal Conviction  
16 Surcharge Fund, and 1/3 shall be deposited into the Drivers  
17 Education Fund. For fiscal years 1992 and 1993, amounts  
18 deposited into the Violent Crime Victims Assistance Fund, the  
19 Traffic and Criminal Conviction Surcharge Fund, or the Drivers  
20 Education Fund shall not exceed 110% of the amounts deposited  
21 into those funds in fiscal year 1991. Any amount that exceeds  
22 the 110% limit shall be distributed as follows: 50% shall be  
23 disbursed to the county's general corporate fund and 50% shall  
24 be disbursed to the entity authorized by law to receive the  
25 fine imposed in the case. Not later than March 1 of each year  
26 the circuit clerk shall submit a report of the amount of funds  
27 remitted to the State Treasurer under this Section during the  
28 preceding year based upon independent verification of fines and  
29 fees. All counties shall be subject to this Section, except  
30 that counties with a population under 2,000,000 may, by  
31 ordinance, elect not to be subject to this Section. For  
32 offenses subject to this Section, judges shall impose one total  
33 sum of money payable for violations. The circuit clerk may add  
34 on no additional amounts except for amounts that are required  
35 by Sections 27.3a and 27.3c of this Act, unless those amounts  
36 are specifically waived by the judge. With respect to money

1 collected by the circuit clerk as a result of forfeiture of  
2 bail, ex parte judgment or guilty plea pursuant to Supreme  
3 Court Rule 529, the circuit clerk shall first deduct and pay  
4 amounts required by Sections 27.3a and 27.3c of this Act. This  
5 Section is a denial and limitation of home rule powers and  
6 functions under subsection (h) of Section 6 of Article VII of  
7 the Illinois Constitution.

8 (b) The following amounts must be remitted to the State  
9 Treasurer for deposit into the Illinois Animal Abuse Fund:

10 (1) 50% of the amounts collected for felony offenses  
11 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
12 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
13 Animals Act and Section 26-5 of the Criminal Code of 1961;

14 (2) 20% of the amounts collected for Class A and Class  
15 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
16 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
17 for Animals Act and Section 26-5 of the Criminal Code of  
18 1961; and

19 (3) 50% of the amounts collected for Class C  
20 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
21 for Animals Act and Section 26-5 of the Criminal Code of  
22 1961.

23 (c) Any person who receives a disposition of court  
24 supervision for a violation of the Illinois Vehicle Code shall,  
25 in addition to any other fines, fees, and court costs, pay  
26 additional fees of \$20 and \$5, to be disbursed as provided in  
27 Section 16-104c of the Illinois Vehicle Code.

28 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02;  
29 93-800, eff. 1-1-05.)

30 (705 ILCS 105/27.6)

31 Sec. 27.6. (a) All fees, fines, costs, additional  
32 penalties, bail balances assessed or forfeited, and any other  
33 amount paid by a person to the circuit clerk equalling an  
34 amount of \$55 or more, except the additional fee required by  
35 subsections (b) and (c), restitution under Section 5-5-6 of the

1 Unified Code of Corrections, reimbursement for the costs of an  
2 emergency response as provided under Section 11-501 of the  
3 Illinois Vehicle Code, the court supervision fees collected  
4 under Section 16-104c of the Illinois Vehicle Code, any fees  
5 collected for attending a traffic safety program under  
6 paragraph (c) of Supreme Court Rule 529, any fee collected on  
7 behalf of a State's Attorney under Section 4-2002 of the  
8 Counties Code or a sheriff under Section 4-5001 of the Counties  
9 Code, or any cost imposed under Section 124A-5 of the Code of  
10 Criminal Procedure of 1963, for convictions, orders of  
11 supervision, or any other disposition for a violation of  
12 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
13 similar provision of a local ordinance, and any violation of  
14 the Child Passenger Protection Act, or a similar provision of a  
15 local ordinance, and except as provided in subsection (d) shall  
16 be disbursed within 60 days after receipt by the circuit clerk  
17 as follows: 44.5% shall be disbursed to the entity authorized  
18 by law to receive the fine imposed in the case; 16.825% shall  
19 be disbursed to the State Treasurer; and 38.675% shall be  
20 disbursed to the county's general corporate fund. Of the  
21 16.825% disbursed to the State Treasurer, 2/17 shall be  
22 deposited by the State Treasurer into the Violent Crime Victims  
23 Assistance Fund, 5.052/17 shall be deposited into the Traffic  
24 and Criminal Conviction Surcharge Fund, 3/17 shall be deposited  
25 into the Drivers Education Fund, and 6.948/17 shall be  
26 deposited into the Trauma Center Fund. Of the 6.948/17  
27 deposited into the Trauma Center Fund from the 16.825%  
28 disbursed to the State Treasurer, 50% shall be disbursed to the  
29 Department of Public Health and 50% shall be disbursed to the  
30 Department of Healthcare and Family Services ~~Public Aid~~. For  
31 fiscal year 1993, amounts deposited into the Violent Crime  
32 Victims Assistance Fund, the Traffic and Criminal Conviction  
33 Surcharge Fund, or the Drivers Education Fund shall not exceed  
34 110% of the amounts deposited into those funds in fiscal year  
35 1991. Any amount that exceeds the 110% limit shall be  
36 distributed as follows: 50% shall be disbursed to the county's

