



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2351

Introduced 2/26/2009, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

425 ILCS 25/13.1	from Ch. 127 1/2, par. 17.1
625 ILCS 5/16-104d	
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 Fire Investigation Act. In provisions regarding the transfer of moneys from the moneys deposited into the Fire Prevention Fund under Public Act 95-154, provides that not more than 25% of any unspent appropriations from the prior fiscal year may also be transferred, and provides that the moneys may be allocated to the Fire Truck Revolving Loan Fund, Ambulance Revolving Loan Fund, and Fire Service and Small Equipment Fund at the discretion of the Office of the State Fire Marshal for the purpose of implementation of the Fire Investigation Act. Amends the Illinois Vehicle Code, the Clerks of Courts Act, and the Unified Code of Corrections. Provides that a person convicted of or placed on supervision for a serious traffic violation or driving under the influence or a similar provision of a local ordinance shall, in addition to any other fines, fees, and court costs, be subject to the \$20 fee imposed under Public Act 95-154. Regarding an additional fee for serious traffic violations originally added to the statutes by Public Act 95-154, adds language regarding the disposition of the fee to another provision of the Clerks of Courts Act. Makes other changes. Effective July 1, 2009.

LRB096 11636 KTG 22182 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning fees and fines.

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

4 Section 5. The Fire Investigation Act is amended by
5 changing Section 13.1 as follows:

6 (425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

7 Sec. 13.1. (a) There shall be a special fund in the State
8 Treasury known as the Fire Prevention Fund.

9 (b) The following moneys shall be deposited into the Fund:

10 (1) Moneys received by the Department of Insurance
11 under Section 12 of this Act.

12 (2) All fees and reimbursements received by the Office
13 of the State Fire Marshal.

14 (3) All receipts from boiler and pressure vessel
15 certification, as provided in Section 13 of the Boiler and
16 Pressure Vessel Safety Act.

17 (4) Such other moneys as may be provided by law.

18 (c) The moneys in the Fire Prevention Fund shall be used,
19 subject to appropriation, for the following purposes:

20 (1) Of the moneys deposited into the fund under Section
21 12 of this Act, 12.5% shall be available for the
22 maintenance of the Illinois Fire Service Institute and the
23 expenses, facilities, and structures incident thereto, and

1 for making transfers into the General Obligation Bond
2 Retirement and Interest Fund for debt service requirements
3 on bonds issued by the State of Illinois after January 1,
4 1986 for the purpose of constructing a training facility
5 for use by the Institute.

6 (2) Of the moneys deposited into the Fund under Section
7 12 of this Act, 10% shall be available for the maintenance
8 of the Chicago Fire Department Training Program and the
9 expenses, facilities and structures incident thereto, in
10 addition to any moneys payable from the Fund to the City of
11 Chicago pursuant to the Illinois Fire Protection Training
12 Act.

13 (3) For making payments to local governmental agencies
14 and individuals pursuant to Section 10 of the Illinois Fire
15 Protection Training Act.

16 (4) For the maintenance and operation of the Office of
17 the State Fire Marshal, and the expenses incident thereto.

18 (5) For any other purpose authorized by law.

19 (c-5) As soon as possible after the effective date of this
20 amendatory Act of the 95th General Assembly, the Comptroller
21 shall order the transfer and the Treasurer shall transfer
22 \$2,000,000 from the Fire Prevention Fund to the Fire Service
23 and Small Equipment Fund, \$9,000,000 from the Fire Prevention
24 Fund to the Fire Truck Revolving Loan Fund, and \$4,000,000 from
25 the Fire Prevention Fund to the Ambulance Revolving Loan Fund.
26 Beginning on July 1, 2008, each month, or as soon as practical

