

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 3-707 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle unless the
9 motor vehicle is covered by a liability insurance policy in
10 accordance with Section 7-601 of this Code.

11 (a-5) A person commits the offense of operation of
12 uninsured motor vehicle causing bodily harm when the person:

13 (1) operates a motor vehicle in violation of Section
14 7-601 of this Code; and

15 (2) causes, as a proximate result of the person's
16 operation of the motor vehicle, bodily harm to another
17 person.

18 (a-6) Uninsured operation of a motor vehicle under
19 subsection (a-5) is a Class A misdemeanor. If a person
20 convicted of the offense of operation of a motor vehicle under
21 subsection (a-5) has previously been convicted of 2 or more
22 violations of subsection (a-5) of this Section or of Section
23 7-601 of this Code, a fine of \$2,500, in addition to any

1 sentence of incarceration, must be imposed.

2 (b) Any person who fails to comply with a request by a law
3 enforcement officer for display of evidence of insurance, as
4 required under Section 7-602 of this Code, shall be deemed to
5 be operating an uninsured motor vehicle.

6 (c) Except as provided in subsections (a-6) and (c-5), any
7 operator of a motor vehicle subject to registration under this
8 Code who is convicted of violating this Section is guilty of a
9 business offense and shall be required to pay a fine in excess
10 of \$500, but not more than \$1,000, except a person convicted of
11 a third or subsequent violation of this Section shall be
12 required to pay a fine of \$1,000. However, no person charged
13 with violating this Section shall be convicted if such person
14 produces in court satisfactory evidence that at the time of the
15 arrest the motor vehicle was covered by a liability insurance
16 policy in accordance with Section 7-601 of this Code. The chief
17 judge of each circuit may designate an officer of the court to
18 review the documentation demonstrating that at the time of
19 arrest the motor vehicle was covered by a liability insurance
20 policy in accordance with Section 7-601 of this Code.

21 (c-1) A person convicted of violating this Section shall
22 also have his or her driver's license, permit, or privileges
23 suspended for 3 months. After the expiration of the 3 months,
24 the person's driver's license, permit, or privileges shall not
25 be reinstated until he or she has paid a reinstatement fee of
26 \$100. If a person violates this Section while his or her

1 driver's license, permit, or privileges are suspended under
2 this subsection (c-1), his or her driver's license, permit, or
3 privileges shall be suspended for an additional 6 months and
4 until he or she pays the reinstatement fee.

5 (c-5) A person who (i) has not previously been convicted of
6 or received a disposition of court supervision for violating
7 this Section and (ii) produces at his or her court appearance
8 satisfactory evidence that the motor vehicle is covered, as of
9 the date of the court appearance, by a liability insurance
10 policy in accordance with Section 7-601 of this Code shall, for
11 a violation of this Section, other than a violation of
12 subsection (a-5), pay a fine of \$100 and receive a disposition
13 of court supervision. The person must, on the date that the
14 period of court supervision is scheduled to terminate, produce
15 satisfactory evidence that the vehicle was covered by the
16 required liability insurance policy during the entire period of
17 court supervision.

18 An officer of the court designated under subsection (c) may
19 also review liability insurance documentation under this
20 subsection (c-5) to determine if the motor vehicle is, as of
21 the date of the court appearance, covered by a liability
22 insurance policy in accordance with Section 7-601 of this Code.
23 The officer of the court shall also determine, on the date the
24 period of court supervision is scheduled to terminate, whether
25 the vehicle was covered by the required policy during the
26 entire period of court supervision.

1 (d) A person convicted a third or subsequent time of
2 violating this Section or a similar provision of a local
3 ordinance must give proof to the Secretary of State of the
4 person's financial responsibility as defined in Section 7-315.
5 The person must maintain the proof in a manner satisfactory to
6 the Secretary for a minimum period of 3 years after the date
7 the proof is first filed. The Secretary must suspend the
8 driver's license of any person determined by the Secretary not
9 to have provided adequate proof of financial responsibility as
10 required by this subsection. This subsection shall not apply to
11 a person given court supervision under subsection (c-5) of this
12 Section. Within 90 days of the effective date of this
13 amendatory Act of the 98th General Assembly, a person who is
14 currently required to maintain proof of financial
15 responsibility as described in this subsection may petition the
16 Secretary of State to be removed from the requirement of
17 maintaining proof of financial responsibility as required in
18 this subsection if this person received court supervision under
19 subsection (c-5) of this Section and does not have a subsequent
20 conviction under this Section. The person petitioning the
21 Secretary must provide proof that he or she received court
22 supervision under subsection (c-5) of this Section and
23 satisfactorily completed the terms of the court supervision.
24 Once the person has provided this proof to the Secretary and
25 the Secretary determines the person does not have a subsequent
26 conviction under this Section, the Secretary shall terminate

1 the requirement that the person maintain proof of financial
2 responsibility as required in this Section.

