



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1341

Introduced 2/10/2009, by Sen. Michael Bond

SYNOPSIS AS INTRODUCED:

625 ILCS 5/16-104c	
705 ILCS 105/27.5	from Ch. 25, par. 27.5
705 ILCS 105/27.6	
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Amends the Illinois Vehicle Code, Clerks of Courts Act, and the Unified Code of Corrections to provide that any person who receives court supervision shall pay an additional fee of \$30 (instead of \$20). Provides that any person who receives a disposition of court supervision for a Vehicle Code violation or a similar local ordinance shall pay an additional fee of \$30 (instead of \$20). Provides that \$20 of the \$30 (instead of the \$20) shall be deposited into the State Police Vehicle Fund in the State treasury and \$10 of the \$30 shall be deposited into the Driver's Education Fund.

LRB096 04410 AJO 14461 b

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 16-104c as follows:

6 (625 ILCS 5/16-104c)

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

8 (a) Any person who, after a court appearance in the same
9 matter, receives a disposition of court supervision for a
10 violation of any provision of this Code or a similar provision
11 of a local ordinance shall pay an additional fee of \$30 ~~\$20~~,
12 which shall be disbursed as follows:

13 (1) if an officer of the Department of State Police
14 arrested the person for the violation, ~~the \$20~~ of the \$30
15 fee shall be deposited into the State Police Vehicle Fund
16 in the State treasury; or

17 (2) if an officer of any law enforcement agency in the
18 State other than the Department of State Police arrested
19 the person for the violation, ~~the \$20~~ of the \$30 fee shall
20 be paid to the law enforcement agency that employed the
21 arresting officer and shall be used for the acquisition or
22 maintenance of police vehicles; and-

23 (3) \$10 of the \$30 fee shall be deposited into the

1 Drivers Education Fund.

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

12 (c) The Prisoner Review Board Vehicle and Equipment Fund is
13 created as a special fund in the State treasury. The Prisoner
14 Review Board shall, subject to appropriation by the General
15 Assembly and approval by the Secretary, use all moneys in the
16 Prisoner Review Board Vehicle and Equipment Fund for the
17 purchase and operation of vehicles and equipment.

18 (Source: P.A. 94-1009, eff. 1-1-07; 95-428, eff. 8-24-07.)

19 Section 10. The Clerks of Courts Act is amended by changing
20 Sections 27.5 and 27.6 as follows:

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

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

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

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

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

5 (2) 20% of the amounts collected for Class A and Class
6 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
7 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
8 for Animals Act and Section 26-5 of the Criminal Code of
9 1961; and

10 (3) 50% of the amounts collected for Class C
11 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
12 for Animals Act and Section 26-5 of the Criminal Code of
13 1961.

14 (c) Any person who receives a disposition of court
15 supervision for a violation of the Illinois Vehicle Code or a
16 similar provision of a local ordinance shall, in addition to
17 any other fines, fees, and court costs, pay an additional fee
18 of \$30 ~~\$20~~, to be disbursed as provided in Section 16-104c of
19 the Illinois Vehicle Code. In addition to the fee of \$30 ~~\$20~~,
20 the person shall also pay a fee of \$5, if not waived by the
21 court. If this \$5 fee is collected, \$4.50 of the fee shall be
22 deposited into the Circuit Court Clerk Operation and
23 Administrative Fund created by the Clerk of the Circuit Court
24 and 50 cents of the fee shall be deposited into the Prisoner
25 Review Board Vehicle and Equipment Fund in the State treasury.

26 (d) Any person convicted of or pleading guilty to a serious

1 traffic violation, as defined in Section 1-187.001 of the
2 Illinois Vehicle Code, shall pay an additional fee of \$20, to
3 be disbursed as provided in Section 16-104d of that Code.

4 This subsection (d) becomes inoperative 7 years after the
5 effective date of Public Act 95-154.

6 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
7 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.)

