



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3029

Introduced 2/18/2016, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.875 new	
625 ILCS 5/16-104c	
705 ILCS 105/27.5	from Ch. 25, par. 27.5
705 ILCS 105/27.6	
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Amends the Illinois Vehicle Code. Provides that in addition to other fees accompanying court supervision for a violation of the Code, a person shall also pay an additional fee of \$7.50 (rather than \$6), if not waived by the court. Provides that if the \$7.50 fee is collected, then \$6.50 (rather than \$5.50) shall be deposited into the Circuit Court Clerk Operation and Administrative Fund; 50 cents shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund; and 50 cents shall be deposited into the State's Attorneys Appellate Prosecutor Vehicle and Equipment Fund. Provides that the State's Attorneys Appellate Prosecutor shall use all moneys in the State's Attorneys Appellate Prosecutor Vehicle and Equipment Fund for the purchase and operation of vehicles and equipment. Amends the State Finance Act to create the State's Attorneys Appellate Prosecutor Vehicle and Equipment Fund as a special fund in the State treasury. Amends the Clerks of Courts Act and the Unified Code of Corrections to make conforming changes.

LRB099 19084 RJF 43473 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 State Finance Act is amended by adding
5 Section 5.875 as follows:

6 (30 ILCS 105/5.875 new)

7 Sec. 5.875. The State's Attorneys Appellate Prosecutor
8 Vehicle and Equipment Fund.

9 Section 10. The Illinois Vehicle Code is amended by
10 changing Section 16-104c as follows:

11 (625 ILCS 5/16-104c)

12 Sec. 16-104c. Court supervision fees.

13 (a) Any person who receives a disposition of court
14 supervision for a violation of any provision of this Code or a
15 similar provision of a local ordinance shall pay an additional
16 fee of \$29, which shall be disbursed as follows:

17 (1) if an officer of the Department of State Police
18 arrested the person for the violation, \$20 of the \$29 fee
19 shall be deposited into the State Police Vehicle Fund in
20 the State treasury; or

21 (2) if an officer of any law enforcement agency in the

1 State other than the Department of State Police arrested
2 the person for the violation, \$20 of the \$29 fee shall be
3 paid to the law enforcement agency that employed the
4 arresting officer and shall be used for the acquisition or
5 maintenance of police vehicles; and

6 (3) \$9 of the \$29 fee shall be deposited into the
7 Drivers Education Fund.

8 (b) In addition to the fee provided for in subsection (a),
9 a person who receives a disposition of court supervision for
10 any violation of this Code or a similar provision of a local
11 ordinance shall also pay an additional fee of \$7.50 ~~\$6~~, if not
12 waived by the court. Of this \$7.50 ~~\$6~~ fee, \$6.50 ~~\$5.50~~ shall be
13 deposited into the Circuit Court Clerk Operation and
14 Administrative Fund created by the Clerk of the Circuit Court;
15 ~~and~~ 50 cents shall be deposited into the Prisoner Review Board
16 Vehicle and Equipment Fund in the State treasury; and 50 cents
17 shall be deposited into the State's Attorneys Appellate
18 Prosecutor Vehicle and Equipment Fund in the State treasury.

19 (c) The Prisoner Review Board Vehicle and Equipment Fund is
20 created as a special fund in the State treasury. The Prisoner
21 Review Board shall, subject to appropriation by the General
22 Assembly and approval by the Secretary, use all moneys in the
23 Prisoner Review Board Vehicle and Equipment Fund for the
24 purchase and operation of vehicles and equipment.

25 (d) The State's Attorneys Appellate Prosecutor Vehicle and
26 Equipment Fund is created as a special fund in the State

1 treasury. The State's Attorneys Appellate Prosecutor shall,
2 subject to appropriation by the General Assembly and approval
3 by the Secretary, use all moneys in the State's Attorneys
4 Appellate Prosecutor Vehicle and Equipment Fund for the
5 purchase and operation of vehicles and equipment.

6 (Source: P.A. 95-428, eff. 8-24-07; 96-625, eff. 1-1-10.)