3 (Source: P.A. 96-143, eff. 1-1-10; 97-407, eff. 1-1-12.)

4 Section 10. The Unified Code of Corrections is amended by
5 changing Section 5-6-3.1 as follows:

6 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

7 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

8 (a) When a defendant is placed on supervision, the court
9 shall enter an order for supervision specifying the period of
10 such supervision, and shall defer further proceedings in the
11 case until the conclusion of the period.

12 (b) The period of supervision shall be reasonable under all
13 of the circumstances of the case, but may not be longer than 2
14 years, unless the defendant has failed to pay the assessment
15 required by Section 10.3 of the Cannabis Control Act, Section
16 411.2 of the Illinois Controlled Substances Act, or Section 80
17 of the Methamphetamine Control and Community Protection Act, in
18 which case the court may extend supervision beyond 2 years.
19 Additionally, the court shall order the defendant to perform no
20 less than 30 hours of community service and not more than 120
21 hours of community service, if community service is available
22 in the jurisdiction and is funded and approved by the county
23 board where the offense was committed, when the offense (1) was
24 related to or in furtherance of the criminal activities of an

1 organized gang or was motivated by the defendant's membership
2 in or allegiance to an organized gang; or (2) is a violation of
3 any Section of Article 24 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 where a disposition of supervision is not
5 prohibited by Section 5-6-1 of this Code. The community service
6 shall include, but not be limited to, the cleanup and repair of
7 any damage caused by violation of Section 21-1.3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 and similar
9 damages to property located within the municipality or county
10 in which the violation occurred. Where possible and reasonable,
11 the community service should be performed in the offender's
12 neighborhood.

13 For the purposes of this Section, "organized gang" has the
14 meaning ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (c) The court may in addition to other reasonable
17 conditions relating to the nature of the offense or the
18 rehabilitation of the defendant as determined for each
19 defendant in the proper discretion of the court require that
20 the person:

21 (1) make a report to and appear in person before or
22 participate with the court or such courts, person, or
23 social service agency as directed by the court in the order
24 of supervision;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

2 (4) undergo medical, psychological or psychiatric
3 treatment; or treatment for drug addiction or alcoholism;

4 (5) attend or reside in a facility established for the
5 instruction or residence of defendants on probation;

6 (6) support his dependents;

7 (7) refrain from possessing a firearm or other
8 dangerous weapon;

9 (8) and in addition, if a minor:

10 (i) reside with his parents or in a foster home;

11 (ii) attend school;

12 (iii) attend a non-residential program for youth;

13 (iv) contribute to his own support at home or in a
14 foster home; or

15 (v) with the consent of the superintendent of the
16 facility, attend an educational program at a facility
17 other than the school in which the offense was
18 committed if he or she is placed on supervision for a
19 crime of violence as defined in Section 2 of the Crime
20 Victims Compensation Act committed in a school, on the
21 real property comprising a school, or within 1,000 feet
22 of the real property comprising a school;

23 (9) make restitution or reparation in an amount not to
24 exceed actual loss or damage to property and pecuniary loss
25 or make restitution under Section 5-5-6 to a domestic
26 violence shelter. The court shall determine the amount and

1 conditions of payment;

2 (10) perform some reasonable public or community
3 service;

4 (11) comply with the terms and conditions of an order
5 of protection issued by the court pursuant to the Illinois
6 Domestic Violence Act of 1986 or an order of protection
7 issued by the court of another state, tribe, or United
8 States territory. If the court has ordered the defendant to
9 make a report and appear in person under paragraph (1) of
10 this subsection, a copy of the order of protection shall be
11 transmitted to the person or agency so designated by the
12 court;

13 (12) reimburse any "local anti-crime program" as
14 defined in Section 7 of the Anti-Crime Advisory Council Act
15 for any reasonable expenses incurred by the program on the
16 offender's case, not to exceed the maximum amount of the
17 fine authorized for the offense for which the defendant was
18 sentenced;

19 (13) contribute a reasonable sum of money, not to
20 exceed the maximum amount of the fine authorized for the
21 offense for which the defendant was sentenced, (i) to a
22 "local anti-crime program", as defined in Section 7 of the
23 Anti-Crime Advisory Council Act, or (ii) for offenses under
24 the jurisdiction of the Department of Natural Resources, to
25 the fund established by the Department of Natural Resources
26 for the purchase of evidence for investigation purposes and

