



Sen. Martin A. Sandoval

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09800HB4462sam001

LRB098 18861 MLW 57859 a

1 AMENDMENT TO HOUSE BILL 4462

2 AMENDMENT NO. _____. Amend House Bill 4462 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 16-104d as follows:

6 (625 ILCS 5/16-104d)

7 Sec. 16-104d. Additional fee; serious traffic violation.
8 Any person who is convicted of, pleads guilty to, or is placed
9 on supervision for a serious traffic violation, as defined in
10 Section 1-187.001 of this Code, a violation of Section 11-501
11 of this Code, or a violation of a similar provision of a local
12 ordinance shall pay an additional fee of \$35. Of that fee, \$15
13 shall be deposited into the Fire Prevention Fund in the State
14 treasury, \$15 shall be deposited into the Fire Truck Revolving
15 Loan Fund in the State treasury, and \$5 shall be deposited into
16 the Circuit Court Clerk Operation and Administrative Fund

1 created by the Clerk of the Circuit Court.

2 This Section becomes inoperative on January 1, 2020 ~~7 years~~
3 ~~after the effective date of this amendatory Act of the 95th~~
4 ~~General Assembly.~~

5 (Source: P.A. 95-154, eff. 10-13-07; 96-286, eff. 8-11-09;
6 96-1175, eff. 9-20-10.)

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

9 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

10 Sec. 27.5. (a) All fees, fines, costs, additional
11 penalties, bail balances assessed or forfeited, and any other
12 amount paid by a person to the circuit clerk that equals an
13 amount less than \$55, except restitution under Section 5-5-6 of
14 the Unified Code of Corrections, reimbursement for the costs of
15 an emergency response as provided under Section 11-501 of the
16 Illinois Vehicle Code, any fees collected for attending a
17 traffic safety program under paragraph (c) of Supreme Court
18 Rule 529, any fee collected on behalf of a State's Attorney
19 under Section 4-2002 of the Counties Code or a sheriff under
20 Section 4-5001 of the Counties Code, or any cost imposed under
21 Section 124A-5 of the Code of Criminal Procedure of 1963, for
22 convictions, orders of supervision, or any other disposition
23 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance, and

1 any violation of the Child Passenger Protection Act, or a
2 similar provision of a local ordinance, and except as otherwise
3 provided in this Section, shall be disbursed within 60 days
4 after receipt by the circuit clerk as follows: 47% shall be
5 disbursed to the entity authorized by law to receive the fine
6 imposed in the case; 12% shall be disbursed to the State
7 Treasurer; and 41% shall be disbursed to the county's general
8 corporate fund. Of the 12% disbursed to the State Treasurer,
9 1/6 shall be deposited by the State Treasurer into the Violent
10 Crime Victims Assistance Fund, 1/2 shall be deposited into the
11 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
12 be deposited into the Drivers Education Fund. For fiscal years
13 1992 and 1993, amounts deposited into the Violent Crime Victims
14 Assistance Fund, the Traffic and Criminal Conviction Surcharge
15 Fund, or the Drivers Education Fund shall not exceed 110% of
16 the amounts deposited into those funds in fiscal year 1991. Any
17 amount that exceeds the 110% limit shall be distributed as
18 follows: 50% shall be disbursed to the county's general
19 corporate fund and 50% shall be disbursed to the entity
20 authorized by law to receive the fine imposed in the case. Not
21 later than March 1 of each year the circuit clerk shall submit
22 a report of the amount of funds remitted to the State Treasurer
23 under this Section during the preceding year based upon
24 independent verification of fines and fees. All counties shall
25 be subject to this Section, except that counties with a
26 population under 2,000,000 may, by ordinance, elect not to be