7 Section 15. 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 \$7.50 ~~\$6~~, if not waived by the
24 court. If this \$7.50 ~~\$6~~ fee is collected, \$6.50 ~~\$5.50~~ of the
25 fee shall be deposited into the Circuit Court Clerk Operation
26 and Administrative Fund created by the Clerk of the Circuit

1 Court; ~~and~~ 50 cents of the fee shall be deposited into the
2 Prisoner Review Board Vehicle and Equipment Fund in the State
3 treasury; and 50 cents of the fee shall be deposited into the
4 State's Attorneys Appellate Prosecutor Vehicle and Equipment
5 Fund in the State treasury.

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

13 This subsection (d) becomes inoperative on January 1, 2020.

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

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

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

1 circuit clerk as provided by subsection (f) of Section
2 5-9-1.9 of the Unified Code of Corrections.

3 (3) 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 (4) 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 (5) 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 (6) 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 (7) 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 (8) When a victim impact panel fee is assessed pursuant
9 to subsection (b) of Section 11-501.01 of the Illinois
10 Vehicle Code, it shall be disbursed by the circuit clerk to
11 the victim impact panel to be attended by the defendant.

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

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

1 under subsection (f) of Section 20 of the Roadside Memorial
2 Act. The fee shall be remitted by the circuit clerk within one
3 month after receipt to the State Treasurer for deposit into the
4 Roadside Memorial Fund.

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

10 (Source: P.A. 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13;
11 97-1150, eff. 1-25-13; 98-658, eff. 6-23-14.)

12 (705 ILCS 105/27.6)

13 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
14 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
15 98-658, 98-1013, 99-78, and 99-455)

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

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

1 Department of Healthcare and Family Services. For fiscal year
2 1993, amounts deposited into the Violent Crime Victims
3 Assistance Fund, the Traffic and Criminal Conviction Surcharge
4 Fund, or the Drivers Education Fund shall not exceed 110% of
5 the amounts deposited into those funds in fiscal year 1991. Any
6 amount that exceeds the 110% limit shall be distributed as
7 follows: 50% shall be disbursed to the county's general
8 corporate fund and 50% shall be disbursed to the entity
9 authorized by law to receive the fine imposed in the case. Not
10 later than March 1 of each year the circuit clerk shall submit
11 a report of the amount of funds remitted to the State Treasurer
12 under this Section during the preceding year based upon
13 independent verification of fines and fees. All counties shall
14 be subject to this Section, except that counties with a
15 population under 2,000,000 may, by ordinance, elect not to be
16 subject to this Section. For offenses subject to this Section,
17 judges shall impose one total sum of money payable for
18 violations. The circuit clerk may add on no additional amounts
19 except for amounts that are required by Sections 27.3a and
20 27.3c of this Act, unless those amounts are specifically waived
21 by the judge. With respect to money collected by the circuit
22 clerk as a result of forfeiture of bail, ex parte judgment or
23 guilty plea pursuant to Supreme Court Rule 529, the circuit
24 clerk shall first deduct and pay amounts required by Sections
25 27.3a and 27.3c of this Act. This Section is a denial and
26 limitation of home rule powers and functions under subsection

1 (h) of Section 6 of Article VII of the Illinois Constitution.

2 (b) In addition to any other fines and court costs assessed
3 by the courts, any person convicted or receiving an order of
4 supervision for driving under the influence of alcohol or drugs
5 shall pay an additional fee of \$100 to the clerk of the circuit
6 court. This amount, less 2 1/2% that shall be used to defray
7 administrative costs incurred by the clerk, shall be remitted
8 by the clerk to the Treasurer within 60 days after receipt for
9 deposit into the Trauma Center Fund. This additional fee of
10 \$100 shall not be considered a part of the fine for purposes of
11 any reduction in the fine for time served either before or
12 after sentencing. Not later than March 1 of each year the
13 Circuit Clerk shall submit a report of the amount of funds
14 remitted to the State Treasurer under this subsection during
15 the preceding calendar year.