8 (705 ILCS 105/27.6)

9 Sec. 27.6. (a) All fees, fines, costs, additional
10 penalties, bail balances assessed or forfeited, and any other
11 amount paid by a person to the circuit clerk equalling an
12 amount of \$55 or more, except the fine imposed by Section
13 5-9-1.15 of the Unified Code of Corrections, the additional fee
14 required by subsections (b) and (c), restitution under Section
15 5-5-6 of the Unified Code of Corrections, reimbursement for the
16 costs of an emergency response as provided under Section 11-501
17 of the Illinois Vehicle Code, any fees collected for attending
18 a traffic safety program under paragraph (c) of Supreme Court
19 Rule 529, any fee collected on behalf of a State's Attorney
20 under Section 4-2002 of the Counties Code or a sheriff under
21 Section 4-5001 of the Counties Code, or any cost imposed under
22 Section 124A-5 of the Code of Criminal Procedure of 1963, for
23 convictions, orders of supervision, or any other disposition
24 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
25 Vehicle Code, or a similar provision of a local ordinance, and

1 any violation of the Child Passenger Protection Act, or a
2 similar provision of a local ordinance, and except as provided
3 in subsections (d) and (g) shall be disbursed within 60 days
4 after receipt by the circuit clerk as follows: 44.5% shall be
5 disbursed to the entity authorized by law to receive the fine
6 imposed in the case; 16.825% shall be disbursed to the State
7 Treasurer; and 38.675% shall be disbursed to the county's
8 general corporate fund. Of the 16.825% disbursed to the State
9 Treasurer, 2/17 shall be deposited by the State Treasurer into
10 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
11 deposited into the Traffic and Criminal Conviction Surcharge
12 Fund, 3/17 shall be deposited into the Drivers Education Fund,
13 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
14 the 6.948/17 deposited into the Trauma Center Fund from the
15 16.825% disbursed to the State Treasurer, 50% shall be
16 disbursed to the Department of Public Health and 50% shall be
17 disbursed to the Department of Healthcare and Family Services.
18 For fiscal year 1993, amounts deposited into the Violent Crime
19 Victims Assistance Fund, the Traffic and Criminal Conviction
20 Surcharge Fund, or the Drivers Education Fund shall not exceed
21 110% of the amounts deposited into those funds in fiscal year
22 1991. Any amount that exceeds the 110% limit shall be
23 distributed as follows: 50% shall be disbursed to the county's
24 general corporate fund and 50% shall be disbursed to the entity
25 authorized by law to receive the fine imposed in the case. Not
26 later than March 1 of each year the circuit clerk shall submit

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

18 (b) In addition to any other fines and court costs assessed
19 by the courts, any person convicted or receiving an order of
20 supervision for driving under the influence of alcohol or drugs
21 shall pay an additional fee of \$100 to the clerk of the circuit
22 court. This amount, less 2 1/2% that shall be used to defray
23 administrative costs incurred by the clerk, shall be remitted
24 by the clerk to the Treasurer within 60 days after receipt for
25 deposit into the Trauma Center Fund. This additional fee of
26 \$100 shall not be considered a part of the fine for purposes of

1 any reduction in the fine for time served either before or
2 after sentencing. Not later than March 1 of each year the
3 Circuit Clerk shall submit a report of the amount of funds
4 remitted to the State Treasurer under this subsection during
5 the preceding calendar year.

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

20 (c) In addition to any other fines and court costs assessed
21 by the courts, any person convicted for a violation of Sections
22 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
23 person sentenced for a violation of the Cannabis Control Act,
24 the Illinois Controlled Substances Act, or the Methamphetamine
25 Control and Community Protection Act shall pay an additional
26 fee of \$100 to the clerk of the circuit court. This amount,

1 less 2 1/2% that shall be used to defray administrative costs
2 incurred by the clerk, shall be remitted by the clerk to the
3 Treasurer within 60 days after receipt for deposit into the
4 Trauma Center Fund. This additional fee of \$100 shall not be
5 considered a part of the fine for purposes of any reduction in
6 the fine for time served either before or after sentencing. Not
7 later than March 1 of each year the Circuit Clerk shall submit
8 a report of the amount of funds remitted to the State Treasurer
9 under this subsection during the preceding calendar year.

