



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4128

Introduced 1/30/2012, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-306.3

from Ch. 95 1/2, par. 6-306.3

Amends the Illinois Vehicle Code. Provides that notwithstanding any other provision of law, a person accused of a violation of any provision of the Code or a similar local ordinance which carries a fine upon conviction of no more than \$150, excluding any surcharges or fees authorized by State or local law, shall be released on his or her recognizance without posting bail. Provides that the new provisions shall not effect the authority to confiscate a driver's license (1) if a law enforcement officer has reasonable belief that it is invalid; (2) for an offense which upon conviction shall carry the possibility of suspension, revocation, or cancellation of the driver's license or a term of imprisonment; or (3) for an offense that resulted in the injury or death of any person. Provides that the new provisions shall not affect the Nonresident Violator Compact. Provides that the new provisions shall be deemed repealed if any federal agency or court of competent jurisdiction makes a final determination that the new provisions would render the State ineligible for federal funds. Provides that all State and local government agencies shall make any necessary changes to their rules, regulations, or procedures to enforce the new provisions no later than 180 days after the amendatory Act becomes law. Provides that the provisions of the amendatory Act are severable. Effective immediately.

LRB097 16327 HEP 61482 b

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 5. The Illinois Vehicle Code is amended by changing
5 Section 6-306.3 as follows:

6 (625 ILCS 5/6-306.3) (from Ch. 95 1/2, par. 6-306.3)

7 Sec. 6-306.3. License as bail.

8 (a) Except as provided in Section 6-306.4 of this Code, any
9 person arrested and charged with violation of Section 3-701,
10 3-707, or 3-710, or of any violation of Chapters 11 or 12 of
11 this Code, except the provisions of Sections 3-708, 11-401,
12 11-501, 11-503, 11-504, or 11-506 of this Code shall have the
13 option of depositing his valid driver's license issued under
14 this Code with the officer demanding bail in lieu of any other
15 security for his appearance in court in answer to any such
16 charge.

17 (b) However, a uniform bail schedule and regulations
18 adopted pursuant to Supreme Court Rule or Order may require
19 that a driver's license issued under this Code must be
20 deposited, in addition to appropriate cash deposit, where
21 persons arrested and charged with violating Sections 3-708,
22 11-401, 11-501, 11-503, 11-504, or 11-506 of this Code elect to
23 take advantage of the uniform schedule establishing the amount

1 of bail in such cases.

2 (c) When a license is deposited as security in lieu of or
3 in addition to bail, the judge, court clerk, or other official
4 accepting such deposit shall issue to the licensee a receipt
5 for such license upon a form approved or provided by the
6 Secretary of State.

7 (d) If the licensee whose license has been deposited as
8 security for bail does not appear in court in compliance with
9 the time and place for hearing as notified in such receipt, or
10 the continued date thereof, if any has been ordered by the
11 court, the court shall continue the case for a minimum of 30
12 days and require a notice of the continued court date be sent
13 to the licensee at his last known address. The clerk of such
14 court shall notify the licensee of the court's order. If the
15 licensee does not appear in and surrender on the continued
16 court date, or within such period, satisfy the court that his
17 appearance in and surrender to the court is impossible and
18 without any fault on his part, the court shall enter an order
19 of failure to appear to answer such charge after depositing
20 license in lieu of bail. The clerk of such court shall notify
21 the Secretary of State of the court's order.

22 The Secretary of State, when notified by the clerk of such
23 court that an order of failure to appear to answer such charge
24 after depositing license in lieu of bail has been entered,
25 shall immediately suspend the driver's license of such licensee
26 without a hearing and shall not remove such suspension, nor

1 issue any hardship license or privilege to such licensee
2 thereafter until notified by such court that the licensee has
3 appeared and answered the charges placed against him.

4 (e) 1. Any Illinois resident who has executed a written
5 promise to comply with Section 6-306.2 of this Code, in effect
6 until July 28, 1986, shall continue to be suspended until he or
7 she complies with the terms and conditions of the written
8 promise.

9 2. The Secretary of State, when notified by the clerk of
10 such court that an order of failure to appear to answer a
11 charge after promising to appear has been entered, shall
12 immediately suspend the driver's license of such licensee
13 without a hearing and shall not remove such suspension, nor
14 issue a hardship license or privilege to such licensee
15 thereafter until notified by such court that the licensee has
16 appeared and answered the charges placed against him.

17 (f) Notwithstanding any other provision of law, a person
18 accused of a violation of any provision of this Code or a
19 similar local ordinance which carries a fine upon conviction of
20 no more than \$150, excluding any surcharges or fees authorized
21 by State or local law, shall be released on his or her
22 recognizance without posting bail. Nothing in this subsection
23 shall prohibit the confiscation of a driver's license that a
24 law enforcement officer has reasonable belief is invalid.
25 Nothing in this subsection shall prohibit the confiscation of a
26 driver's license for an offense which upon conviction shall

1 carry the possibility of suspension, revocation, or
2 cancellation of the driver's license or a term of imprisonment,
3 regardless of any monetary fine amount. Nothing in this
4 subsection shall prohibit the confiscation of a driver's
5 license for an offense that resulted in the injury or death of
6 any person. Nothing in this subsection shall be deemed to
7 modify or repeal the Nonresident Violator Compact.

8 For purposes of this subsection (f), the term "law
9 enforcement officer" includes any sworn law enforcement
10 officer employed by any agency of the State of Illinois or any
11 law enforcement officer as defined in Section 2 of the Illinois
12 Police Training Act.

13 This subsection (f) shall be deemed repealed if any federal
14 agency or court of competent jurisdiction makes a final
15 determination that this subsection would render the State
16 ineligible for federal funds. All State and local government
17 agencies shall make any necessary changes to their rules,
18 regulations, or procedures to enforce this subsection no later
19 than 180 days after the effective date of this amendatory Act
20 of the 97th General Assembly.

21 (Source: P.A. 95-310, eff. 1-1-08.)

22 Section 97. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.