1 subject to this Section. For offenses subject to this Section,
2 judges shall impose one total sum of money payable for
3 violations. The circuit clerk may add on no additional amounts
4 except for amounts that are required by Sections 27.3a and
5 27.3c of this Act, Section 16-104c of the Illinois Vehicle
6 Code, and subsection (a) of Section 5-1101 of the Counties
7 Code, unless those amounts are specifically waived by the
8 judge. With respect to money collected by the circuit clerk as
9 a result of forfeiture of bail, ex parte judgment or guilty
10 plea pursuant to Supreme Court Rule 529, the circuit clerk
11 shall first deduct and pay amounts required by Sections 27.3a
12 and 27.3c of this Act. Unless a court ordered payment schedule
13 is implemented or fee requirements are waived pursuant to a
14 court order, the circuit clerk may add to any unpaid fees and
15 costs a delinquency amount equal to 5% of the unpaid fees that
16 remain unpaid after 30 days, 10% of the unpaid fees that remain
17 unpaid after 60 days, and 15% of the unpaid fees that remain
18 unpaid after 90 days. Notice to those parties may be made by
19 signage posting or publication. The additional delinquency
20 amounts collected under this Section shall be deposited in the
21 Circuit Court Clerk Operation and Administrative Fund to be
22 used to defray administrative costs incurred by the circuit
23 clerk in performing the duties required to collect and disburse
24 funds. This Section is a denial and limitation of home rule
25 powers and functions under subsection (h) of Section 6 of
26 Article VII of the Illinois Constitution.

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

3 (1) 50% of the amounts collected for felony offenses
4 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
5 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
6 Animals Act and Section 26-5 or 48-1 of the Criminal Code
7 of 1961 or the Criminal Code of 2012;

8 (2) 20% of the amounts collected for Class A and Class
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
11 for Animals Act and Section 26-5 or 48-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012; and

13 (3) 50% of the amounts collected for Class C
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
15 for Animals Act and Section 26-5 or 48-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012.

17 (c) Any person who receives a disposition of court
18 supervision for a violation of the Illinois Vehicle Code or a
19 similar provision of a local ordinance shall, in addition to
20 any other fines, fees, and court costs, pay an additional fee
21 of \$29, to be disbursed as provided in Section 16-104c of the
22 Illinois Vehicle Code. In addition to the fee of \$29, the
23 person shall also pay a fee of \$6, if not waived by the court.
24 If this \$6 fee is collected, \$5.50 of the fee shall be
25 deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 and 50 cents of the fee shall be deposited into the Prisoner
2 Review Board Vehicle and Equipment Fund in the State treasury.

3 (d) Any person convicted of, pleading guilty to, or placed
4 on supervision for a serious traffic violation, as defined in
5 Section 1-187.001 of the Illinois Vehicle Code, a violation of
6 Section 11-501 of the Illinois Vehicle Code, or a violation of
7 a similar provision of a local ordinance shall pay an
8 additional fee of \$35, to be disbursed as provided in Section
9 16-104d of that Code.

10 This subsection (d) becomes inoperative on January 1, 2020
11 ~~7 years after the effective date of Public Act 95-154.~~

12 (e) In all counties having a population of 3,000,000 or
13 more inhabitants:

14 (1) A person who is found guilty of or pleads guilty to
15 violating subsection (a) of Section 11-501 of the Illinois
16 Vehicle Code, including any person placed on court
17 supervision for violating subsection (a), shall be fined
18 \$750 as provided for by subsection (f) of Section 11-501.01
19 of the Illinois Vehicle Code, payable to the circuit clerk,
20 who shall distribute the money pursuant to subsection (f)
21 of Section 11-501.01 of the Illinois Vehicle Code.

22 (2) When a crime laboratory DUI analysis fee of \$150,
23 provided for by Section 5-9-1.9 of the Unified Code of
24 Corrections is assessed, it shall be disbursed by the
25 circuit clerk as provided by subsection (f) of Section
26 5-9-1.9 of the Unified Code of Corrections.

1 (3) When a fine for a violation of subsection (a) of
2 Section 11-605 of the Illinois Vehicle Code is \$150 or
3 greater, the additional \$50 which is charged as provided
4 for by subsection (f) of Section 11-605 of the Illinois
5 Vehicle Code shall be disbursed by the circuit clerk to a
6 school district or districts for school safety purposes as
7 provided by subsection (f) of Section 11-605.

8 (4) When a fine for a violation of subsection (a) of
9 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
10 greater, the additional \$50 which is charged as provided
11 for by subsection (c) of Section 11-1002.5 of the Illinois
12 Vehicle Code shall be disbursed by the circuit clerk to a
13 school district or districts for school safety purposes as
14 provided by subsection (c) of Section 11-1002.5 of the
15 Illinois Vehicle Code.

