



Rep. Jim Sacia

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LRB094 17027 DRH 55401 a

1 AMENDMENT TO HOUSE BILL 4521

2 AMENDMENT NO. _____. Amend House Bill 4521, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (30 ILCS 105/8h)

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

9 (a) Except as provided in subsection (b), notwithstanding
10 any other State law to the contrary, the Governor may, through
11 June 30, 2007, from time to time direct the State Treasurer and
12 Comptroller to transfer a specified sum from any fund held by
13 the State Treasurer to the General Revenue Fund in order to
14 help defray the State's operating costs for the fiscal year.
15 The total transfer under this Section from any fund in any
16 fiscal year shall not exceed the lesser of (i) 8% of the
17 revenues to be deposited into the fund during that fiscal year
18 or (ii) an amount that leaves a remaining fund balance of 25%
19 of the July 1 fund balance of that fiscal year. In fiscal year
20 2005 only, prior to calculating the July 1, 2004 final
21 balances, the Governor may calculate and direct the State
22 Treasurer with the Comptroller to transfer additional amounts
23 determined by applying the formula authorized in Public Act
24 93-839 to the funds balances on July 1, 2003. No transfer may

1 be made from a fund under this Section that would have the
2 effect of reducing the available balance in the fund to an
3 amount less than the amount remaining unexpended and unreserved
4 from the total appropriation from that fund estimated to be
5 expended for that fiscal year. This Section does not apply to
6 any funds that are restricted by federal law to a specific use,
7 to any funds in the Motor Fuel Tax Fund, the Intercity
8 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
9 Provider Relief Fund, the Teacher Health Insurance Security
10 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
11 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter
12 Fund, the Lawyers' Assistance Program Fund, the Supreme Court
13 Federal Projects Fund, the Supreme Court Special State Projects
14 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development
15 and Operation Fund, or the Hospital Basic Services Preservation
16 Fund, or to any funds to which subsection (f) of Section 20-40
17 of the Nursing and Advanced Practice Nursing Act applies. No
18 transfers may be made under this Section from the Pet
19 Population Control Fund. Notwithstanding any other provision
20 of this Section, for fiscal year 2004, the total transfer under
21 this Section from the Road Fund or the State Construction
22 Account Fund shall not exceed the lesser of (i) 5% of the
23 revenues to be deposited into the fund during that fiscal year
24 or (ii) 25% of the beginning balance in the fund. For fiscal
25 year 2005 through fiscal year 2007, no amounts may be
26 transferred under this Section from the Road Fund, the State
27 Construction Account Fund, the Criminal Justice Information
28 Systems Trust Fund, the Wireless Service Emergency Fund, or the
29 Mandatory Arbitration Fund. No amounts may be transferred under
30 this Section from the State Police Vehicle Fund.

31 In determining the available balance in a fund, the
32 Governor may include receipts, transfers into the fund, and
33 other resources anticipated to be available in the fund in that
34 fiscal year.

1 The State Treasurer and Comptroller shall transfer the
2 amounts designated under this Section as soon as may be
3 practicable after receiving the direction to transfer from the
4 Governor.

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

11 (c) This Section does not apply to the Demutualization
12 Trust Fund established under the Uniform Disposition of
13 Unclaimed Property Act.

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

18 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
19 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
20 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
21 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
22 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
23 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
24 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

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

27 (625 ILCS 5/16-104c new)

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

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

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

4 (2) if an officer of any law enforcement agency in the
5 State other than the Department of State Police arrested
6 the person for the violation, the \$20 fee shall be paid to
7 the law enforcement agency that employed the arresting
8 officer and shall be used for the acquisition or
9 maintenance of police vehicles.

10 (b) In addition to the fee provided for in subsection (a),
11 a person who, after a court appearance in the same matter,
12 receives a disposition of court supervision for any violation
13 of this Code shall also pay an additional fee of \$5, which, if
14 not waived by the court, shall be deposited into the Circuit
15 Court Clerk Operation and Administrative Fund created by the
16 Clerk of the Circuit Court.

17 Section 15. The Clerks of Courts Act is amended by changing
18 Section 27.5 and adding Section 27.3d as follows:

19 (705 ILCS 105/27.3d new)

20 Sec. 27.3d. Circuit Court Clerk Operation and
21 Administrative Fund. Each Circuit Clerk shall create a Circuit
22 Court Clerk Operation and Administrative Fund, to be used to
23 offset the costs incurred by the Circuit Court Clerk in
24 performing the additional duties required to collect and
25 disburse funds to entities of State and local government as
26 provided by law. The Circuit Court Clerk shall be the
27 custodian, ex officio, of this Fund and shall use the Fund to
28 perform the duties required by the office. The Fund shall be
29 audited by the auditor retained by the Clerk for the purpose of
30 conducting the Annual Circuit Clerk Audit. Expenditures shall
31 be made from the Fund by the Circuit Court Clerk for expenses
32 related to the cost of collection for and disbursement to

1 entities of State and local government.