1 to conduct investigations as outlined in Section 805-105 of
2 the Department of Natural Resources (Conservation) Law;

3 (14) refrain from entering into a designated
4 geographic area except upon such terms as the court finds
5 appropriate. Such terms may include consideration of the
6 purpose of the entry, the time of day, other persons
7 accompanying the defendant, and advance approval by a
8 probation officer;

9 (15) refrain from having any contact, directly or
10 indirectly, with certain specified persons or particular
11 types of person, including but not limited to members of
12 street gangs and drug users or dealers;

13 (16) refrain from having in his or her body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act, the Illinois Controlled Substances Act, or the
16 Methamphetamine Control and Community Protection Act,
17 unless prescribed by a physician, and submit samples of his
18 or her blood or urine or both for tests to determine the
19 presence of any illicit drug;

20 (17) refrain from operating any motor vehicle not
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1 of the Illinois Vehicle Code; under this
23 condition the court may allow a defendant who is not
24 self-employed to operate a vehicle owned by the defendant's
25 employer that is not equipped with an ignition interlock
26 device in the course and scope of the defendant's

1 employment; and

2 (18) if placed on supervision for a sex offense as
3 defined in subsection (a-5) of Section 3-1-2 of this Code,
4 unless the offender is a parent or guardian of the person
5 under 18 years of age present in the home and no
6 non-familial minors are present, not participate in a
7 holiday event involving children under 18 years of age,
8 such as distributing candy or other items to children on
9 Halloween, wearing a Santa Claus costume on or preceding
10 Christmas, being employed as a department store Santa
11 Claus, or wearing an Easter Bunny costume on or preceding
12 Easter.

13 (d) The court shall defer entering any judgment on the
14 charges until the conclusion of the supervision.

15 (e) At the conclusion of the period of supervision, if the
16 court determines that the defendant has successfully complied
17 with all of the conditions of supervision, the court shall
18 discharge the defendant and enter a judgment dismissing the
19 charges.

20 (f) Discharge and dismissal upon a successful conclusion of
21 a disposition of supervision shall be deemed without
22 adjudication of guilt and shall not be termed a conviction for
23 purposes of disqualification or disabilities imposed by law
24 upon conviction of a crime. Two years after the discharge and
25 dismissal under this Section, unless the disposition of
26 supervision was for a violation of Sections 3-707, 3-708,

1 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
2 similar provision of a local ordinance, or for a violation of
3 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
4 or the Criminal Code of 2012, in which case it shall be 5 years
5 after discharge and dismissal, a person may have his record of
6 arrest sealed or expunged as may be provided by law. However,
7 any defendant placed on supervision before January 1, 1980, may
8 move for sealing or expungement of his arrest record, as
9 provided by law, at any time after discharge and dismissal
10 under this Section. A person placed on supervision for a sexual
11 offense committed against a minor as defined in clause
12 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
13 for a violation of Section 11-501 of the Illinois Vehicle Code
14 or a similar provision of a local ordinance shall not have his
15 or her record of arrest sealed or expunged.

16 (g) A defendant placed on supervision and who during the
17 period of supervision undergoes mandatory drug or alcohol
18 testing, or both, or is assigned to be placed on an approved
19 electronic monitoring device, shall be ordered to pay the costs
20 incidental to such mandatory drug or alcohol testing, or both,
21 and costs incidental to such approved electronic monitoring in
22 accordance with the defendant's ability to pay those costs. The
23 county board with the concurrence of the Chief Judge of the
24 judicial circuit in which the county is located shall establish
25 reasonable fees for the cost of maintenance, testing, and
26 incidental expenses related to the mandatory drug or alcohol

1 testing, or both, and all costs incidental to approved
2 electronic monitoring, of all defendants placed on
3 supervision. The concurrence of the Chief Judge shall be in the
4 form of an administrative order. The fees shall be collected by
5 the clerk of the circuit court. The clerk of the circuit court
6 shall pay all moneys collected from these fees to the county
7 treasurer who shall use the moneys collected to defray the
8 costs of drug testing, alcohol testing, and electronic
9 monitoring. The county treasurer shall deposit the fees
10 collected in the county working cash fund under Section 6-27001
11 or Section 6-29002 of the Counties Code, as the case may be.

12 (h) A disposition of supervision is a final order for the
13 purposes of appeal.