16 (5) When a mandatory drug court fee of up to \$5 is
17 assessed as provided in subsection (f) of Section 5-1101 of
18 the Counties Code, it shall be disbursed by the circuit
19 clerk as provided in subsection (f) of Section 5-1101 of
20 the Counties Code.

21 (6) When a mandatory teen court, peer jury, youth
22 court, or other youth diversion program fee is assessed as
23 provided in subsection (e) of Section 5-1101 of the
24 Counties Code, it shall be disbursed by the circuit clerk
25 as provided in subsection (e) of Section 5-1101 of the
26 Counties Code.

1 (7) When a Children's Advocacy Center fee is assessed
2 pursuant to subsection (f-5) of Section 5-1101 of the
3 Counties Code, it shall be disbursed by the circuit clerk
4 as provided in subsection (f-5) of Section 5-1101 of the
5 Counties Code.

6 (8) When a victim impact panel fee is assessed pursuant
7 to subsection (b) of Section 11-501.01 of the Illinois
8 Vehicle Code, it shall be disbursed by the circuit clerk to
9 the victim impact panel to be attended by the defendant.

10 (9) When a new fee collected in traffic cases is
11 enacted after January 1, 2010 (the effective date of Public
12 Act 96-735), it shall be excluded from the percentage
13 disbursement provisions of this Section unless otherwise
14 indicated by law.

15 (f) Any person who receives a disposition of court
16 supervision for a violation of Section 11-501 of the Illinois
17 Vehicle Code shall, in addition to any other fines, fees, and
18 court costs, pay an additional fee of \$50, which shall be
19 collected by the circuit clerk and then remitted to the State
20 Treasurer for deposit into the Roadside Memorial Fund, a
21 special fund in the State treasury. However, the court may
22 waive the fee if full restitution is complied with. Subject to
23 appropriation, all moneys in the Roadside Memorial Fund shall
24 be used by the Department of Transportation to pay fees imposed
25 under subsection (f) of Section 20 of the Roadside Memorial
26 Act. The fee shall be remitted by the circuit clerk within one

1 month after receipt to the State Treasurer for deposit into the
2 Roadside Memorial Fund.

3 (g) For any conviction or disposition of court supervision
4 for a violation of Section 11-1429 of the Illinois Vehicle
5 Code, the circuit clerk shall distribute the fines paid by the
6 person as specified by subsection (h) of Section 11-1429 of the
7 Illinois Vehicle Code.

8 (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;
9 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
10 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.
11 1-1-11; 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13; 97-1150,
12 eff. 1-25-13.)

13 (705 ILCS 105/27.6)

14 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
15 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, and
16 97-1150)

17 Sec. 27.6. (a) All fees, fines, costs, additional
18 penalties, bail balances assessed or forfeited, and any other
19 amount paid by a person to the circuit clerk equalling an
20 amount of \$55 or more, except the fine imposed by Section
21 5-9-1.15 of the Unified Code of Corrections, the additional fee
22 required by subsections (b) and (c), restitution under Section
23 5-5-6 of the Unified Code of Corrections, contributions to a
24 local anti-crime program ordered pursuant to Section
25 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of

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

1 Department of Public Health and 50% shall be disbursed to the
2 Department of Healthcare and Family Services. For fiscal year
3 1993, amounts deposited into the Violent Crime Victims
4 Assistance Fund, the Traffic and Criminal Conviction Surcharge
5 Fund, or the Drivers Education Fund shall not exceed 110% of
6 the amounts deposited into those funds in fiscal year 1991. Any
7 amount that exceeds the 110% limit shall be distributed as
8 follows: 50% shall be disbursed to the county's general
9 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 the
8 Criminal Code of 2012 or a person sentenced for a violation of
9 the Cannabis Control Act, the Illinois Controlled Substances
10 Act, or the Methamphetamine Control and Community Protection
11 Act shall pay an additional fee of \$100 to the clerk of the
12 circuit court. This amount, less 2 1/2% that shall be used to
13 defray administrative costs incurred by the clerk, shall be
14 remitted by the clerk to the Treasurer within 60 days after
15 receipt for deposit into the Trauma Center Fund. This
16 additional fee of \$100 shall not be considered a part of the
17 fine for purposes of any reduction in the fine for time served
18 either before or after sentencing. Not later than March 1 of
19 each year the Circuit Clerk shall submit a report of the amount
20 of funds remitted to the State Treasurer under this subsection
21 during the preceding calendar year.