1 thereafter, an amount equal to \$2 from each fine received shall
2 be transferred from the Fire Prevention Fund to the Fire
3 Service and Small Equipment Fund, an amount equal to \$1.50 from
4 each fine received shall be transferred from the Fire
5 Prevention Fund to the Fire Truck Revolving Loan Fund, and an
6 amount equal to \$4 from each fine received shall be transferred
7 from the Fire Prevention Fund to the Ambulance Revolving Loan
8 Fund. These moneys shall be transferred from the moneys
9 deposited into the Fire Prevention Fund pursuant to Public Act
10 95-154, together with not more than 25% of any unspent
11 appropriations from the prior fiscal year. These moneys may be
12 allocated to the Fire Truck Revolving Loan Fund, Ambulance
13 Revolving Loan Fund, and Fire Service and Small Equipment Fund
14 at the discretion of the Office of the State Fire Marshal for
15 the purpose of implementation of this Act ~~any other moneys as~~
16 ~~may be necessary to carry out this mandate.~~

17 (d) Any portion of the Fire Prevention Fund remaining
18 unexpended at the end of any fiscal year which is not needed
19 for the maintenance and expenses of the Office of the State
20 Fire Marshal or the maintenance and expenses of the Illinois
21 Fire Service Institute, shall remain in the Fire Prevention
22 Fund for the exclusive and restricted uses provided in
23 subsections (c) and (c-5) of this Section.

24 (e) The Office of the State Fire Marshal shall keep on file
25 an itemized statement of all expenses incurred which are
26 payable from the Fund, other than expenses incurred by the

1 Illinois Fire Service Institute, and shall approve all vouchers
2 issued therefor before they are submitted to the State
3 Comptroller for payment. Such vouchers shall be allowed and
4 paid in the same manner as other claims against the State.

5 (Source: P.A. 95-717, eff. 4-8-08.)

6 Section 10. The Illinois Vehicle Code is amended by
7 changing Section 16-104d as follows:

8 (625 ILCS 5/16-104d)

9 Sec. 16-104d. Additional fee; serious traffic violation.
10 Any person who is convicted of, ~~or~~ pleads guilty to, or is
11 placed on supervision for a serious traffic violation, as
12 defined in Section 1-187.001 of this Code, a violation of
13 Section 11-501 of this Code, or a violation of a similar
14 provision of a local ordinance shall pay an additional fee of
15 \$20. Of that fee, \$7.50 shall be deposited into the Fire
16 Prevention Fund in the State treasury, \$7.50 shall be deposited
17 into the Fire Truck Revolving Loan Fund in the State treasury,
18 and \$5 shall be deposited into the Circuit Court Clerk
19 Operation and Administrative Fund created by the Clerk of the
20 Circuit Court.

21 This Section becomes inoperative 7 years after the
22 effective date of this amendatory Act of the 95th General
23 Assembly.

24 (Source: P.A. 95-154, eff. 10-13-07.)

1 Section 15. 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

1 41% shall be disbursed to the county's general corporate fund.
2 Of the 12% disbursed to the State Treasurer, 1/6 shall be
3 deposited by the State Treasurer into the Violent Crime Victims
4 Assistance Fund, 1/2 shall be deposited into the Traffic and
5 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
6 into the Drivers Education Fund. For fiscal years 1992 and
7 1993, amounts deposited into the Violent Crime Victims
8 Assistance Fund, the Traffic and Criminal Conviction Surcharge
9 Fund, or the Drivers Education Fund shall not exceed 110% of
10 the amounts deposited into those funds in fiscal year 1991. Any
11 amount that exceeds the 110% limit shall be distributed as
12 follows: 50% shall be disbursed to the county's general
13 corporate fund and 50% shall be disbursed to the entity
14 authorized by law to receive the fine imposed in the case. Not
15 later than March 1 of each year the circuit clerk shall submit
16 a report of the amount of funds remitted to the State Treasurer
17 under this Section during the preceding year based upon
18 independent verification of fines and fees. All counties shall
19 be subject to this Section, except that counties with a
20 population under 2,000,000 may, by ordinance, elect not to be
21 subject to this Section. For offenses subject to this Section,
22 judges shall impose one total sum of money payable for
23 violations. The circuit clerk may add on no additional amounts
24 except for amounts that are required by Sections 27.3a and
25 27.3c of this Act, unless those amounts are specifically waived
26 by the judge. With respect to money collected by the circuit

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

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

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

13 (2) 20% of the amounts collected for Class A and Class
14 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
15 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
16 for Animals Act and Section 26-5 of the Criminal Code of
17 1961; and

18 (3) 50% of the amounts collected for Class C
19 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
20 for Animals Act and Section 26-5 of the Criminal Code of
21 1961.