2 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

3 Sec. 27.5. (a) All fees, fines, costs, additional
4 penalties, bail balances assessed or forfeited, and any other
5 amount paid by a person to the circuit clerk that equals an
6 amount less than \$55, except restitution under Section 5-5-6 of
7 the Unified Code of Corrections, reimbursement for the costs of
8 an emergency response as provided under Section 11-501 of the
9 Illinois Vehicle Code, the court supervision fees collected
10 under Section 16-104c of the Illinois Vehicle Code, any fees
11 collected for attending a traffic safety program under
12 paragraph (c) of Supreme Court Rule 529, any fee collected on
13 behalf of a State's Attorney under Section 4-2002 of the
14 Counties Code or a sheriff under Section 4-5001 of the Counties
15 Code, or any cost imposed under Section 124A-5 of the Code of
16 Criminal Procedure of 1963, for convictions, orders of
17 supervision, or any other disposition for a violation of
18 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
19 similar provision of a local ordinance, and any violation of
20 the Child Passenger Protection Act, or a similar provision of a
21 local ordinance, and except as provided in subsection (b) shall
22 be disbursed within 60 days after receipt by the circuit clerk
23 as follows: 47% shall be disbursed to the entity authorized by
24 law to receive the fine imposed in the case; 12% shall be
25 disbursed to the State Treasurer; and 41% shall be disbursed to
26 the county's general corporate fund. Of the 12% disbursed to
27 the State Treasurer, 1/6 shall be deposited by the State
28 Treasurer into the Violent Crime Victims Assistance Fund, 1/2
29 shall be deposited into the Traffic and Criminal Conviction
30 Surcharge Fund, and 1/3 shall be deposited into the Drivers
31 Education Fund. For fiscal years 1992 and 1993, amounts
32 deposited into the Violent Crime Victims Assistance Fund, the
33 Traffic and Criminal Conviction Surcharge Fund, or the Drivers

1 Education Fund shall not exceed 110% of the amounts deposited
2 into those funds in fiscal year 1991. Any amount that exceeds
3 the 110% limit shall be distributed as follows: 50% shall be
4 disbursed to the county's general corporate fund and 50% shall
5 be disbursed to the entity authorized by law to receive the
6 fine imposed in the case. Not later than March 1 of each year
7 the circuit clerk shall submit a report of the amount of funds
8 remitted to the State Treasurer under this Section during the
9 preceding year based upon independent verification of fines and
10 fees. All counties shall be subject to this Section, except
11 that counties with a population under 2,000,000 may, by
12 ordinance, elect not to be subject to this Section. For
13 offenses subject to this Section, judges shall impose one total
14 sum of money payable for violations. The circuit clerk may add
15 on no additional amounts except for amounts that are required
16 by Sections 27.3a and 27.3c of this Act, unless those amounts
17 are specifically waived by the judge. With respect to money
18 collected by the circuit clerk as a result of forfeiture of
19 bail, ex parte judgment or guilty plea pursuant to Supreme
20 Court Rule 529, the circuit clerk shall first deduct and pay
21 amounts required by Sections 27.3a and 27.3c of this Act. This
22 Section is a denial and limitation of home rule powers and
23 functions under subsection (h) of Section 6 of Article VII of
24 the Illinois Constitution.

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

27 (1) 50% of the amounts collected for felony offenses
28 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
29 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
30 Animals Act and Section 26-5 of the Criminal Code of 1961;

31 (2) 20% of the amounts collected for Class A and Class
32 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
33 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
34 for Animals Act and Section 26-5 of the Criminal Code of

1 1961; and

2 (3) 50% of the amounts collected for Class C
3 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
4 for Animals Act and Section 26-5 of the Criminal Code of
5 1961.

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

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

10 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

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

27 (1) his imprisonment or periodic imprisonment is
28 necessary for the protection of the public; or

29 (2) probation or conditional discharge would deprecate
30 the seriousness of the offender's conduct and would be
31 inconsistent with the ends of justice; or

32 (3) a combination of imprisonment with concurrent or

1 consecutive probation when an offender has been admitted
2 into a drug court program under Section 20 of the Drug
3 Court Treatment Act is necessary for the protection of the
4 public and for the rehabilitation of the offender.

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

12 (b) The court may impose a sentence of conditional
13 discharge for an offense if the court is of the opinion that
14 neither a sentence of imprisonment nor of periodic imprisonment
15 nor of probation supervision is appropriate.