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

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

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

13 (1) 50% of the amounts collected for felony offenses
14 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
15 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
16 Animals Act and Section 26-5 or 48-1 of the Criminal Code
17 of 1961 or the Criminal Code of 2012;

18 (2) 20% of the amounts collected for Class A and Class
19 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
20 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
21 for Animals Act and Section 26-5 or 48-1 of the Criminal
22 Code of 1961 or the Criminal Code of 2012; and

23 (3) 50% of the amounts collected for Class C
24 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
25 for Animals Act and Section 26-5 or 48-1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 (e) Any person who receives a disposition of court
2 supervision for a violation of the Illinois Vehicle Code or a
3 similar provision of a local ordinance shall, in addition to
4 any other fines, fees, and court costs, pay an additional fee
5 of \$29, to be disbursed as provided in Section 16-104c of the
6 Illinois Vehicle Code. In addition to the fee of \$29, the
7 person shall also pay a fee of \$6, if not waived by the court.
8 If this \$6 fee is collected, \$5.50 of the fee shall be
9 deposited into the Circuit Court Clerk Operation and
10 Administrative Fund created by the Clerk of the Circuit Court
11 and 50 cents of the fee shall be deposited into the Prisoner
12 Review Board Vehicle and Equipment Fund in the State treasury.

13 (f) This Section does not apply to the additional child
14 pornography fines assessed and collected under Section
15 5-9-1.14 of the Unified Code of Corrections.

16 (g) (Blank).

17 (h) (Blank).

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

1 (j) Any person convicted of, pleading guilty to, or placed
2 on supervision for a serious traffic violation, as defined in
3 Section 1-187.001 of the Illinois Vehicle Code, a violation of
4 Section 11-501 of the Illinois Vehicle Code, or a violation of
5 a similar provision of a local ordinance shall pay an
6 additional fee of \$35, to be disbursed as provided in Section
7 16-104d of that Code.

8 This subsection (j) becomes inoperative on January 1, 2020
9 ~~7 years after the effective date of Public Act 95-154.~~

10 (k) For any conviction or disposition of court supervision
11 for a violation of Section 11-1429 of the Illinois Vehicle
12 Code, the circuit clerk shall distribute the fines paid by the
13 person as specified by subsection (h) of Section 11-1429 of the
14 Illinois Vehicle Code.

15 (l) Any person who receives a disposition of court
16 supervision for a violation of Section 11-501 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance shall,
18 in addition to any other fines, fees, and court costs, pay an
19 additional fee of \$50, which shall be collected by the circuit
20 clerk and then remitted to the State Treasurer for deposit into
21 the Roadside Memorial Fund, a special fund in the State
22 treasury. However, the court may waive the fee if full
23 restitution is complied with. Subject to appropriation, all
24 moneys in the Roadside Memorial Fund shall be used by the
25 Department of Transportation to pay fees imposed under
26 subsection (f) of Section 20 of the Roadside Memorial Act. The

1 fee shall be remitted by the circuit clerk within one month
2 after receipt to the State Treasurer for deposit into the
3 Roadside Memorial Fund.

4 (m) Of the amounts collected as fines under subsection (c)
5 of Section 411.4 of the Illinois Controlled Substances Act or
6 subsection (c) of Section 90 of the Methamphetamine Control and
7 Community Protection Act, 99% shall be deposited to the law
8 enforcement agency or fund specified and 1% shall be deposited
9 into the Circuit Court Clerk Operation and Administrative Fund
10 to be used to offset the costs incurred by the Circuit Court
11 Clerk in performing the additional duties required to collect
12 and disburse funds to entities of State and local government as
13 provided by law.