14 (i) The court shall impose upon a defendant placed on
15 supervision after January 1, 1992 or to community service under
16 the supervision of a probation or court services department
17 after January 1, 2004, as a condition of supervision or
18 supervised community service, a fee of \$50 for each month of
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 placed on supervision or supervised community service to pay
22 the fee, the court assesses a lesser fee. The court may not
23 impose the fee on a minor who is made a ward of the State under
24 the Juvenile Court Act of 1987 while the minor is in placement.
25 The fee shall be imposed only upon a defendant who is actively
26 supervised by the probation and court services department. The

1 fee shall be collected by the clerk of the circuit court. The
2 clerk of the circuit court shall pay all monies collected from
3 this fee to the county treasurer for deposit in the probation
4 and court services fund pursuant to Section 15.1 of the
5 Probation and Probation Officers Act.

6 A circuit court may not impose a probation fee in excess of
7 \$25 per month unless the circuit court has adopted, by
8 administrative order issued by the chief judge, a standard
9 probation fee guide determining an offender's ability to pay.
10 Of the amount collected as a probation fee, not to exceed \$5 of
11 that fee collected per month may be used to provide services to
12 crime victims and their families.

13 The Court may only waive probation fees based on an
14 offender's ability to pay. The probation department may
15 re-evaluate an offender's ability to pay every 6 months, and,
16 with the approval of the Director of Court Services or the
17 Chief Probation Officer, adjust the monthly fee amount. An
18 offender may elect to pay probation fees due in a lump sum. Any
19 offender that has been assigned to the supervision of a
20 probation department, or has been transferred either under
21 subsection (h) of this Section or under any interstate compact,
22 shall be required to pay probation fees to the department
23 supervising the offender, based on the offender's ability to
24 pay.

25 (j) All fines and costs imposed under this Section for any
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any
2 violation of the Child Passenger Protection Act, or a similar
3 provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under Section 27.5
5 of the Clerks of Courts Act.

6 (k) A defendant at least 17 years of age who is placed on
7 supervision for a misdemeanor in a county of 3,000,000 or more
8 inhabitants and who has not been previously convicted of a
9 misdemeanor or felony may as a condition of his or her
10 supervision be required by the court to attend educational
11 courses designed to prepare the defendant for a high school
12 diploma and to work toward a high school diploma or to work
13 toward passing the high school level Test of General
14 Educational Development (GED) or to work toward completing a
15 vocational training program approved by the court. The
16 defendant placed on supervision must attend a public
17 institution of education to obtain the educational or
18 vocational training required by this subsection (k). The
19 defendant placed on supervision shall be required to pay for
20 the cost of the educational courses or GED test, if a fee is
21 charged for those courses or test. The court shall revoke the
22 supervision of a person who wilfully fails to comply with this
23 subsection (k). The court shall resentence the defendant upon
24 revocation of supervision as provided in Section 5-6-4. This
25 subsection (k) does not apply to a defendant who has a high
26 school diploma or has successfully passed the GED test. This

1 subsection (k) does not apply to a defendant who is determined
2 by the court to be developmentally disabled or otherwise
3 mentally incapable of completing the educational or vocational
4 program.

5 (l) The court shall require a defendant placed on
6 supervision for possession of a substance prohibited by the
7 Cannabis Control Act, the Illinois Controlled Substances Act,
8 or the Methamphetamine Control and Community Protection Act
9 after a previous conviction or disposition of supervision for
10 possession of a substance prohibited by the Cannabis Control
11 Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act or a
13 sentence of probation under Section 10 of the Cannabis Control
14 Act or Section 410 of the Illinois Controlled Substances Act
15 and after a finding by the court that the person is addicted,
16 to undergo treatment at a substance abuse program approved by
17 the court.

18 (m) Except in the case of a person placed on court
19 supervision for a violation of subsection (c-5) of Section
20 3-707 of the Illinois Vehicle Code or a similar provision of a
21 local ordinance, the ~~The~~ Secretary of State shall require
22 anyone placed on court supervision for a violation of Section
23 3-707 of the Illinois Vehicle Code or a similar provision of a
24 local ordinance to give proof of his or her financial
25 responsibility as defined in Section 7-315 of the Illinois
26 Vehicle Code. The proof shall be maintained by the individual

1 in a manner satisfactory to the Secretary of State for a
2 minimum period of 3 years after the date the proof is first
3 filed. The proof shall be limited to a single action per arrest
4 and may not be affected by any post-sentence disposition. The
5 Secretary of State shall suspend the driver's license of any
6 person determined by the Secretary to be in violation of this
7 subsection.