10 (c-1) In addition to any other fines and court costs
11 assessed by the courts, any person sentenced for a violation of
12 the Cannabis Control Act, the Illinois Controlled Substances
13 Act, or the Methamphetamine Control and Community Protection
14 Act shall pay an additional fee of \$5 to the clerk of the
15 circuit court. This amount, less 2 1/2% that shall be used to
16 defray administrative costs incurred by the clerk, shall be
17 remitted by the clerk to the Treasurer within 60 days after
18 receipt for deposit into the Spinal Cord Injury Paralysis Cure
19 Research Trust Fund. This additional fee of \$5 shall not be
20 considered a part of the fine for purposes of any reduction in
21 the fine for time served either before or after sentencing. Not
22 later than March 1 of each year the Circuit Clerk shall submit
23 a report of the amount of funds remitted to the State Treasurer
24 under this subsection during the preceding calendar year.

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

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

5 (2) 20% of the amounts collected for Class A and Class
6 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
7 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
8 for Animals Act and Section 26-5 of the Criminal Code of
9 1961; and

10 (3) 50% of the amounts collected for Class C
11 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
12 for Animals Act and Section 26-5 of the Criminal Code of
13 1961.

14 (e) Any person who receives a disposition of court
15 supervision for a violation of the Illinois Vehicle Code or a
16 similar provision of a local ordinance shall, in addition to
17 any other fines, fees, and court costs, pay an additional fee
18 of \$30 ~~\$20~~, to be disbursed as provided in Section 16-104c of
19 the Illinois Vehicle Code. In addition to the fee of \$30 ~~\$20~~,
20 the person shall also pay a fee of \$5, if not waived by the
21 court. If this \$5 fee is collected, \$4.50 of the fee shall be
22 deposited into the Circuit Court Clerk Operation and
23 Administrative Fund created by the Clerk of the Circuit Court
24 and 50 cents of the fee shall be deposited into the Prisoner
25 Review Board Vehicle and Equipment Fund in the State treasury.

26 (f) This Section does not apply to the additional child

1 pornography fines assessed and collected under Section
2 5-9-1.14 of the Unified Code of Corrections.

3 (g) Of the amounts collected as fines under subsection (b)
4 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
5 deposited into the Illinois Military Family Relief Fund and 1%
6 shall be deposited into the Circuit Court Clerk Operation and
7 Administrative Fund created by the Clerk of the Circuit Court
8 to be used to offset the costs incurred by the Circuit Court
9 Clerk in performing the additional duties required to collect
10 and disburse funds to entities of State and local government as
11 provided by law.

12 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
13 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
14 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

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

17 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

1 sanctions for violations of the terms and conditions of a
2 sentence of probation, conditional discharge or disposition of
3 supervision.

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

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

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

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

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

1 (b) The court may impose a sentence of conditional
2 discharge for an offense if the court is of the opinion that
3 neither a sentence of imprisonment nor of periodic imprisonment
4 nor of probation supervision is appropriate.

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

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

1 character and condition of the offender, if the court is of the
2 opinion that:

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

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

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

10 (c-5) Subsections (a), (b), and (c) of this Section do not
11 apply to a defendant charged with a second or subsequent
12 violation of Section 6-303 of the Illinois Vehicle Code
13 committed while his or her driver's license, permit or
14 privileges were revoked because of a violation of Section 9-3
15 of the Criminal Code of 1961, relating to the offense of
16 reckless homicide, or a similar provision of a law of another
17 state.

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

22 (1) convicted for a violation of Section 11-501 of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance or any similar law or ordinance of another state;
25 or

26 (2) assigned supervision for a violation of Section

1 11-501 of the Illinois Vehicle Code or a similar provision
2 of a local ordinance or any similar law or ordinance of
3 another state; or

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

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

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

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

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

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

24 (f) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Sections 15-111, 15-112,
26 15-301, paragraph (b) of Section 6-104, Section 11-605, Section

1 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
2 similar provision of a local ordinance.

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

9 (1) convicted for a violation of Section 3-707, 3-708,
10 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
11 provision of a local ordinance; or

12 (2) assigned supervision for a violation of Section
13 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
14 Code or a similar provision of a local ordinance.

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

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

22 (1) unless the defendant, upon payment of the fines,
23 penalties, and costs provided by law, agrees to attend and
24 successfully complete a traffic safety program approved by
25 the court under standards set by the Conference of Chief
26 Circuit Judges. The accused shall be responsible for

1 payment of any traffic safety program fees. If the accused
2 fails to file a certificate of successful completion on or
3 before the termination date of the supervision order, the
4 supervision shall be summarily revoked and conviction
5 entered. The provisions of Supreme Court Rule 402 relating
6 to pleas of guilty do not apply in cases when a defendant
7 enters a guilty plea under this provision; or

8 (2) if the defendant has previously been sentenced
9 under the provisions of paragraph (c) on or after January
10 1, 1998 for any serious traffic offense as defined in
11 Section 1-187.001 of the Illinois Vehicle Code.