14 (n) In addition to any other fines and court costs assessed
15 by the courts, any person who is convicted of or pleads guilty
16 to a violation of the Criminal Code of 1961 or the Criminal
17 Code of 2012, or a similar provision of a local ordinance, or
18 who is convicted of, pleads guilty to, or receives a
19 disposition of court supervision for a violation of the
20 Illinois Vehicle Code, or a similar provision of a local
21 ordinance, shall pay an additional fee of \$15 to the clerk of
22 the circuit court. This additional fee of \$15 shall not be
23 considered a part of the fine for purposes of any reduction in
24 the fine for time served either before or after sentencing.
25 This amount, less 2.5% that shall be used to defray
26 administrative costs incurred by the clerk, shall be remitted

1 by the clerk to the State Treasurer within 60 days after
2 receipt for deposit into the State Police Merit Board Public
3 Safety Fund.

4 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
5 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
6 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
7 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,
8 eff. 9-20-10; 96-1342, eff. 1-1-11; 97-1051, eff. 1-1-13;
9 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

10 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
11 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, and
12 97-1150)

13 Sec. 27.6. (a) All fees, fines, costs, additional
14 penalties, bail balances assessed or forfeited, and any other
15 amount paid by a person to the circuit clerk equalling an
16 amount of \$55 or more, except the fine imposed by Section
17 5-9-1.15 of the Unified Code of Corrections, the additional fee
18 required by subsections (b) and (c), restitution under Section
19 5-5-6 of the Unified Code of Corrections, contributions to a
20 local anti-crime program ordered pursuant to Section
21 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
22 Corrections, reimbursement for the costs of an emergency
23 response as provided under Section 11-501 of the Illinois
24 Vehicle Code, any fees collected for attending a traffic safety
25 program under paragraph (c) of Supreme Court Rule 529, any fee

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

1 Fund, or the Drivers Education Fund shall not exceed 110% of
2 the amounts deposited into those funds in fiscal year 1991. Any
3 amount that exceeds the 110% limit shall be distributed as
4 follows: 50% shall be disbursed to the county's general
5 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, Section 16-104c of the Illinois Vehicle
18 Code, and subsection (a) of Section 5-1101 of the Counties
19 Code, unless those amounts are specifically waived by the
20 judge. With respect to money collected by the circuit clerk as
21 a result of forfeiture of bail, ex parte judgment or guilty
22 plea pursuant to Supreme Court Rule 529, the circuit clerk
23 shall first deduct and pay amounts required by Sections 27.3a
24 and 27.3c of this Act. Unless a court ordered payment schedule
25 is implemented or fee requirements are waived pursuant to court
26 order, the clerk of the court may add to any unpaid fees and

1 costs a delinquency amount equal to 5% of the unpaid fees that
2 remain unpaid after 30 days, 10% of the unpaid fees that remain
3 unpaid after 60 days, and 15% of the unpaid fees that remain
4 unpaid after 90 days. Notice to those parties may be made by
5 signage posting or publication. The additional delinquency
6 amounts collected under this Section shall be deposited in the
7 Circuit Court Clerk Operation and Administrative Fund to be
8 used to defray administrative costs incurred by the circuit
9 clerk in performing the duties required to collect and disburse
10 funds. This Section is a denial and limitation of home rule
11 powers and functions under subsection (h) of Section 6 of
12 Article VII of the Illinois Constitution.

13 (b) In addition to any other fines and court costs assessed
14 by the courts, any person convicted or receiving an order of
15 supervision for driving under the influence of alcohol or drugs
16 shall pay an additional fee of \$100 to the clerk of the circuit
17 court. This amount, less 2 1/2% that shall be used to defray
18 administrative costs incurred by the clerk, shall be remitted
19 by the clerk to the Treasurer within 60 days after receipt for
20 deposit into the Trauma Center Fund. This additional fee of
21 \$100 shall not be considered a part of the fine for purposes of
22 any reduction in the fine for time served either before or
23 after sentencing. Not later than March 1 of each year the
24 Circuit Clerk shall submit a report of the amount of funds
25 remitted to the State Treasurer under this subsection during
26 the preceding calendar year.

