

HB1010



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1010

by Rep. John D'Amico - Jack D. Franks - Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-6-1

from Ch. 38, par. 1005-6-1

Amends the Unified Code of Corrections. Provides that the Act may be cited as "Patricia's Law". Prohibits supervision disposition in cases where the defendant's violation of the Illinois Vehicle Code or similar local ordinance was the proximate cause of the death of another person.

LRB098 07990 MLW 38080 b

A BILL FOR

1 AN ACT concerning criminal law, which may be referred to as
2 "Patricia's Law".

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

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

7 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

8 (Text of Section before amendment by P.A. 97-831)

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

19 (a) Except where specifically prohibited by other
20 provisions of this Code, the court shall impose a sentence of
21 probation or conditional discharge upon an offender unless,
22 having regard to the nature and circumstance of the offense,
23 and to the history, character and condition of the offender,

1 the court is of the opinion that:

2 (1) his imprisonment or periodic imprisonment is
3 necessary for the protection of the public; or

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

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

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

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

23 (b-1) Subsections (a) and (b) of this Section do not apply
24 to a defendant charged with a misdemeanor or felony under the
25 Illinois Vehicle Code or reckless homicide under Section 9-3 of
26 the Criminal Code of 1961 if the defendant within the past 12

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

4 (c) The court may, upon a plea of guilty or a stipulation
5 by the defendant of the facts supporting the charge or a
6 finding of guilt, defer further proceedings and the imposition
7 of a sentence, and enter an order for supervision of the
8 defendant, if the defendant is not charged with: (i) a Class A
9 misdemeanor, as defined by the following provisions of the
10 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or
11 12-15; 26-5; 31-1; 31-6; 31-7; paragraphs (2) and (3) of
12 subsection (a) of Section 21-1; paragraph (1) through (5), (8),
13 (10), and (11) of subsection (a) of Section 24-1; (ii) a Class
14 A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the
15 Humane Care for Animals Act; or (iii) a felony. If the
16 defendant is not barred from receiving an order for supervision
17 as provided in this subsection, the court may enter an order
18 for supervision after considering the circumstances of the
19 offense, and the history, character and condition of the
20 offender, if the court is of the opinion that:

21 (1) the offender is not likely to commit further
22 crimes;

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

25 (3) in the best interests of justice an order of
26 supervision is more appropriate than a sentence otherwise

1 permitted under this Code.

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

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

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

18 (2) assigned supervision for a violation of Section
19 11-501 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance or any similar law or ordinance of
21 another state; or

22 (3) pleaded guilty to or stipulated to the facts
23 supporting a charge or a finding of guilty to a violation
24 of Section 11-503 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance or any similar law or
26 ordinance of another state, and the plea or stipulation was

1 the result of a plea agreement.

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

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

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

11 (2) assigned supervision for a violation of Section
12 16-25 or 16A-3 of the Criminal Code of 1961.

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

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

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

1 (1) convicted for a violation of Section 3-707, 3-708,
2 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
3 provision of a local ordinance; or

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

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

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

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

26 (2) if the defendant has previously been sentenced

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

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

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

26 (j) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 6-303 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance when
3 the revocation or suspension was for a violation of Section
4 11-501 or a similar provision of a local ordinance or a
5 violation of Section 11-501.1 or paragraph (b) of Section
6 11-401 of the Illinois Vehicle Code if the defendant has within
7 the last 10 years been:

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

11 (2) assigned supervision for a violation of Section
12 6-303 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance.

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

25 (l) A defendant charged with violating any provision of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance who receives a disposition of supervision under
2 subsection (c) shall pay an additional fee of \$29, to be
3 collected as provided in Sections 27.5 and 27.6 of the Clerks
4 of Courts Act. In addition to the \$29 fee, the person shall
5 also pay a fee of \$6, which, if not waived by the court, shall
6 be collected as provided in Sections 27.5 and 27.6 of the
7 Clerks of Courts Act. The \$29 fee shall be disbursed as
8 provided in Section 16-104c of the Illinois Vehicle Code. If
9 the \$6 fee is collected, \$5.50 of the fee shall be deposited
10 into the Circuit Court Clerk Operation and Administrative Fund
11 created by the Clerk of the Circuit Court and 50 cents of the
12 fee shall be deposited into the Prisoner Review Board Vehicle
13 and Equipment Fund in the State treasury.

14 (m) Any person convicted of, pleading guilty to, or placed
15 on supervision for a serious traffic violation, as defined in
16 Section 1-187.001 of the Illinois Vehicle Code, a violation of
17 Section 11-501 of the Illinois Vehicle Code, or a violation of
18 a similar provision of a local ordinance shall pay an
19 additional fee of \$35, to be disbursed as provided in Section
20 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 (p) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating subsection (b) of Section
25 11-601.5 of the Illinois Vehicle Code or a similar provision of
26 a local ordinance.

1 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;
2 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.
3 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,
4 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
5 97-1108, eff. 1-1-13.)