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

1 Illinois Vehicle Code. In addition to the fee of \$20, the
2 person shall also pay a fee of \$5, if not waived by the court.
3 If this \$5 fee is collected, \$4.50 of the fee shall be
4 deposited into the Circuit Court Clerk Operation and
5 Administrative Fund created by the Clerk of the Circuit Court
6 and 50 cents of the fee shall be deposited into the Prisoner
7 Review Board Vehicle and Equipment Fund in the State treasury.

8 (d) Any person convicted of, ~~or~~ pleading guilty to, or
9 placed on supervision for a serious traffic violation, as
10 defined in Section 1-187.001 of the Illinois Vehicle Code, a
11 violation of Section 11-501 of the Illinois Vehicle Code, or a
12 violation of a similar provision of a local ordinance shall pay
13 an additional fee of \$20, to be disbursed as provided in
14 Section 16-104d of that Code.

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

17 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
18 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.)

19 (705 ILCS 105/27.6)

20 Sec. 27.6. (a) All fees, fines, costs, additional
21 penalties, bail balances assessed or forfeited, and any other
22 amount paid by a person to the circuit clerk equalling an
23 amount of \$55 or more, except the fine imposed by Section
24 5-9-1.15 of the Unified Code of Corrections, the additional fee
25 required by subsections (b) and (c), restitution under Section

1 5-5-6 of the Unified Code of Corrections, reimbursement for the
2 costs of an emergency response as provided under Section 11-501
3 of the Illinois Vehicle Code, any fees collected for attending
4 a traffic safety program under paragraph (c) of Supreme Court
5 Rule 529, any fee collected on behalf of a State's Attorney
6 under Section 4-2002 of the Counties Code or a sheriff under
7 Section 4-5001 of the Counties Code, or any cost imposed under
8 Section 124A-5 of the Code of Criminal Procedure of 1963, for
9 convictions, orders of supervision, or any other disposition
10 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
11 Vehicle Code, or a similar provision of a local ordinance, and
12 any violation of the Child Passenger Protection Act, or a
13 similar provision of a local ordinance, and except as provided
14 in subsections (d) and (g) shall be disbursed within 60 days
15 after receipt by the circuit clerk as follows: 44.5% shall be
16 disbursed to the entity authorized by law to receive the fine
17 imposed in the case; 16.825% shall be disbursed to the State
18 Treasurer; and 38.675% shall be disbursed to the county's
19 general corporate fund. Of the 16.825% disbursed to the State
20 Treasurer, 2/17 shall be deposited by the State Treasurer into
21 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
22 deposited into the Traffic and Criminal Conviction Surcharge
23 Fund, 3/17 shall be deposited into the Drivers Education Fund,
24 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
25 the 6.948/17 deposited into the Trauma Center Fund from the
26 16.825% disbursed to the State Treasurer, 50% shall be

1 disbursed to the Department of Public Health and 50% shall be
2 disbursed to the Department of Healthcare and Family Services.
3 For fiscal year 1993, amounts deposited into the Violent Crime
4 Victims Assistance Fund, the Traffic and Criminal Conviction
5 Surcharge Fund, or the Drivers Education Fund shall not exceed
6 110% of the amounts deposited into those funds in fiscal year
7 1991. Any amount that exceeds the 110% limit shall be
8 distributed as follows: 50% shall be disbursed to the county's
9 general corporate fund and 50% shall be disbursed to the entity
10 authorized by law to receive the fine imposed in the case. Not
11 later than March 1 of each year the circuit clerk shall submit
12 a report of the amount of funds remitted to the State Treasurer
13 under this Section during the preceding year based upon
14 independent verification of fines and fees. All counties shall
15 be subject to this Section, except that counties with a
16 population under 2,000,000 may, by ordinance, elect not to be
17 subject to this Section. For offenses subject to this Section,
18 judges shall impose one total sum of money payable for
19 violations. The circuit clerk may add on no additional amounts
20 except for amounts that are required by Sections 27.3a and
21 27.3c of this Act, unless those amounts are specifically waived
22 by the judge. With respect to money collected by the circuit
23 clerk as a result of forfeiture of bail, ex parte judgment or
24 guilty plea pursuant to Supreme Court Rule 529, the circuit
25 clerk shall first deduct and pay amounts required by Sections
26 27.3a and 27.3c of this Act. This Section is a denial and

