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LRB096 04410 AJT 25217 a

1 AMENDMENT TO SENATE BILL 1341

2 AMENDMENT NO. _____. Amend Senate Bill 1341 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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 \$29 ~~\$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 \$29~~
15 fee shall be deposited into the State Police Vehicle Fund
16 in the State treasury; or

1 (2) if an officer of any law enforcement agency in the
2 State other than the Department of State Police arrested
3 the person for the violation, ~~the~~ \$20 of the \$29 fee shall
4 be paid to the law enforcement agency that employed the
5 arresting officer and shall be used for the acquisition or
6 maintenance of police vehicles; ~~and~~.

7 (3) \$9 of the \$29 fee shall be deposited into the
8 Drivers Education Fund.

9 (b) In addition to the fee provided for in subsection (a),
10 a person who, ~~after a court appearance in the same matter,~~
11 receives a disposition of court supervision for any violation
12 of this Code or a similar provision of a local ordinance shall
13 also pay an additional fee of \$6 ~~\$5~~, if not waived by the
14 court. Of this \$6 ~~\$5~~ fee, \$5.50 ~~\$4.50~~ shall be deposited into
15 the Circuit Court Clerk Operation and Administrative Fund
16 created by the Clerk of the Circuit Court and 50 cents shall be
17 deposited into the Prisoner Review Board Vehicle and Equipment
18 Fund in the State treasury.

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

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

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

3 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

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

1 Of the 12% disbursed to the State Treasurer, 1/6 shall be
2 deposited by the State Treasurer into the Violent Crime Victims
3 Assistance Fund, 1/2 shall be deposited into the Traffic and
4 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
5 into the Drivers Education Fund. For fiscal years 1992 and
6 1993, amounts deposited into the Violent Crime Victims
7 Assistance Fund, the Traffic and Criminal Conviction Surcharge
8 Fund, or the Drivers Education Fund shall not exceed 110% of
9 the amounts deposited into those funds in fiscal year 1991. Any
10 amount that exceeds the 110% limit shall be distributed as
11 follows: 50% shall be disbursed to the county's general
12 corporate fund and 50% shall be disbursed to the entity
13 authorized by law to receive the fine imposed in the case. Not
14 later than March 1 of each year the circuit clerk shall submit
15 a report of the amount of funds remitted to the State Treasurer
16 under this Section during the preceding year based upon
17 independent verification of fines and fees. All counties shall
18 be subject to this Section, except that counties with a
19 population under 2,000,000 may, by ordinance, elect not to be
20 subject to this Section. For offenses subject to this Section,
21 judges shall impose one total sum of money payable for
22 violations. The circuit clerk may add on no additional amounts
23 except for amounts that are required by Sections 27.3a and
24 27.3c of this Act, unless those amounts are specifically waived
25 by the judge. With respect to money collected by the circuit
26 clerk as a result of forfeiture of bail, ex parte judgment or

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

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

8 (1) 50% of the amounts collected for felony offenses
9 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
10 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
11 Animals Act and Section 26-5 of the Criminal Code of 1961;

12 (2) 20% of the amounts collected for Class A and Class
13 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
14 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
15 for Animals Act and Section 26-5 of the Criminal Code of
16 1961; and

17 (3) 50% of the amounts collected for Class C
18 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
19 for Animals Act and Section 26-5 of the Criminal Code of
20 1961.

21 (c) Any person who receives a disposition of court
22 supervision for a violation of the Illinois Vehicle Code or a
23 similar provision of a local ordinance shall, in addition to
24 any other fines, fees, and court costs, pay an additional fee
25 of \$29 ~~\$20~~, to be disbursed as provided in Section 16-104c of
26 the Illinois Vehicle Code. In addition to the fee of \$29 ~~\$20~~,

1 the person shall also pay a fee of \$6 ~~\$5~~, if not waived by the
2 court. If this \$6 ~~\$5~~ fee is collected, \$5.50 ~~\$4.50~~ of the fee
3 shall be deposited into the Circuit Court Clerk Operation and
4 Administrative Fund created by the Clerk of the Circuit Court
5 and 50 cents of the fee shall be deposited into the Prisoner
6 Review Board Vehicle and Equipment Fund in the State treasury.

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

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

13 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
14 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.)

15 (705 ILCS 105/27.6)

16 Sec. 27.6. (a) All fees, fines, costs, additional
17 penalties, bail balances assessed or forfeited, and any other
18 amount paid by a person to the circuit clerk equalling an
19 amount of \$55 or more, except the fine imposed by Section
20 5-9-1.15 of the Unified Code of Corrections, the additional fee
21 required by subsections (b) and (c), restitution under Section
22 5-5-6 of the Unified Code of Corrections, reimbursement for the
23 costs of an emergency response as provided under Section 11-501
24 of the Illinois Vehicle Code, any fees collected for attending
25 a traffic safety program under paragraph (c) of Supreme Court