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

15 (c) In addition to any other fines and court costs assessed
16 by the courts, any person convicted for a violation of Sections
17 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 or a 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 \$100 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 Trauma Center Fund. This
26 additional fee of \$100 shall not be considered a part of the

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

6 (c-1) In addition to any other fines and court costs
7 assessed by the courts, any person sentenced for a violation of
8 the Cannabis Control Act, the Illinois Controlled Substances
9 Act, or the Methamphetamine Control and Community Protection
10 Act shall pay an additional fee of \$5 to the clerk of the
11 circuit court. This amount, less 2 1/2% that shall be used to
12 defray administrative costs incurred by the clerk, shall be
13 remitted by the clerk to the Treasurer within 60 days after
14 receipt for deposit into the Spinal Cord Injury Paralysis Cure
15 Research Trust Fund. This additional fee of \$5 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 (d) The following amounts must be remitted to the State
22 Treasurer for deposit into the Illinois Animal Abuse Fund:

23 (1) 50% of the amounts collected for felony offenses
24 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
25 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
26 Animals Act and Section 26-5 or 48-1 of the Criminal Code

1 of 1961 or the Criminal Code of 2012;

2 (2) 20% of the amounts collected for Class A and Class
3 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
4 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
5 for Animals Act and Section 26-5 or 48-1 of the Criminal
6 Code of 1961 or the Criminal Code of 2012; and

7 (3) 50% of the amounts collected for Class C
8 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
9 for Animals Act and Section 26-5 or 48-1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012.

11 (e) Any person who receives a disposition of court
12 supervision for a violation of the Illinois Vehicle Code or a
13 similar provision of a local ordinance shall, in addition to
14 any other fines, fees, and court costs, pay an additional fee
15 of \$29, to be disbursed as provided in Section 16-104c of the
16 Illinois Vehicle Code. In addition to the fee of \$29, the
17 person shall also pay a fee of \$6, if not waived by the court.
18 If this \$6 fee is collected, \$5.50 of the fee shall be
19 deposited into the Circuit Court Clerk Operation and
20 Administrative Fund created by the Clerk of the Circuit Court
21 and 50 cents of the fee shall be deposited into the Prisoner
22 Review Board Vehicle and Equipment Fund in the State treasury.

23 (f) This Section does not apply to the additional child
24 pornography fines assessed and collected under Section
25 5-9-1.14 of the Unified Code of Corrections.

26 (g) Any person convicted of or pleading guilty to a serious

1 traffic violation, as defined in Section 1-187.001 of the
2 Illinois Vehicle Code, shall pay an additional fee of \$35, to
3 be disbursed as provided in Section 16-104d of that Code. This
4 subsection (g) becomes inoperative on January 1, 2020 ~~7 years~~
5 ~~after the effective date of Public Act 95-154.~~

6 (h) In all counties having a population of 3,000,000 or
7 more inhabitants,

8 (1) A person who is found guilty of or pleads guilty to
9 violating subsection (a) of Section 11-501 of the Illinois
10 Vehicle Code, including any person placed on court
11 supervision for violating subsection (a), shall be fined
12 \$750 as provided for by subsection (f) of Section 11-501.01
13 of the Illinois Vehicle Code, payable to the circuit clerk,
14 who shall distribute the money pursuant to subsection (f)
15 of Section 11-501.01 of the Illinois Vehicle Code.

16 (2) When a crime laboratory DUI analysis fee of \$150,
17 provided for by Section 5-9-1.9 of the Unified Code of
18 Corrections is assessed, it shall be disbursed by the
19 circuit clerk as provided by subsection (f) of Section
20 5-9-1.9 of the Unified Code of Corrections.

21 (3) When a fine for a violation of Section 11-605.1 of
22 the Illinois Vehicle Code is \$250 or greater, the person
23 who violated that Section shall be charged an additional
24 \$125 as provided for by subsection (e) of Section 11-605.1
25 of the Illinois Vehicle Code, which shall be disbursed by
26 the circuit clerk to a State or county Transportation

1 Safety Highway Hire-back Fund as provided by subsection (e)
2 of Section 11-605.1 of the Illinois Vehicle Code.

3 (4) When a fine for a violation of subsection (a) of
4 Section 11-605 of the Illinois Vehicle Code is \$150 or
5 greater, the additional \$50 which is charged as provided
6 for by subsection (f) of Section 11-605 of the Illinois
7 Vehicle Code shall be disbursed by the circuit clerk to a
8 school district or districts for school safety purposes as
9 provided by subsection (f) of Section 11-605.