1 general corporate fund and 50% shall be disbursed to the entity  
2 authorized by law to receive the fine imposed in the case. Not  
3 later than March 1 of each year the circuit clerk shall submit  
4 a report of the amount of funds remitted to the State Treasurer  
5 under this Section during the preceding year based upon  
6 independent verification of fines and fees. All counties shall  
7 be subject to this Section, except that counties with a  
8 population under 2,000,000 may, by ordinance, elect not to be  
9 subject to this Section. For offenses subject to this Section,  
10 judges shall impose one total sum of money payable for  
11 violations. The circuit clerk may add on no additional amounts  
12 except for amounts that are required by Sections 27.3a and  
13 27.3c of this Act, unless those amounts are specifically waived  
14 by the judge. With respect to money collected by the circuit  
15 clerk as a result of forfeiture of bail, ex parte judgment or  
16 guilty plea pursuant to Supreme Court Rule 529, the circuit  
17 clerk shall first deduct and pay amounts required by Sections  
18 27.3a and 27.3c of this Act. This Section is a denial and  
19 limitation of home rule powers and functions under subsection  
20 (h) of Section 6 of Article VII of the Illinois Constitution.

21 (b) In addition to any other fines and court costs assessed  
22 by the courts, any person convicted or receiving an order of  
23 supervision for driving under the influence of alcohol or drugs  
24 shall pay an additional fee of \$100 to the clerk of the circuit  
25 court. This amount, less 2 1/2% that shall be used to defray  
26 administrative costs incurred by the clerk, shall be remitted  
27 by the clerk to the Treasurer within 60 days after receipt for  
28 deposit into the Trauma Center Fund. This additional fee of  
29 \$100 shall not be considered a part of the fine for purposes of  
30 any reduction in the fine for time served either before or  
31 after sentencing. Not later than March 1 of each year the  
32 Circuit Clerk shall submit a report of the amount of funds  
33 remitted to the State Treasurer under this subsection during  
34 the preceding calendar year.

35 (b-1) In addition to any other fines and court costs  
36 assessed by the courts, any person convicted or receiving an



1 order of supervision for driving under the influence of alcohol  
2 or drugs shall pay an additional fee of \$5 to the clerk of the  
3 circuit court. This amount, less 2 1/2% that shall be used to  
4 defray administrative costs incurred by the clerk, shall be  
5 remitted by the clerk to the Treasurer within 60 days after  
6 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
7 Research Trust Fund. This additional fee of \$5 shall not be  
8 considered a part of the fine for purposes of any reduction in  
9 the fine for time served either before or after sentencing. Not  
10 later than March 1 of each year the Circuit Clerk shall submit  
11 a report of the amount of funds remitted to the State Treasurer  
12 under this subsection during the preceding calendar year.

13 (c) In addition to any other fines and court costs assessed  
14 by the courts, any person convicted for a violation of Sections  
15 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
16 person sentenced for a violation of the Cannabis Control Act,  
17 the Illinois Controlled Substances Act, or the Methamphetamine  
18 Control and Community Protection Act shall pay an additional  
19 fee of \$100 to the clerk of the circuit court. This amount,  
20 less 2 1/2% that shall be used to defray administrative costs  
21 incurred by the clerk, shall be remitted by the clerk to the  
22 Treasurer within 60 days after receipt for deposit into the  
23 Trauma Center Fund. This additional fee of \$100 shall not be  
24 considered a part of the fine for purposes of any reduction in  
25 the fine for time served either before or after sentencing. Not  
26 later than March 1 of each year the Circuit Clerk shall submit  
27 a report of the amount of funds remitted to the State Treasurer  
28 under this subsection during the preceding calendar year.