1 Rule 529, any fee collected on behalf of a State's Attorney
2 under Section 4-2002 of the Counties Code or a sheriff under
3 Section 4-5001 of the Counties Code, or any cost imposed under
4 Section 124A-5 of the Code of Criminal Procedure of 1963, for
5 convictions, orders of supervision, or any other disposition
6 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
7 Vehicle Code, or a similar provision of a local ordinance, and
8 any violation of the Child Passenger Protection Act, or a
9 similar provision of a local ordinance, and except as provided
10 in subsections (d) and (g) shall be disbursed within 60 days
11 after receipt by the circuit clerk as follows: 44.5% shall be
12 disbursed to the entity authorized by law to receive the fine
13 imposed in the case; 16.825% shall be disbursed to the State
14 Treasurer; and 38.675% shall be disbursed to the county's
15 general corporate fund. Of the 16.825% disbursed to the State
16 Treasurer, 2/17 shall be deposited by the State Treasurer into
17 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
18 deposited into the Traffic and Criminal Conviction Surcharge
19 Fund, 3/17 shall be deposited into the Drivers Education Fund,
20 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
21 the 6.948/17 deposited into the Trauma Center Fund from the
22 16.825% disbursed to the State Treasurer, 50% shall be
23 disbursed to the Department of Public Health and 50% shall be
24 disbursed to the Department of Healthcare and Family Services.
25 For fiscal year 1993, amounts deposited into the Violent Crime
26 Victims Assistance Fund, the Traffic and Criminal Conviction

1 Surcharge Fund, or the Drivers Education Fund shall not exceed
2 110% of the amounts deposited into those funds in fiscal year
3 1991. Any amount that exceeds the 110% limit shall be
4 distributed as follows: 50% shall be disbursed to the county's
5 general 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) In addition to any other fines and court costs assessed
26 by the courts, any person convicted or receiving an order of

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

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

1 (c) In addition to any other fines and court costs assessed
2 by the courts, any person convicted for a violation of Sections
3 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
4 person sentenced for a violation of the Cannabis Control Act,
5 the Illinois Controlled Substances Act, or the Methamphetamine
6 Control and Community Protection Act shall pay an additional
7 fee of \$100 to the clerk of the circuit court. This amount,
8 less 2 1/2% that shall be used to defray administrative costs
9 incurred by the clerk, shall be remitted by the clerk to the
10 Treasurer within 60 days after receipt for deposit into the
11 Trauma Center Fund. This additional fee of \$100 shall not be
12 considered a part of the fine for purposes of any reduction in
13 the fine for time served either before or after sentencing. Not
14 later than March 1 of each year the Circuit Clerk shall submit
15 a report of the amount of funds remitted to the State Treasurer
16 under this subsection during the preceding calendar year.

17 (c-1) In addition to any other fines and court costs
18 assessed by the courts, any person sentenced for a violation of
19 the Cannabis Control Act, the Illinois Controlled Substances
20 Act, or the Methamphetamine Control and Community Protection
21 Act shall pay an additional fee of \$5 to the clerk of the
22 circuit court. This amount, less 2 1/2% that shall be used to
23 defray administrative costs incurred by the clerk, shall be
24 remitted by the clerk to the Treasurer within 60 days after
25 receipt for deposit into the Spinal Cord Injury Paralysis Cure
26 Research Trust Fund. This additional fee of \$5 shall not be

1 considered a part of the fine for purposes of any reduction in
2 the fine for time served either before or after sentencing. 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 subsection during the preceding calendar year.

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

8 (1) 50% of the amounts collected for felony offenses
9 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
10 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
11 Animals Act and Section 26-5 of the Criminal Code of 1961;

12 (2) 20% of the amounts collected for Class A and Class
13 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
14 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
15 for Animals Act and Section 26-5 of the Criminal Code of
16 1961; and

17 (3) 50% of the amounts collected for Class C
18 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
19 for Animals Act and Section 26-5 of the Criminal Code of
20 1961.

21 (e) Any person who receives a disposition of court
22 supervision for a violation of the Illinois Vehicle Code or a
23 similar provision of a local ordinance shall, in addition to
24 any other fines, fees, and court costs, pay an additional fee
25 of \$29 ~~\$20~~, to be disbursed as provided in Section 16-104c of
26 the Illinois Vehicle Code. In addition to the fee of \$29 ~~\$20~~,

1 the person shall also pay a fee of \$6 ~~\$5~~, if not waived by the
2 court. If this \$6 ~~\$5~~ fee is collected, \$5.50 ~~\$4.50~~ of the fee
3 shall be deposited into the Circuit Court Clerk Operation and
4 Administrative Fund created by the Clerk of the Circuit Court
5 and 50 cents of the fee shall be deposited into the Prisoner
6 Review Board Vehicle and Equipment Fund in the State treasury.

7 (f) This Section does not apply to the additional child
8 pornography fines assessed and collected under Section
9 5-9-1.14 of the Unified Code of Corrections.

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

19 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
20 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
21 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

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

24 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

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

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

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

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

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

8 (b) The court may impose a sentence of conditional
9 discharge for an offense if the court is of the opinion that
10 neither a sentence of imprisonment nor of periodic imprisonment
11 nor of probation supervision is appropriate.

