



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB0994**

Introduced 2/8/2007, by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.675 new

625 ILCS 5/16-104c

730 ILCS 5/5-6-1

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

Amends the Illinois Vehicle Code, the Unified Code of Corrections, and the State Finance Act. Provides that any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code, rather than only those persons who receive that disposition after appearing in court with regard to the violation, shall pay additional fees of \$20 and \$5. Provides that the additional fees shall also be collected from a person who receives the disposition for a violation of a local ordinance that is similar to a provision of the Vehicle Code. Increases the amount of the \$5 fee to \$10. Provides that \$5 of the \$10 fee shall be deposited into the Illinois Law Enforcement Alarm System Fund. Creates the Illinois Law Enforcement Alarm System Fund as a special fund in the State treasury. Provides that the Illinois Law Enforcement Alarm System Board shall use all moneys in the Fund for the operational expenses of homeland security air support units in the State of Illinois. Effective immediately.

LRB095 06161 DRH 26255 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 adding  
5 Section 5.675 as follows:

6 (30 ILCS 105/5.675 new)

7 Sec. 5.675. The Illinois Law Enforcement Alarm System Fund.

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing Section 16-104c as follows:

10 (625 ILCS 5/16-104c)

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

12 (a) Any person who, ~~after a court appearance in the same~~  
13 ~~matter,~~ receives a disposition of court supervision for a  
14 violation of any provision of this Code or a similar provision  
15 of a local ordinance shall pay an additional fee of \$20, which  
16 shall be disbursed as follows:

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

21 (2) if an officer of any law enforcement agency in the

1 State other than the Department of State Police arrested  
2 the person for the violation, the \$20 fee shall be paid to  
3 the law enforcement agency that employed the arresting  
4 officer and shall be used for the acquisition or  
5 maintenance of police vehicles.

6 (b) In addition to the fee provided for in subsection (a),  
7 a person who, ~~after a court appearance in the same matter,~~  
8 receives a disposition of court supervision for any violation  
9 of this Code or a similar provision of a local ordinance shall  
10 also pay an additional fee of \$10 ~~\$5~~, if not waived by the  
11 court. Of this \$10 ~~\$5~~ fee, \$5 shall be deposited into the  
12 Illinois Law Enforcement Alarm System Fund in the State  
13 treasury, \$4.50 shall be deposited into the Circuit Court Clerk  
14 Operation and Administrative Fund created by the Clerk of the  
15 Circuit Court, and 50 cents shall be deposited into the  
16 Prisoner Review Board Vehicle and Equipment Fund in the State  
17 treasury.

18 (c) The Prisoner Review Board Vehicle and Equipment Fund is  
19 created as a special fund in the State treasury. The Prisoner  
20 Review Board shall, subject to appropriation by the General  
21 Assembly and approval by the Secretary, use all moneys in the  
22 Prisoner Review Board Vehicle and Equipment Fund for the  
23 purchase and operation of vehicles and equipment.

24 (d) The Illinois Law Enforcement Alarm System Fund is  
25 created as a special fund in the State treasury. The Illinois  
26 Law Enforcement Alarm System Board shall, subject to

1 appropriation by the General Assembly and approval by the  
2 Secretary, use all moneys in the Illinois Law Enforcement Alarm  
3 System Fund for the operational expenses of homeland security  
4 air support units in the State of Illinois.

5 (Source: P.A. 94-1009, eff. 1-1-07.)

6 Section 15. The Unified Code of Corrections is amended by  
7 changing Section 5-6-1 as follows:

8 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

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

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

3           (2) probation or conditional discharge would deprecate  
4 the seriousness of the offender's conduct and would be  
5 inconsistent with the ends of justice; or

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

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

18           (b) The court may impose a sentence of conditional  
19 discharge for an offense if the court is of the opinion that  
20 neither a sentence of imprisonment nor of periodic imprisonment  
21 nor of probation supervision is appropriate.

22           (b-1) Subsections (a) and (b) of this Section do not apply  
23 to a defendant charged with a misdemeanor or felony under the  
24 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
25 the Criminal Code of 1961 if the defendant within the past 12  
26 months has been convicted of or pleaded guilty to a misdemeanor

1 or felony under the Illinois Vehicle Code or reckless homicide  
2 under Section 9-3 of the Criminal Code of 1961.

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

20 (1) the offender is not likely to commit further  
21 crimes;

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

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

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

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

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

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

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

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

26 (1) convicted for a violation of Section 16A-3 of the

1 Criminal Code of 1961; or

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

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

7 (f) The provisions of paragraph (c) shall not apply to a  
8 defendant charged with violating Sections 15-111, 15-112,  
9 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
10 Section 11-1414 of the Illinois Vehicle Code or a similar  
11 provision of a local ordinance.

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

18 (1) convicted for a violation of Section 3-707, 3-708,  
19 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
20 provision of a local ordinance; or

21 (2) assigned supervision for a violation of Section  
22 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
23 Code or a similar provision of a local ordinance.

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



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

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

17           (2) if the defendant has previously been sentenced  
18 under the provisions of paragraph (c) on or after January  
19 1, 1998 for any serious traffic offense as defined in  
20 Section 1-187.001 of the Illinois Vehicle Code.

21           (i) The provisions of paragraph (c) shall not apply to a  
22 defendant charged with violating Section 3-707 of the Illinois  
23 Vehicle Code or a similar provision of a local ordinance if the  
24 defendant has been assigned supervision for a violation of  
25 Section 3-707 of the Illinois Vehicle Code or a similar  
26 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 or a similar provision of a local  
26 ordinance ~~who, after a court appearance in the same matter,~~

1 receives a disposition of supervision under subsection (c)  
2 shall pay an additional fee of \$20, to be collected as provided  
3 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In  
4 addition to the \$20 fee, the person shall also pay a fee of \$10  
5 ~~\$5~~, which, if not waived by the court, shall be collected as  
6 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.  
7 The \$20 fee shall be disbursed as provided in Section 16-104c  
8 of the Illinois Vehicle Code. If the \$10 ~~\$5~~ fee is collected,  
9 \$5 of the fee shall be deposited into the Illinois Law  
10 Enforcement Alarm System Fund in the State treasury, \$4.50 of  
11 the fee shall be deposited into the Circuit Court Clerk  
12 Operation and Administrative Fund created by the Clerk of the  
13 Circuit Court, and 50 cents of the fee shall be deposited into  
14 the Prisoner Review Board Vehicle and Equipment Fund in the  
15 State treasury.

16 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;  
17 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;  
18 94-1009, eff. 1-1-07.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.