1 limitation of home rule powers and functions under subsection
2 (h) of Section 6 of Article VII of the Illinois Constitution.

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

17 (b-1) In addition to any other fines and court costs
18 assessed by the courts, any person convicted or receiving an
19 order of supervision for driving under the influence of alcohol
20 or drugs shall pay an additional fee of \$5 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Spinal Cord Injury Paralysis Cure
25 Research Trust Fund. This additional fee of \$5 shall not be
26 considered a part of the fine for purposes of any reduction in

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

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

21 (c-1) In addition to any other fines and court costs
22 assessed by the courts, any person sentenced for a violation of
23 the Cannabis Control Act, the Illinois Controlled Substances
24 Act, or the Methamphetamine Control and Community Protection
25 Act shall pay an additional fee of \$5 to the clerk of the
26 circuit court. This amount, less 2 1/2% that shall be used to

1 defray administrative costs incurred by the clerk, shall be
2 remitted by the clerk to the Treasurer within 60 days after
3 receipt for deposit into the Spinal Cord Injury Paralysis Cure
4 Research Trust Fund. This additional fee of \$5 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 (d) The following amounts must be remitted to the State
11 Treasurer for deposit into the Illinois Animal Abuse Fund:

12 (1) 50% of the amounts collected for felony offenses
13 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
14 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
15 Animals Act and Section 26-5 of the Criminal Code of 1961;

16 (2) 20% of the amounts collected for Class A and Class
17 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
18 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
19 for Animals Act and Section 26-5 of the Criminal Code of
20 1961; and

21 (3) 50% of the amounts collected for Class C
22 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
23 for Animals Act and Section 26-5 of the Criminal Code of
24 1961.

25 (e) Any person who receives a disposition of court
26 supervision for a violation of the Illinois Vehicle Code or a

1 similar provision of a local ordinance shall, in addition to
2 any other fines, fees, and court costs, pay an additional fee
3 of \$20, to be disbursed as provided in Section 16-104c of the
4 Illinois Vehicle Code. In addition to the fee of \$20, the
5 person shall also pay a fee of \$5, if not waived by the court.
6 If this \$5 fee is collected, \$4.50 of the fee shall be
7 deposited into the Circuit Court Clerk Operation and
8 Administrative Fund created by the Clerk of the Circuit Court
9 and 50 cents of the fee shall be deposited into the Prisoner
10 Review Board Vehicle and Equipment Fund in the State treasury.

11 (f) This Section does not apply to the additional child
12 pornography fines assessed and collected under Section
13 5-9-1.14 of the Unified Code of Corrections.

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

23 (h) Any person convicted of, pleading guilty to, or placed
24 on supervision for a serious traffic violation, as defined in
25 Section 1-187.001 of the Illinois Vehicle Code, a violation of
26 Section 11-501 of the Illinois Vehicle Code, or a violation of

1 a similar provision of a local ordinance shall pay an
2 additional fee of \$20, to be disbursed as provided in Section
3 16-104d of that Code.