16 (b-1) In addition to any other fines and court costs
17 assessed by the courts, any person convicted or receiving an
18 order of supervision for driving under the influence of alcohol
19 or drugs shall pay an additional fee of \$5 to the clerk of the
20 circuit court. This amount, less 2 1/2% that shall be used to
21 defray administrative costs incurred by the clerk, shall be
22 remitted by the clerk to the Treasurer within 60 days after
23 receipt for deposit into the Spinal Cord Injury Paralysis Cure
24 Research Trust Fund. This additional fee of \$5 shall not be
25 considered a part of the fine for purposes of any reduction in
26 the fine for time served either before or after sentencing. Not

1 later than March 1 of each year the Circuit Clerk shall submit
2 a report of the amount of funds remitted to the State Treasurer
3 under this subsection during the preceding calendar year.

4 (c) In addition to any other fines and court costs assessed
5 by the courts, any person convicted for a violation of Sections
6 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 or a 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 \$100 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 Trauma Center Fund. This
15 additional fee of \$100 shall not be considered a part of the
16 fine for purposes of any reduction in the fine for time served
17 either before or after sentencing. Not later than March 1 of
18 each year the Circuit Clerk shall submit a report of the amount
19 of funds remitted to the State Treasurer under this subsection
20 during the preceding calendar year.

21 (c-1) In addition to any other fines and court costs
22 assessed by the courts, any person sentenced for a violation of
23 the Cannabis Control Act, the Illinois Controlled Substances
24 Act, or the Methamphetamine Control and Community Protection
25 Act shall pay an additional fee of \$5 to the clerk of the
26 circuit court. This amount, less 2 1/2% that shall be used to

1 defray administrative costs incurred by the clerk, shall be
2 remitted by the clerk to the Treasurer within 60 days after
3 receipt for deposit into the Spinal Cord Injury Paralysis Cure
4 Research Trust Fund. This additional fee of \$5 shall not be
5 considered a part of the fine for purposes of any reduction in
6 the fine for time served either before or after sentencing. 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 subsection during the preceding calendar year.

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

12 (1) 50% of the amounts collected for felony offenses
13 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
14 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
15 Animals Act and Section 26-5 or 48-1 of the Criminal Code
16 of 1961 or the Criminal Code of 2012;

17 (2) 20% of the amounts collected for Class A and Class
18 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
19 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
20 for Animals Act and Section 26-5 or 48-1 of the Criminal
21 Code of 1961 or the Criminal Code of 2012; and

22 (3) 50% of the amounts collected for Class C
23 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
24 for Animals Act and Section 26-5 or 48-1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (e) Any person who receives a disposition of court

1 supervision for a violation of the Illinois Vehicle Code or a
2 similar provision of a local ordinance shall, in addition to
3 any other fines, fees, and court costs, pay an additional fee
4 of \$29, to be disbursed as provided in Section 16-104c of the
5 Illinois Vehicle Code. In addition to the fee of \$29, the
6 person shall also pay a fee of \$7.50 ~~\$6~~, if not waived by the
7 court. If this \$7.50 ~~\$6~~ fee is collected, \$6.50 ~~\$5.50~~ of the
8 fee shall be deposited into the Circuit Court Clerk Operation
9 and Administrative Fund created by the Clerk of the Circuit
10 Court; ~~and~~ 50 cents of the fee shall be deposited into the
11 Prisoner Review Board Vehicle and Equipment Fund in the State
12 treasury; and 50 cents of the fee shall be deposited into the
13 State's Attorneys Appellate Prosecutor Vehicle and Equipment
14 Fund in the State treasury.

15 (f) This Section does not apply to the additional child
16 pornography fines assessed and collected under Section
17 5-9-1.14 of the Unified Code of Corrections.

18 (g) (Blank).

19 (h) (Blank).

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

1 and disburse funds to entities of State and local government as
2 provided by law.

3 (j) 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 (j) becomes inoperative on January 1, 2020.

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

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

1 subsection (f) of Section 20 of the Roadside Memorial Act. The
2 fee shall be remitted by the circuit clerk within one month
3 after receipt to the State Treasurer for deposit into the
4 Roadside Memorial Fund.

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

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

1 administrative costs incurred by the clerk, shall be remitted
2 by the clerk to the State Treasurer within 60 days after
3 receipt for deposit into the State Police Merit Board Public
4 Safety Fund.