6 (Text of Section after amendment by P.A. 97-831)

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

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

23 (1) his imprisonment or periodic imprisonment is
24 necessary for the protection of the public; or

25 (2) probation or conditional discharge would deprecate

1 the seriousness of the offender's conduct and would be
2 inconsistent with the ends of justice; or

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

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

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

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

26 (c) The court may, upon a plea of guilty or a stipulation

1 by the defendant of the facts supporting the charge or a
2 finding of guilt, defer further proceedings and the imposition
3 of a sentence, and enter an order for supervision of the
4 defendant, if the defendant is not charged with: (i) a Class A
5 misdemeanor, as defined by the following provisions of the
6 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or
7 12-15; 26-5; 31-1; 31-6; 31-7; paragraphs (2) and (3) of
8 subsection (a) of Section 21-1; paragraph (1) through (5), (8),
9 (10), and (11) of subsection (a) of Section 24-1; (ii) a Class
10 A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the
11 Humane Care for Animals Act; or (iii) a felony. If the
12 defendant is not barred from receiving an order for supervision
13 as provided in this subsection, the court may enter an order
14 for supervision after considering the circumstances of the
15 offense, and the history, character and condition of the
16 offender, if the court is of the opinion that:

17 (1) the offender is not likely to commit further
18 crimes;

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

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

24 (c-5) Subsections (a), (b), and (c) of this Section do not
25 apply to a defendant charged with a second or subsequent
26 violation of Section 6-303 of the Illinois Vehicle Code

1 committed while his or her driver's license, permit or
2 privileges were revoked because of a violation of Section 9-3
3 of the Criminal Code of 1961, relating to the offense of
4 reckless homicide, or a similar provision of a law of another
5 state.

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

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

14 (2) assigned supervision for a violation of Section
15 11-501 of the Illinois Vehicle Code or a similar provision
16 of a local ordinance or any similar law or ordinance of
17 another state; or

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

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

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

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

7 (2) assigned supervision for a violation of Section
8 16-25 or 16A-3 of the Criminal Code of 1961.

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

12 (f) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Sections 15-111, 15-112,
14 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
15 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance.

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

23 (1) convicted for a violation of Section 3-707, 3-708,
24 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance; or

26 (2) assigned supervision for a violation of Section

1 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
2 Code or a similar provision of a local ordinance.

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

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

10 (1) unless the defendant, upon payment of the fines,
11 penalties, and costs provided by law, agrees to attend and
12 successfully complete a traffic safety program approved by
13 the court under standards set by the Conference of Chief
14 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
19 entered. The provisions of Supreme Court Rule 402 relating
20 to pleas of guilty do not apply in cases when a defendant
21 enters a guilty plea under this provision; or

22 (2) if the defendant has previously been sentenced
23 under the provisions of paragraph (c) on or after January
24 1, 1998 for any serious traffic offense as defined in
25 Section 1-187.001 of the Illinois Vehicle Code.

26 (h-1) The provisions of paragraph (c) shall not apply to a

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

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

22 (j) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 6-303 of the Illinois
24 Vehicle Code or a similar provision of a local ordinance when
25 the revocation or suspension was for a violation of Section
26 11-501 or a similar provision of a local ordinance or a

1 violation of Section 11-501.1 or paragraph (b) of Section
2 11-401 of the Illinois Vehicle Code if the defendant has within
3 the last 10 years been:

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

7 (2) assigned supervision for a violation of Section
8 6-303 of the Illinois Vehicle Code or a similar provision
9 of a local ordinance.

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

21 (l) A defendant charged with violating any provision of the
22 Illinois Vehicle Code or a similar provision of a local
23 ordinance who receives a disposition of supervision under
24 subsection (c) shall pay an additional fee of \$29, to be
25 collected as provided in Sections 27.5 and 27.6 of the Clerks
26 of Courts Act. In addition to the \$29 fee, the person shall

1 also pay a fee of \$6, which, if not waived by the court, shall
2 be collected as provided in Sections 27.5 and 27.6 of the
3 Clerks of Courts Act. The \$29 fee shall be disbursed as
4 provided in Section 16-104c of the Illinois Vehicle Code. If
5 the \$6 fee is collected, \$5.50 of the fee shall be deposited
6 into the Circuit Court Clerk Operation and Administrative Fund
7 created by the Clerk of the Circuit Court and 50 cents of the
8 fee shall be deposited into the Prisoner Review Board Vehicle
9 and Equipment Fund in the State treasury.

10 (m) Any person convicted of, pleading guilty to, or placed
11 on supervision for a serious traffic violation, as defined in
12 Section 1-187.001 of the Illinois Vehicle Code, a violation of
13 Section 11-501 of the Illinois Vehicle Code, or a violation of
14 a similar provision of a local ordinance shall pay an
15 additional fee of \$35, to be disbursed as provided in Section
16 16-104d of that Code.

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

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

1 requirement upon the showing of good cause by the defendant.

2 (o) 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 suspension was for a violation of Section 11-501.1 of the
6 Illinois Vehicle Code and when:

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

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

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

23 (q) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating subsection (b) of Section
25 11-601 of the Illinois Vehicle Code when the defendant was
26 operating a vehicle, in an urban district, at a speed in excess

1 of 25 miles per hour over the posted speed limit.

2 (r) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating any provision of the Illinois
4 Vehicle Code or a similar provision of a local ordinance if the
5 violation was the proximate cause of the death of another.

6 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;
7 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.
8 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,
9 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12; 97-831,
10 eff. 7-1-13; 97-1108, eff. 1-1-13; revised 9-20-12.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.