29 (c-1) In addition to any other fines and court costs  
30 assessed by the courts, any person sentenced for a violation of  
31 the Cannabis Control Act, the Illinois Controlled Substances  
32 Act, or the Methamphetamine Control and Community Protection  
33 Act shall pay an additional fee of \$5 to the clerk of the  
34 circuit court. This amount, less 2 1/2% that shall be used to  
35 defray administrative costs incurred by the clerk, shall be  
36 remitted by the clerk to the Treasurer within 60 days after

1 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
2 Research Trust Fund. This additional fee of \$5 shall not be  
3 considered a part of the fine for purposes of any reduction in  
4 the fine for time served either before or after sentencing. Not  
5 later than March 1 of each year the Circuit Clerk shall submit  
6 a report of the amount of funds remitted to the State Treasurer  
7 under this subsection during the preceding calendar year.

8 (d) The following amounts must be remitted to the State  
9 Treasurer for deposit into the Illinois Animal Abuse Fund:

10 (1) 50% of the amounts collected for felony offenses  
11 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
12 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
13 Animals Act and Section 26-5 of the Criminal Code of 1961;

14 (2) 20% of the amounts collected for Class A and Class  
15 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
16 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
17 for Animals Act and Section 26-5 of the Criminal Code of  
18 1961; and

19 (3) 50% of the amounts collected for Class C  
20 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
21 for Animals Act and Section 26-5 of the Criminal Code of  
22 1961.

23 (e) Any person who receives a disposition of court  
24 supervision for a violation of the Illinois Vehicle Code shall,  
25 in addition to any other fines, fees, and court costs, pay  
26 additional fees of \$20 and \$5, to be disbursed as provided in  
27 Section 16-104c of the Illinois Vehicle Code.

28 (Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05;  
29 revised 12-15-05.)

30 Section 20. The Unified Code of Corrections is amended by  
31 changing Section 5-6-1 as follows:

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

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

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

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

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

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

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

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

36 (b-1) Subsections (a) and (b) of this Section do not apply

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

7 (c) The court may, upon a plea of guilty or a stipulation  
8 by the defendant of the facts supporting the charge or a  
9 finding of guilt, defer further proceedings and the imposition  
10 of a sentence, and enter an order for supervision of the  
11 defendant, if the defendant is not charged with: (i) a Class A  
12 misdemeanor, as defined by the following provisions of the  
13 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
14 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
15 paragraph (1) through (5), (8), (10), and (11) of subsection  
16 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
17 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
18 Act; or (iii) felony. If the defendant is not barred from  
19 receiving an order for supervision as provided in this  
20 subsection, the court may enter an order for supervision after  
21 considering the circumstances of the offense, and the history,  
22 character and condition of the offender, if the court is of the  
23 opinion that:

24 (1) the offender is not likely to commit further  
25 crimes;

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

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

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

35 (1) convicted for a violation of Section 11-501 of the  
36 Illinois Vehicle Code or a similar provision of a local

1 ordinance or any similar law or ordinance of another state;  
2 or

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

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

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

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

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

22 (2) assigned supervision for a violation of Section  
23 16A-3 of the Criminal Code of 1961.

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

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

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

1 years been:

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

5 (2) assigned supervision for a violation of Section  
6 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
7 Code or a similar provision of a local ordinance.

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

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

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

27 (2) if the defendant has previously been sentenced  
28 under the provisions of paragraph (c) on or after January  
29 1, 1998 for any serious traffic offense as defined in  
30 Section 1-187.001 of the Illinois Vehicle Code.

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

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

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

13 (2) assigned supervision for a violation of Section  
14 6-303 of the Illinois Vehicle Code or a similar provision  
15 of a local ordinance.

16 (k) The provisions of paragraph (c) shall not apply to a  
17 defendant charged with violating any provision of the Illinois  
18 Vehicle Code or a similar provision of a local ordinance that  
19 governs the movement of vehicles if, within the 12 months  
20 preceding the date of the defendant's arrest, the defendant has  
21 been assigned court supervision on 2 occasions for a violation  
22 that governs the movement of vehicles under the Illinois  
23 Vehicle Code or a similar provision of a local ordinance.

24 (l) A defendant charged with violating any provision of the  
25 Illinois Vehicle Code who, after a court appearance in the same  
26 matter, receives a disposition of supervision under subsection  
27 (c) shall pay additional fees of \$20 and \$5, to be collected as  
28 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act  
29 and to be disbursed as provided in Section 27.3d of the Clerks  
30 of Courts Act and Section 16-104c of the Illinois Vehicle Code.

31 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;  
32 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;  
33 revised 8-19-05.)

34 Section 99. Effective date. This Act takes effect upon  
35 becoming law.