10 (5) When a fine for a violation of subsection (a) of
11 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
12 greater, the additional \$50 which is charged as provided
13 for by subsection (c) of Section 11-1002.5 of the Illinois
14 Vehicle Code shall be disbursed by the circuit clerk to a
15 school district or districts for school safety purposes as
16 provided by subsection (c) of Section 11-1002.5 of the
17 Illinois Vehicle Code.

18 (6) When a mandatory drug court fee of up to \$5 is
19 assessed as provided in subsection (f) of Section 5-1101 of
20 the Counties Code, it shall be disbursed by the circuit
21 clerk as provided in subsection (f) of Section 5-1101 of
22 the Counties Code.

23 (7) When a mandatory teen court, peer jury, youth
24 court, or other youth diversion program fee is assessed as
25 provided in subsection (e) of Section 5-1101 of the
26 Counties Code, it shall be disbursed by the circuit clerk

1 as provided in subsection (e) of Section 5-1101 of the
2 Counties Code.

3 (8) When a Children's Advocacy Center fee is assessed
4 pursuant to subsection (f-5) of Section 5-1101 of the
5 Counties Code, it shall be disbursed by the circuit clerk
6 as provided in subsection (f-5) of Section 5-1101 of the
7 Counties Code.

8 (9) When a victim impact panel fee is assessed pursuant
9 to subsection (b) of Section 11-501.01 of the Vehicle Code,
10 it shall be disbursed by the circuit clerk to the victim
11 impact panel to be attended by the defendant.

12 (10) When a new fee collected in traffic cases is
13 enacted after the effective date of this subsection (h), it
14 shall be excluded from the percentage disbursement
15 provisions of this Section unless otherwise indicated by
16 law.

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

26 (j) (Blank).

1 (k) For any conviction or disposition of court supervision
2 for a violation of Section 11-1429 of the Illinois Vehicle
3 Code, the circuit clerk shall distribute the fines paid by the
4 person as specified by subsection (h) of Section 11-1429 of the
5 Illinois Vehicle Code.

6 (l) Any person who receives a disposition of court
7 supervision for a violation of Section 11-501 of the Illinois
8 Vehicle Code or a similar provision of a local ordinance shall,
9 in addition to any other fines, fees, and court costs, pay an
10 additional fee of \$50, which shall be collected by the circuit
11 clerk and then remitted to the State Treasurer for deposit into
12 the Roadside Memorial Fund, a special fund in the State
13 treasury. However, the court may waive the fee if full
14 restitution is complied with. Subject to appropriation, all
15 moneys in the Roadside Memorial Fund shall be used by the
16 Department of Transportation to pay fees imposed under
17 subsection (f) of Section 20 of the Roadside Memorial Act. The
18 fee shall be remitted by the circuit clerk within one month
19 after receipt to the State Treasurer for deposit into the
20 Roadside Memorial Fund.

21 (m) Of the amounts collected as fines under subsection (c)
22 of Section 411.4 of the Illinois Controlled Substances Act or
23 subsection (c) of Section 90 of the Methamphetamine Control and
24 Community Protection Act, 99% shall be deposited to the law
25 enforcement agency or fund specified and 1% shall be deposited
26 into the Circuit Court Clerk Operation and Administrative Fund

1 to be used to offset the costs incurred by the Circuit Court
2 Clerk in performing the additional duties required to collect
3 and disburse funds to entities of State and local government as
4 provided by law.

5 (n) In addition to any other fines and court costs assessed
6 by the courts, any person who is convicted of or pleads guilty
7 to a violation of the Criminal Code of 1961 or the Criminal
8 Code of 2012, or a similar provision of a local ordinance, or
9 who is convicted of, pleads guilty to, or receives a
10 disposition of court supervision for a violation of the
11 Illinois Vehicle Code, or a similar provision of a local
12 ordinance, shall pay an additional fee of \$15 to the clerk of
13 the circuit court. This additional fee of \$15 shall not be
14 considered a part of the fine for purposes of any reduction in
15 the fine for time served either before or after sentencing.
16 This amount, less 2.5% that shall be used to defray
17 administrative costs incurred by the clerk, shall be remitted
18 by the clerk to the State Treasurer within 60 days after
19 receipt for deposit into the State Police Merit Board Public
20 Safety Fund.