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

19 (c) The court may, upon a plea of guilty or a stipulation
20 by the defendant of the facts supporting the charge or a
21 finding of guilt, defer further proceedings and the imposition
22 of a sentence, and enter an order for supervision of the
23 defendant, if the defendant is not charged with: (i) a Class A
24 misdemeanor, as defined by the following provisions of the
25 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
26 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;

1 paragraph (1) through (5), (8), (10), and (11) of subsection
2 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
3 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
4 Act; or (iii) a felony. If the defendant is not barred from
5 receiving an order for supervision as provided in this
6 subsection, the court may enter an order for supervision after
7 considering the circumstances of the offense, and the history,
8 character and condition of the offender, if the court is of the
9 opinion that:

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

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

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

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

25 (d) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating Section 11-501 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance when
2 the defendant has previously been:

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

7 (2) assigned supervision for a violation of Section
8 11-501 of the Illinois Vehicle Code or a similar provision
9 of a local ordinance or any similar law or ordinance of
10 another state; or

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

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

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

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

26 (2) assigned supervision for a violation of Section

1 16A-3 of the Criminal Code of 1961.

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

5 (f) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Sections 15-111, 15-112,
7 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
8 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance.

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

16 (1) convicted for a violation of Section 3-707, 3-708,
17 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
18 provision of a local ordinance; or

19 (2) assigned supervision for a violation of Section
20 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
21 Code or a similar provision of a local ordinance.

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

25 (h) The provisions of paragraph (c) shall not apply to a
26 defendant under the age of 21 years charged with violating a

1 serious traffic offense as defined in Section 1-187.001 of the
2 Illinois Vehicle Code:

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

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

19 (h-1) The provisions of paragraph (c) shall not apply to a
20 defendant under the age of 21 years charged with an offense
21 against traffic regulations governing the movement of vehicles
22 or any violation of Section 6-107 or Section 12-603.1 of the
23 Illinois Vehicle Code, unless the defendant, upon payment of
24 the fines, penalties, and costs provided by law, agrees to
25 attend and successfully complete a traffic safety program
26 approved by the court under standards set by the Conference of

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

9 (i) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating Section 3-707 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance if the
12 defendant has been assigned supervision for a violation of
13 Section 3-707 of the Illinois Vehicle Code or a similar
14 provision of a local ordinance.

15 (j) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 6-303 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance when
18 the revocation or suspension was for a violation of Section
19 11-501 or a similar provision of a local ordinance or a
20 violation of Section 11-501.1 or paragraph (b) of Section
21 11-401 of the Illinois Vehicle Code if the defendant has within
22 the last 10 years been:

23 (1) convicted for a violation of Section 6-303 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance; or

26 (2) assigned supervision for a violation of Section

1 6-303 of the Illinois Vehicle Code or a similar provision
2 of a local ordinance.

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

11 (1) A defendant charged with violating any provision of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance who, ~~after a court appearance in the same matter,~~
14 receives a disposition of supervision under subsection (c)
15 shall pay an additional fee of \$29 ~~\$20~~, to be collected as
16 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
17 In addition to the \$29 ~~\$20~~ fee, the person shall also pay a fee
18 of \$6 ~~\$5~~, which, if not waived by the court, shall be collected
19 as provided in Sections 27.5 and 27.6 of the Clerks of Courts
20 Act. The \$29 ~~\$20~~ fee shall be disbursed as provided in Section
21 16-104c of the Illinois Vehicle Code. If the \$6 ~~\$5~~ fee is
22 collected, \$5.50 ~~\$4.50~~ of the fee shall be deposited into the
23 Circuit Court Clerk Operation and Administrative Fund created
24 by the Clerk of the Circuit Court and 50 cents of the fee shall
25 be deposited into the Prisoner Review Board Vehicle and
26 Equipment Fund in the State treasury.

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

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

7 (n) The provisions of paragraph (c) shall not apply to any
8 person under the age of 18 who commits an offense against
9 traffic regulations governing the movement of vehicles or any
10 violation of Section 6-107 or Section 12-603.1 of the Illinois
11 Vehicle Code, except upon personal appearance of the defendant
12 in court and upon the written consent of the defendant's parent
13 or legal guardian, executed before the presiding judge. The
14 presiding judge shall have the authority to waive this
15 requirement upon the showing of good cause by the defendant.

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

21 (1) at the time of the violation of Section 11-501.1 of
22 the Illinois Vehicle Code, the defendant was a first
23 offender pursuant to Section 11-500 of the Illinois Vehicle
24 Code and the defendant failed to obtain a monitoring device
25 driving permit; or

26 (2) at the time of the violation of Section 11-501.1 of

1 the Illinois Vehicle Code, the defendant was a first
2 offender pursuant to Section 11-500 of the Illinois Vehicle
3 Code, had subsequently obtained a monitoring device
4 driving permit, but was driving a vehicle not equipped with
5 a breath alcohol ignition interlock device as defined in
6 Section 1-129.1 of the Illinois Vehicle Code.

7 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,
8 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
9 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;
10 95-400, eff. 1-1-09; 95-428, 8-24-07; 95-876, eff. 8-21-08;
11 revised 10-30-08.)".