12 (h-1) The provisions of paragraph (c) shall not apply to a
13 defendant under the age of 21 years charged with an offense
14 against traffic regulations governing the movement of vehicles
15 or any violation of Section 6-107 or Section 12-603.1 of the
16 Illinois Vehicle Code, unless the defendant, upon payment of
17 the fines, penalties, and costs provided by law, agrees to
18 attend and successfully complete a traffic safety program
19 approved by the court under standards set by the Conference of
20 Chief Circuit Judges. The accused shall be responsible for
21 payment of any traffic safety program fees. If the accused
22 fails to file a certificate of successful completion on or
23 before the termination date of the supervision order, the
24 supervision shall be summarily revoked and conviction entered.
25 The provisions of Supreme Court Rule 402 relating to pleas of
26 guilty do not apply in cases when a defendant enters a guilty

1 plea under this provision.

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 or a
13 violation of Section 11-501.1 or paragraph (b) of Section
14 11-401 of the Illinois Vehicle Code if the defendant has within
15 the last 10 years been:

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

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

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

1 been assigned court supervision on 2 occasions for a violation
2 that governs the movement of vehicles under the Illinois
3 Vehicle Code or a similar provision of a local ordinance.

4 (l) A defendant charged with violating any provision of the
5 Illinois Vehicle Code or a similar provision of a local
6 ordinance who, after a court appearance in the same matter,
7 receives a disposition of supervision under subsection (c)
8 shall pay an additional fee of \$30 ~~\$20~~, to be collected as
9 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
10 In addition to the \$30 ~~\$20~~ fee, the person shall also pay a fee
11 of \$5, which, if not waived by the court, shall be collected as
12 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
13 The \$20 fee shall be disbursed as provided in Section 16-104c
14 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
15 of the fee shall be deposited into the Circuit Court Clerk
16 Operation and Administrative Fund created by the Clerk of the
17 Circuit Court and 50 cents of the fee shall be deposited into
18 the Prisoner Review Board Vehicle and Equipment Fund in the
19 State treasury.

20 (m) Any person convicted of or pleading guilty to a serious
21 traffic violation, as defined in Section 1-187.001 of the
22 Illinois Vehicle Code, shall pay an additional fee of \$20, to
23 be disbursed as provided in Section 16-104d of that Code.

24 This subsection (m) becomes inoperative 7 years after
25 October 13, 2007 (the effective date of Public Act 95-154).

26 (n) The provisions of paragraph (c) shall not apply to any

1 person under the age of 18 who commits an offense against
2 traffic regulations governing the movement of vehicles or any
3 violation of Section 6-107 or Section 12-603.1 of the Illinois
4 Vehicle Code, except upon personal appearance of the defendant
5 in court and upon the written consent of the defendant's parent
6 or legal guardian, executed before the presiding judge. The
7 presiding judge shall have the authority to waive this
8 requirement upon the showing of good cause by the defendant.

9 (o) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating Section 6-303 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance when
12 the suspension was for a violation of Section 11-501.1 of the
13 Illinois Vehicle Code and when:

14 (1) at the time of the violation of Section 11-501.1 of
15 the Illinois Vehicle Code, the defendant was a first
16 offender pursuant to Section 11-500 of the Illinois Vehicle
17 Code and the defendant failed to obtain a monitoring device
18 driving permit; or

19 (2) at the time of the violation of Section 11-501.1 of
20 the Illinois Vehicle Code, the defendant was a first
21 offender pursuant to Section 11-500 of the Illinois Vehicle
22 Code, had subsequently obtained a monitoring device
23 driving permit, but was driving a vehicle not equipped with
24 a breath alcohol ignition interlock device as defined in
25 Section 1-129.1 of the Illinois Vehicle Code.

26 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,

1 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
2 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;
3 95-400, eff. 1-1-09; 95-428, 8-24-07; 95-876, eff. 8-21-08;
4 revised 10-30-08.)