



Transportation and Motor Vehicles Committee

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09500SB1260ham001

LRB095 09752 AJ0 36608 a

1 AMENDMENT TO SENATE BILL 1260

2 AMENDMENT NO. _____. Amend Senate Bill 1260 by replacing
3 everything after the enacting clause with the following:

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

1 of a local ordinance shall pay an additional fee of \$20, which
2 shall be disbursed as follows:

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

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

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

25 (c) The Prisoner Review Board Vehicle and Equipment Fund is
26 created as a special fund in the State treasury. The Prisoner

1 Review Board shall, subject to appropriation by the General
2 Assembly and approval by the Secretary, use all moneys in the
3 Prisoner Review Board Vehicle and Equipment Fund for the
4 purchase and operation of vehicles and equipment.

5 (d) The Illinois Law Enforcement Alarm System Fund is
6 created as a special fund in the State treasury. The Illinois
7 Law Enforcement Alarm System Board shall, subject to
8 appropriation by the General Assembly and approval by the
9 Secretary, use all moneys in the Illinois Law Enforcement Alarm
10 System Fund for the operational expenses of homeland security
11 air support units in the State of Illinois.

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

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

15 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

1 supervision.

2 (a) Except where specifically prohibited by other
3 provisions of this Code, the court shall impose a sentence of
4 probation or conditional discharge upon an offender unless,
5 having regard to the nature and circumstance of the offense,
6 and to the history, character and condition of the offender,
7 the court is of the opinion that:

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

10 (2) probation or conditional discharge would deprecate
11 the seriousness of the offender's conduct and would be
12 inconsistent with the ends of justice; or

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

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

25 (b) The court may impose a sentence of conditional
26 discharge for an offense if the court is of the opinion that

1 neither a sentence of imprisonment nor of periodic imprisonment
2 nor of probation supervision is appropriate.

3 (b-1) Subsections (a) and (b) of this Section do not apply
4 to a defendant charged with a misdemeanor or felony under the
5 Illinois Vehicle Code or reckless homicide under Section 9-3 of
6 the Criminal Code of 1961 if the defendant within the past 12
7 months has been convicted of or pleaded guilty to a misdemeanor
8 or felony under the Illinois Vehicle Code or reckless homicide
9 under Section 9-3 of the Criminal Code of 1961.

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

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

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

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

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

12 (1) convicted for a violation of Section 11-501 of the
13 Illinois Vehicle Code or a similar provision of a local
14 ordinance or any similar law or ordinance of another state;
15 or

16 (2) assigned supervision for a violation of Section
17 11-501 of the Illinois Vehicle Code or a similar provision
18 of a local ordinance or any similar law or ordinance of
19 another state; or

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

26 The court shall consider the statement of the prosecuting

1 authority with regard to the standards set forth in this
2 Section.

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

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

9 (2) assigned supervision for a violation of Section
10 16A-3 of the Criminal Code of 1961.

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

14 (f) The provisions of paragraph (c) shall not apply to a
15 defendant charged with violating Sections 15-111, 15-112,
16 15-301, paragraph (b) of Section 6-104, Section 11-605, or
17 Section 11-1414 of the Illinois Vehicle Code or a similar
18 provision of a local ordinance.

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

25 (1) convicted for a violation of Section 3-707, 3-708,
26 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance; or

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

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

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

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

24 (2) if the defendant has previously been sentenced
25 under the provisions of paragraph (c) on or after January
26 1, 1998 for any serious traffic offense as defined in

1 Section 1-187.001 of the Illinois Vehicle Code.

2 (i) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Section 3-707 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance if the
5 defendant has been assigned supervision for a violation of
6 Section 3-707 of the Illinois Vehicle Code or a similar
7 provision of a local ordinance.

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

17 (1) convicted for a violation of Section 6-303 of the
18 Illinois Vehicle Code or a similar provision of a local
19 ordinance; or

20 (2) assigned supervision for a violation of Section
21 6-303 of the Illinois Vehicle Code or a similar provision
22 of a local ordinance.

23 (k) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating any provision of the Illinois
25 Vehicle Code or a similar provision of a local ordinance that
26 governs the movement of vehicles if, within the 12 months

1 preceding the date of the defendant's arrest, the defendant has
2 been assigned court supervision on 2 occasions for a violation
3 that governs the movement of vehicles under the Illinois
4 Vehicle Code or a similar provision of a local ordinance.

5 (1) A defendant charged with violating any provision of the
6 Illinois Vehicle Code or a similar provision of a local
7 ordinance who, after a court appearance in the same matter,
8 receives a disposition of supervision under subsection (c)
9 shall pay an additional fee of \$20, to be collected as provided
10 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In
11 addition to the \$20 fee, the person shall also pay a fee of \$10
12 ~~\$5~~, which, if not waived by the court, shall be collected as
13 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
14 The \$20 fee shall be disbursed as provided in Section 16-104c
15 of the Illinois Vehicle Code. If the \$10 ~~\$5~~ fee is collected,
16 \$5 of the fee shall be deposited into the Illinois Law
17 Enforcement Alarm System Fund in the State treasury, \$4.50 of
18 the fee shall be deposited into the Circuit Court Clerk
19 Operation and Administrative Fund created by the Clerk of the
20 Circuit Court, and 50 cents of the fee shall be deposited into
21 the Prisoner Review Board Vehicle and Equipment Fund in the
22 State treasury.

23 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
24 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
25 94-1009, eff. 1-1-07.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".