



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3978

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-601.5

730 ILCS 5/5-6-1

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

Amends the Illinois Vehicle Code. Provides that a person who drives a vehicle upon any highway of this State at a speed that is 40 (rather than 26) miles per hour or more in excess of the applicable maximum speed limit commits a Class B misdemeanor. Removes the penalty of a Class A misdemeanor for driving 35 miles per hour or more in excess of the applicable maximum speed limit. Amends the Unified Code of Corrections. Allows court supervision for a violation of driving at a speed that is 40 miles per hour or more in excess of the applicable maximum speed limit.

LRB099 10217 RJF 30442 b

1 AN ACT concerning transportation.

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

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

6 (625 ILCS 5/11-601.5)

7 Sec. 11-601.5. Driving 40 ~~26~~ miles per hour or more in
8 excess of applicable limit.

9 (a) A person who drives a vehicle upon any highway of this
10 State at a speed that is 40 ~~26~~ miles per hour or more ~~but less~~
11 ~~than 35 miles per hour~~ in excess of the applicable maximum
12 speed limit established under this Chapter or a local ordinance
13 commits a Class B misdemeanor.

14 (b) (Blank). ~~A person who drives a vehicle upon any highway~~
15 ~~of this State at a speed that is 35 miles per hour or more in~~
16 ~~excess of the applicable maximum speed limit established under~~
17 ~~this Chapter or a local ordinance commits a Class A~~
18 ~~misdemeanor.~~

19 (Source: P.A. 98-511, eff. 1-1-14.)

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

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

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

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

18 (1) his imprisonment or periodic imprisonment is
19 necessary for the protection of the public; or

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

23 (3) a combination of imprisonment with concurrent or
24 consecutive probation when an offender has been admitted
25 into a drug court program under Section 20 of the Drug
26 Court Treatment Act is necessary for the protection of the

1 public and for the rehabilitation of the offender.

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

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

13 (b-1) Subsections (a) and (b) of this Section do not apply
14 to a defendant charged with a misdemeanor or felony under the
15 Illinois Vehicle Code or reckless homicide under Section 9-3 of
16 the Criminal Code of 1961 or the Criminal Code of 2012 if the
17 defendant within the past 12 months has been convicted of or
18 pleaded guilty to a misdemeanor or felony under the Illinois
19 Vehicle Code or reckless homicide under Section 9-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 (c) The court may, upon a plea of guilty or a stipulation
22 by the defendant of the facts supporting the charge or a
23 finding of guilt, defer further proceedings and the imposition
24 of a sentence, and enter an order for supervision of the
25 defendant, if the defendant is not charged with: (i) a Class A
26 misdemeanor, as defined by the following provisions of the

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

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

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

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

20 (c-5) Subsections (a), (b), and (c) of this Section do not
21 apply to a defendant charged with a second or subsequent
22 violation of Section 6-303 of the Illinois Vehicle Code
23 committed while his or her driver's license, permit or
24 privileges were revoked because of a violation of Section 9-3
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 relating to the offense of reckless homicide, or a similar

1 provision of a law of another state.

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

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

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

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

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

23 (e) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 16-25 or 16A-3 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 if said
26 defendant has within the last 5 years been:

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

4 (2) assigned supervision for a violation of Section
5 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012.

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

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

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

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

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

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

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

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

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

24 (h-1) The provisions of paragraph (c) shall not apply to a
25 defendant under the age of 21 years charged with an offense
26 against traffic regulations governing the movement of vehicles

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

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

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

1 the last 10 years been:

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

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

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

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

1 Clerks of Courts Act. The \$29 fee shall be disbursed as
2 provided in Section 16-104c of the Illinois Vehicle Code. If
3 the \$6 fee is collected, \$5.50 of the fee shall be deposited
4 into the Circuit Court Clerk Operation and Administrative Fund
5 created by the Clerk of the Circuit Court and 50 cents of the
6 fee shall be deposited into the Prisoner Review Board Vehicle
7 and Equipment Fund in the State treasury.

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

15 This subsection (m) becomes inoperative on January 1, 2020.

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

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

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

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

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

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

20 (q) The provisions of paragraph (c) shall not apply to a
21 defendant charged with violating subsection (b) of Section
22 11-601 of the Illinois Vehicle Code when the defendant was
23 operating a vehicle, in an urban district, at a speed in excess
24 of 25 miles per hour over the posted speed limit.

25 (r) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating any provision of the Illinois

1 Vehicle Code or a similar provision of a local ordinance if the
2 violation was the proximate cause of the death of another and
3 the defendant's driving abstract contains a prior conviction or
4 disposition of court supervision for any violation of the
5 Illinois Vehicle Code, other than an equipment violation, or a
6 suspension, revocation, or cancellation of the driver's
7 license.

8 (s) The provisions of paragraph (c) shall not apply to a
9 defendant charged with violating subsection (i) of Section 70
10 of the Firearm Concealed Carry Act.

11 (Source: P.A. 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
12 97-831, eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff.
13 1-25-13; 98-169, eff. 1-1-14; 98-658, eff. 6-23-14; 98-899,
14 eff. 8-15-14; revised 10-1-14.)