8 (n) Any offender placed on supervision for any offense that
9 the court or probation department has determined to be sexually
10 motivated as defined in the Sex Offender Management Board Act
11 shall be required to refrain from any contact, directly or
12 indirectly, with any persons specified by the court and shall
13 be available for all evaluations and treatment programs
14 required by the court or the probation department.

15 (o) An offender placed on supervision for a sex offense as
16 defined in the Sex Offender Management Board Act shall refrain
17 from residing at the same address or in the same condominium
18 unit or apartment unit or in the same condominium complex or
19 apartment complex with another person he or she knows or
20 reasonably should know is a convicted sex offender or has been
21 placed on supervision for a sex offense. The provisions of this
22 subsection (o) do not apply to a person convicted of a sex
23 offense who is placed in a Department of Corrections licensed
24 transitional housing facility for sex offenders.

25 (p) An offender placed on supervision for an offense
26 committed on or after June 1, 2008 (the effective date of

1 Public Act 95-464) that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 shall
4 refrain from communicating with or contacting, by means of the
5 Internet, a person who is not related to the accused and whom
6 the accused reasonably believes to be under 18 years of age.
7 For purposes of this subsection (p), "Internet" has the meaning
8 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
9 and a person is not related to the accused if the person is
10 not: (i) the spouse, brother, or sister of the accused; (ii) a
11 descendant of the accused; (iii) a first or second cousin of
12 the accused; or (iv) a step-child or adopted child of the
13 accused.

14 (q) An offender placed on supervision for an offense
15 committed on or after June 1, 2008 (the effective date of
16 Public Act 95-464) that would qualify the accused as a child
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
19 ordered by the court, refrain from communicating with or
20 contacting, by means of the Internet, a person who is related
21 to the accused and whom the accused reasonably believes to be
22 under 18 years of age. For purposes of this subsection (q),
23 "Internet" has the meaning ascribed to it in Section 16-0.1 of
24 the Criminal Code of 2012; and a person is related to the
25 accused if the person is: (i) the spouse, brother, or sister of
26 the accused; (ii) a descendant of the accused; (iii) a first or

1 second cousin of the accused; or (iv) a step-child or adopted
2 child of the accused.

3 (r) An offender placed on supervision for an offense under
4 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
5 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
6 11-21 of the Criminal Code of 1961 or the Criminal Code of
7 2012, or any attempt to commit any of these offenses, committed
8 on or after the effective date of this amendatory Act of the
9 95th General Assembly shall:

10 (i) not access or use a computer or any other device
11 with Internet capability without the prior written
12 approval of the court, except in connection with the
13 offender's employment or search for employment with the
14 prior approval of the court;

15 (ii) submit to periodic unannounced examinations of
16 the offender's computer or any other device with Internet
17 capability by the offender's probation officer, a law
18 enforcement officer, or assigned computer or information
19 technology specialist, including the retrieval and copying
20 of all data from the computer or device and any internal or
21 external peripherals and removal of such information,
22 equipment, or device to conduct a more thorough inspection;

23 (iii) submit to the installation on the offender's
24 computer or device with Internet capability, at the
25 offender's expense, of one or more hardware or software
26 systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a computer or
3 any other device with Internet capability imposed by the
4 court.

5 (s) An offender placed on supervision for an offense that
6 is a sex offense as defined in Section 2 of the Sex Offender
7 Registration Act that is committed on or after January 1, 2010
8 (the effective date of Public Act 96-362) that requires the
9 person to register as a sex offender under that Act, may not
10 knowingly use any computer scrub software on any computer that
11 the sex offender uses.

12 (t) An offender placed on supervision for a sex offense as
13 defined in the Sex Offender Registration Act committed on or
14 after January 1, 2010 (the effective date of Public Act 96-262)
15 shall refrain from accessing or using a social networking
16 website as defined in Section 17-0.5 of the Criminal Code of
17 2012.

18 (u) Jurisdiction over an offender may be transferred from
19 the sentencing court to the court of another circuit with the
20 concurrence of both courts. Further transfers or retransfers of
21 jurisdiction are also authorized in the same manner. The court
22 to which jurisdiction has been transferred shall have the same
23 powers as the sentencing court. The probation department within
24 the circuit to which jurisdiction has been transferred may
25 impose probation fees upon receiving the transferred offender,
26 as provided in subsection (i). The probation department from

1 the original sentencing court shall retain all probation fees
2 collected prior to the transfer.

3 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,
4 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;
5 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article
6 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,
7 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

8 Section 99. Effective date. This Act takes effect January
9 1, 2014.