21 (Source: P.A. 96-576, eff. 8-18-09; 96-578, eff. 8-18-09;
22 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
23 96-1175, eff. 9-20-10; 96-1342, eff. 1-1-11; 97-434, eff.
24 1-1-12; 97-1051, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1150,
25 eff. 1-25-13.)

1 Section 15. 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 or the Criminal Code of 2012 if the
20 defendant within the past 12 months has been convicted of or
21 pleaded guilty to a misdemeanor or felony under the Illinois
22 Vehicle Code or reckless homicide under Section 9-3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012.

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

1 of a sentence, and enter an order for supervision of the
2 defendant, if the defendant is not charged with: (i) a Class A
3 misdemeanor, as defined by the following provisions of the
4 Criminal Code of 1961 or the Criminal Code of 2012: Sections
5 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
6 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
7 paragraph (1) through (5), (8), (10), and (11) of subsection
8 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
9 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
10 Act; or (iii) a felony. If the defendant is not barred from
11 receiving an order for supervision as provided in this
12 subsection, the court may enter an order for supervision after
13 considering the circumstances of the offense, and the history,
14 character and condition of the offender, if the court is of the
15 opinion that:

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

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

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

23 (c-5) Subsections (a), (b), and (c) of this Section do not
24 apply to a defendant charged with a second or subsequent
25 violation of Section 6-303 of the Illinois Vehicle Code
26 committed while his or her driver's license, permit or

1 privileges were revoked because of a violation of Section 9-3
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 relating to the offense of reckless homicide, or a similar
4 provision of a law of another state.

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

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

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

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

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

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

1 defendant charged with violating Section 16-25 or 16A-3 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 if said
3 defendant has within the last 5 years been:

4 (1) convicted for a violation of Section 16-25 or 16A-3
5 of the Criminal Code of 1961 or the Criminal Code of 2012;
6 or

7 (2) assigned supervision for a violation of Section
8 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
9 Code of 2012.

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

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

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

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

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

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

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

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

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

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

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

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

1 11-501 or a similar provision of a local ordinance or a
2 violation of Section 11-501.1 or paragraph (b) of Section
3 11-401 of the Illinois Vehicle Code if the defendant has within
4 the last 10 years been:

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

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

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

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

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

11 (m) Any person convicted of, pleading guilty to, or placed
12 on supervision for a serious traffic violation, as defined in
13 Section 1-187.001 of the Illinois Vehicle Code, a violation of
14 Section 11-501 of the Illinois Vehicle Code, or a violation of
15 a similar provision of a local ordinance shall pay an
16 additional fee of \$35, to be disbursed as provided in Section
17 16-104d of that Code.

18 This subsection (m) becomes inoperative on January 1, 2020
19 ~~7 years after October 13, 2007 (the effective date of Public~~
20 ~~Act 95-154).~~

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

1 or legal guardian, executed before the presiding judge. The
2 presiding judge shall have the authority to waive this
3 requirement upon the showing of good cause by the defendant.

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

9 (1) 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 and the defendant failed to obtain a monitoring device
13 driving permit; or

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

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

25 (q) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating subsection (b) of Section

1 11-601 of the Illinois Vehicle Code when the defendant was
2 operating a vehicle, in an urban district, at a speed in excess
3 of 25 miles per hour over the posted speed limit.

4 (r) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating any provision of the Illinois
6 Vehicle Code or a similar provision of a local ordinance if the
7 violation was the proximate cause of the death of another and
8 the defendant's driving abstract contains a prior conviction or
9 disposition of court supervision for any violation of the
10 Illinois Vehicle Code, other than an equipment violation, or a
11 suspension, revocation, or cancellation of the driver's
12 license.

13 (Source: P.A. 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
14 97-831, eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff.
15 1-25-13; 98-169, eff. 1-1-14.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."