16 (b-1) Subsections (a) and (b) of this Section do not apply
17 to a defendant charged with a misdemeanor or felony under the
18 Illinois Vehicle Code or reckless homicide under Section 9-3 of
19 the Criminal Code of 1961 if the defendant within the past 12
20 months has been convicted of or pleaded guilty to a misdemeanor
21 or felony under the Illinois Vehicle Code or reckless homicide
22 under Section 9-3 of the Criminal Code of 1961.

23 (c) The court may, upon a plea of guilty or a stipulation
24 by the defendant of the facts supporting the charge or a
25 finding of guilt, defer further proceedings and the imposition
26 of a sentence, and enter an order for supervision of the
27 defendant, if the defendant is not charged with: (i) a Class A
28 misdemeanor, as defined by the following provisions of the
29 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
30 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
31 paragraph (1) through (5), (8), (10), and (11) of subsection
32 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
33 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
34 Act; or (iii) felony. If the defendant is not barred from

1 receiving an order for supervision as provided in this
2 subsection, the court may enter an order for supervision after
3 considering the circumstances of the offense, and the history,
4 character and condition of the offender, if the court is of the
5 opinion that:

6 (1) the offender is not likely to commit further
7 crimes;

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

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

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

17 (1) convicted for a violation of Section 11-501 of the
18 Illinois Vehicle Code or a similar provision of a local
19 ordinance or any similar law or ordinance of another state;
20 or

21 (2) assigned supervision for a violation of Section
22 11-501 of the Illinois Vehicle Code or a similar provision
23 of a local ordinance or any similar law or ordinance of
24 another state; or

25 (3) pleaded guilty to or stipulated to the facts
26 supporting a charge or a finding of guilty to a violation
27 of Section 11-503 of the Illinois Vehicle Code or a similar
28 provision of a local ordinance or any similar law or
29 ordinance of another state, and the plea or stipulation was
30 the result of a plea agreement.

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

34 (e) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 16A-3 of the Criminal
2 Code of 1961 if said defendant has within the last 5 years
3 been:

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

6 (2) assigned supervision for a violation of Section
7 16A-3 of the Criminal Code of 1961.

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

11 (f) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Sections 15-111, 15-112,
13 15-301, paragraph (b) of Section 6-104, Section 11-605, or
14 Section 11-1414 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance.

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

22 (1) convicted for a violation of Section 3-707, 3-708,
23 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance; or

25 (2) assigned supervision for a violation of Section
26 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
27 Code or a similar provision of a local ordinance.

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

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

1 (1) unless the defendant, upon payment of the fines,
2 penalties, and costs provided by law, agrees to attend and
3 successfully complete a traffic safety program approved by
4 the court under standards set by the Conference of Chief
5 Circuit Judges. The accused shall be responsible for
6 payment of any traffic safety program fees. If the accused
7 fails to file a certificate of successful completion on or
8 before the termination date of the supervision order, the
9 supervision shall be summarily revoked and conviction
10 entered. The provisions of Supreme Court Rule 402 relating
11 to pleas of guilty do not apply in cases when a defendant
12 enters a guilty plea under this provision; or

13 (2) if the defendant has previously been sentenced
14 under the provisions of paragraph (c) on or after January
15 1, 1998 for any serious traffic offense as defined in
16 Section 1-187.001 of the Illinois Vehicle Code.

17 (i) The provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Section 3-707 of the Illinois
19 Vehicle Code or a similar provision of a local ordinance if the
20 defendant has been assigned supervision for a violation of
21 Section 3-707 of the Illinois Vehicle Code or a similar
22 provision of a local ordinance.

23 (j) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 6-303 of the Illinois
25 Vehicle Code or a similar provision of a local ordinance when
26 the revocation or suspension was for a violation of Section
27 11-501 or a similar provision of a local ordinance, a violation
28 of Section 11-501.1 or paragraph (b) of Section 11-401 of the
29 Illinois Vehicle Code, or a violation of Section 9-3 of the
30 Criminal Code of 1961 if the defendant has within the last 10
31 years been:

32 (1) convicted for a violation of Section 6-303 of the
33 Illinois Vehicle Code or a similar provision of a local
34 ordinance; or

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

4 (k) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating any provision of the Illinois
6 Vehicle Code or a similar provision of a local ordinance that
7 governs the movement of vehicles if, within the 12 months
8 preceding the date of the defendant's arrest, the defendant has
9 been assigned court supervision on 2 occasions for a violation
10 that governs the movement of vehicles under the Illinois
11 Vehicle Code or a similar provision of a local ordinance.

12 (l) A defendant charged with violating any provision of the
13 Illinois Vehicle Code who, after a court appearance in the same
14 matter, receives a disposition of supervision under subsection
15 (c) shall pay additional fees of \$20 and \$5, to be disbursed as
16 provided in Section 16-104c of the Illinois Vehicle Code.

17 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
18 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
19 revised 8-19-05.)".