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

6 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
7 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
8 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

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

11 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

22 (a) Except where specifically prohibited by other
23 provisions of this Code, the court shall impose a sentence of
24 probation or conditional discharge upon an offender unless,

1 having regard to the nature and circumstance of the offense,
2 and to the history, character and condition of the offender,
3 the court is of the opinion that:

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

6 (2) probation or conditional discharge would deprecate
7 the seriousness of the offender's conduct and would be
8 inconsistent with the ends of justice; or

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

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

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

25 (b-1) Subsections (a) and (b) of this Section do not apply
26 to a defendant charged with a misdemeanor or felony under the

1 Illinois Vehicle Code or reckless homicide under Section 9-3 of
2 the Criminal Code of 1961 if the defendant within the past 12
3 months has been convicted of or pleaded guilty to a misdemeanor
4 or felony under the Illinois Vehicle Code or reckless homicide
5 under Section 9-3 of the Criminal Code of 1961.

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

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

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

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

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

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

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

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

24 (3) pleaded guilty to or stipulated to the facts
25 supporting a charge or a finding of guilty to a violation
26 of Section 11-503 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance or any similar law or
2 ordinance of another state, and the plea or stipulation was
3 the result of a plea agreement.

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

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

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

13 (2) assigned supervision for a violation of Section
14 16A-3 of the Criminal Code of 1961.

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

18 (f) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Sections 15-111, 15-112,
20 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
21 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance.

23 (g) Except as otherwise provided in paragraph (i) of this
24 Section, the provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Section 3-707, 3-708, 3-710,
26 or 5-401.3 of the Illinois Vehicle Code or a similar provision

1 of a local ordinance if the defendant has within the last 5
2 years been:

3 (1) convicted for a violation of Section 3-707, 3-708,
4 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance; or

6 (2) assigned supervision for a violation of Section
7 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
8 Code or a similar provision of a local ordinance.

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

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

16 (1) unless the defendant, upon payment of the fines,
17 penalties, and costs provided by law, agrees to attend and
18 successfully complete a traffic safety program approved by
19 the court under standards set by the Conference of Chief
20 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
25 entered. The provisions of Supreme Court Rule 402 relating
26 to pleas of guilty do not apply in cases when a defendant

1 enters a guilty plea under this provision; or

2 (2) if the defendant has previously been sentenced
3 under the provisions of paragraph (c) on or after January
4 1, 1998 for any serious traffic offense as defined in
5 Section 1-187.001 of the Illinois Vehicle Code.

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

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

1 provision of a local ordinance.

2 (j) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Section 6-303 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance when
5 the revocation or suspension was for a violation of Section
6 11-501 or a similar provision of a local ordinance or a
7 violation of Section 11-501.1 or paragraph (b) of Section
8 11-401 of the Illinois Vehicle Code if the defendant has within
9 the last 10 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 \$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 \$5 fee is collected, \$4.50
9 of the fee shall be deposited into the Circuit Court Clerk
10 Operation and Administrative Fund created by the Clerk of the
11 Circuit Court and 50 cents of the fee shall be deposited into
12 the Prisoner Review Board Vehicle and Equipment Fund in the
13 State treasury.

14 (m) Any person convicted of, ~~or~~ pleading guilty to, or
15 placed on supervision for a serious traffic violation, as
16 defined in Section 1-187.001 of the Illinois Vehicle Code, a
17 violation of Section 11-501 of the Illinois Vehicle Code, or a
18 violation of a similar provision of a local ordinance shall pay
19 an additional fee of \$20, to be disbursed as provided in
20 Section 16-104d of that Code.

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

23 (n) The provisions of paragraph (c) shall not apply to any
24 person under the age of 18 who commits an offense against
25 traffic regulations governing the movement of vehicles or any
26 violation of Section 6-107 or Section 12-603.1 of the Illinois

1 Vehicle Code, except upon personal appearance of the defendant
2 in court and upon the written consent of the defendant's parent
3 or legal guardian, executed before the presiding judge. The
4 presiding judge shall have the authority to waive this
5 requirement upon the showing of good cause by the defendant.

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

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

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

23 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,
24 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
25 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;
26 95-400, eff. 1-1-09; 95-428, 8-24-07; 95-876, eff. 8-21-08;

1 revised 10-30-08.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2009.