

1 AN ACT concerning transportation.

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

4 Section 1. This Act may be referred to as Chris and Katie's
5 Law.

6 Section 5. The Illinois Vehicle Code is amended by changing
7 Section 11-601.5 as follows:

8 (625 ILCS 5/11-601.5)

9 Sec. 11-601.5. Driving 30 miles per hour or more in excess
10 of applicable limit. ~~Driving 40 miles per hour or more in~~
11 ~~excess of applicable limit.~~

12 (a) A person who drives a vehicle upon any highway of this
13 State at a speed that is 30 miles per hour or more but less than
14 40 miles per hour in excess of the applicable maximum speed
15 limit established under this Chapter or a local ordinance
16 commits a Class B misdemeanor.

17 (b) A person who drives a vehicle upon any highway of this
18 State at a speed that is 40 miles per hour or more in excess of
19 the applicable maximum speed limit established under this
20 Chapter or a local ordinance commits a Class A misdemeanor.

21 (Source: P.A. 91-469, eff. 1-1-00.)

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

3 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

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

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

22 (2) probation or conditional discharge would deprecate
23 the seriousness of the offender's conduct and would be
24 inconsistent with the ends of justice; or

25 (3) a combination of imprisonment with concurrent or

1 consecutive probation when an offender has been admitted
2 into a drug court program under Section 20 of the Drug
3 Court Treatment Act is necessary for the protection of the
4 public and for the rehabilitation of the offender.

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

12 (b) The court may impose a sentence of conditional
13 discharge for an offense if the court is of the opinion that
14 neither a sentence of imprisonment nor of periodic imprisonment
15 nor of probation supervision is appropriate.

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

23 (c) The court may, upon a plea of guilty or a stipulation
24 by the defendant of the facts supporting the charge or a
25 finding of guilt, defer further proceedings and the imposition
26 of a sentence, and enter an order for supervision of the

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

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

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

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

21 (c-5) Subsections (a), (b), and (c) of this Section do not
22 apply to a defendant charged with a second or subsequent
23 violation of Section 6-303 of the Illinois Vehicle Code
24 committed while his or her driver's license, permit or
25 privileges were revoked because of a violation of Section 9-3
26 of the Criminal Code of 1961, relating to the offense of

1 reckless homicide, or a similar provision of a law of another
2 state.

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

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

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

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

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

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

1 been:

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

4 (2) assigned supervision for a violation of Section
5 16A-3 of the Criminal Code of 1961.

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

9 (f) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating Sections 15-111, 15-112,
11 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
12 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance.

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

20 (1) convicted for a violation of Section 3-707, 3-708,
21 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
22 provision of a local ordinance; or

23 (2) assigned supervision for a violation of Section
24 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
25 Code or a similar provision of a local ordinance.

26 The court shall consider the statement of the prosecuting

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

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

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

19 (2) if the defendant has previously been sentenced
20 under the provisions of paragraph (c) on or after January
21 1, 1998 for any serious traffic offense as defined in
22 Section 1-187.001 of the Illinois Vehicle Code.

23 (h-1) The provisions of paragraph (c) shall not apply to a
24 defendant under the age of 21 years charged with an offense
25 against traffic regulations governing the movement of vehicles
26 or any violation of Section 6-107 or Section 12-603.1 of the

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

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

19 (j) The provisions of paragraph (c) shall not apply to a
20 defendant charged with violating Section 6-303 of the Illinois
21 Vehicle Code or a similar provision of a local ordinance when
22 the revocation or suspension was for a violation of Section
23 11-501 or a similar provision of a local ordinance or a
24 violation of Section 11-501.1 or paragraph (b) of Section
25 11-401 of the Illinois Vehicle Code if the defendant has within
26 the last 10 years been:

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

4 (2) assigned supervision for a violation of Section
5 6-303 of the Illinois Vehicle Code or a similar provision
6 of a local ordinance.

7 (k) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating any provision of the Illinois
9 Vehicle Code or a similar provision of a local ordinance that
10 governs the movement of vehicles if, within the 12 months
11 preceding the date of the defendant's arrest, the defendant has
12 been assigned court supervision on 2 occasions for a violation
13 that governs the movement of vehicles under the Illinois
14 Vehicle Code or a similar provision of a local ordinance. The
15 provisions of this paragraph (k) do not apply to a defendant
16 charged with violating Section 11-501 of the Illinois Vehicle
17 Code or a similar provision of a local ordinance.

18 (1) A defendant charged with violating any provision of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance who receives a disposition of supervision under
21 subsection (c) shall pay an additional fee of \$29, to be
22 collected as provided in Sections 27.5 and 27.6 of the Clerks
23 of Courts Act. In addition to the \$29 fee, the person shall
24 also pay a fee of \$6, which, if not waived by the court, shall
25 be collected as provided in Sections 27.5 and 27.6 of the
26 Clerks of Courts Act. The \$29 fee shall be disbursed as

1 provided in Section 16-104c of the Illinois Vehicle Code. If
2 the \$6 fee is collected, \$5.50 of the fee shall be deposited
3 into the Circuit Court Clerk Operation and Administrative Fund
4 created by the Clerk of the Circuit Court and 50 cents of the
5 fee shall be deposited into the Prisoner Review Board Vehicle
6 and Equipment Fund in the State treasury.

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

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

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

25 (o) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating Section 6-303 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance when
2 the suspension was for a violation of Section 11-501.1 of the
3 Illinois Vehicle Code and when:

4 (1) at the time of the violation of Section 11-501.1 of
5 the Illinois Vehicle Code, the defendant was a first
6 offender pursuant to Section 11-500 of the Illinois Vehicle
7 Code and the defendant failed to obtain a monitoring device
8 driving permit; or

9 (2) at the time of the violation of Section 11-501.1 of
10 the Illinois Vehicle Code, the defendant was a first
11 offender pursuant to Section 11-500 of the Illinois Vehicle
12 Code, had subsequently obtained a monitoring device
13 driving permit, but was driving a vehicle not equipped with
14 a breath alcohol ignition interlock device as defined in
15 Section 1-129.1 of the Illinois Vehicle Code.

16 (p) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating subsection (b) of Section
18 11-601.5 of the Illinois Vehicle Code or a similar provision of
19 a local ordinance.

20 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;
21 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;
22 95-428, 8-24-07; 95-876, eff. 8-21-08; 96-253, eff. 8-11-09;
23 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625, eff.
24 1-1-10; revised 10-1-09.)