5 (o) The amounts collected as fines under Sections 10-9,
6 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
7 be collected by the circuit clerk and distributed as provided
8 under Section 5-9-1.21 of the Unified Code of Corrections in
9 lieu of any disbursement under subsection (a) of this Section.

10 (p) In addition to any other fees and penalties imposed,
11 any person who is convicted of or pleads guilty to a violation
12 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
13 shall pay an additional fee of \$250 to the clerk of the circuit
14 court. This additional fee of \$250 shall not be considered a
15 part of the fine for purposes of any reduction in the fine for
16 time served either before or after sentencing. This amount,
17 less 2.5% that shall be used to defray administrative costs
18 incurred by the clerk, shall be remitted by the clerk to the
19 Department of Insurance within 60 days after receipt for
20 deposit into the George Bailey Memorial Fund.

21 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
22 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

23 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
24 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
25 98-658, 98-1013, 99-78, and 99-455)

1 Sec. 27.6. (a) All fees, fines, costs, additional
2 penalties, bail balances assessed or forfeited, and any other
3 amount paid by a person to the circuit clerk equalling an
4 amount of \$55 or more, except the fine imposed by Section
5 5-9-1.15 of the Unified Code of Corrections, the additional fee
6 required by subsections (b) and (c), restitution under Section
7 5-5-6 of the Unified Code of Corrections, contributions to a
8 local anti-crime program ordered pursuant to Section
9 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
10 Corrections, reimbursement for the costs of an emergency
11 response as provided under Section 11-501 of the Illinois
12 Vehicle Code, any fees collected for attending a traffic safety
13 program under paragraph (c) of Supreme Court Rule 529, any fee
14 collected on behalf of a State's Attorney under Section 4-2002
15 of the Counties Code or a sheriff under Section 4-5001 of the
16 Counties Code, or any cost imposed under Section 124A-5 of the
17 Code of Criminal Procedure of 1963, for convictions, orders of
18 supervision, or any other disposition for a violation of
19 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
20 similar provision of a local ordinance, and any violation of
21 the Child Passenger Protection Act, or a similar provision of a
22 local ordinance, and except as otherwise provided in this
23 Section shall be disbursed within 60 days after receipt by the
24 circuit clerk as follows: 44.5% shall be disbursed to the
25 entity authorized by law to receive the fine imposed in the
26 case; 16.825% shall be disbursed to the State Treasurer; and

1 38.675% shall be disbursed to the county's general corporate
2 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
3 shall be deposited by the State Treasurer into the Violent
4 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
5 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
6 be deposited into the Drivers Education Fund, and 6.948/17
7 shall be deposited into the Trauma Center Fund. Of the 6.948/17
8 deposited into the Trauma Center Fund from the 16.825%
9 disbursed to the State Treasurer, 50% shall be disbursed to the
10 Department of Public Health and 50% shall be disbursed to the
11 Department of Healthcare and Family Services. For fiscal year
12 1993, amounts deposited into the Violent Crime Victims
13 Assistance Fund, the Traffic and Criminal Conviction Surcharge
14 Fund, or the Drivers Education Fund shall not exceed 110% of
15 the amounts deposited into those funds in fiscal year 1991. Any
16 amount that exceeds the 110% limit shall be distributed as
17 follows: 50% shall be disbursed to the county's general
18 corporate fund and 50% shall be disbursed to the entity
19 authorized by law to receive the fine imposed in the case. Not
20 later than March 1 of each year the circuit clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this Section during the preceding year based upon
23 independent verification of fines and fees. All counties shall
24 be subject to this Section, except that counties with a
25 population under 2,000,000 may, by ordinance, elect not to be
26 subject to this Section. For offenses subject to this Section,

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

26 (b) In addition to any other fines and court costs assessed

1 by the courts, any person convicted or receiving an order of
2 supervision for driving under the influence of alcohol or drugs
3 shall pay an additional fee of \$100 to the clerk of the circuit
4 court. This amount, less 2 1/2% that shall be used to defray
5 administrative costs incurred by the clerk, shall be remitted
6 by the clerk to the Treasurer within 60 days after receipt for
7 deposit into the Trauma Center Fund. This additional fee of
8 \$100 shall not be considered a part of the fine for purposes of
9 any reduction in the fine for time served either before or
10 after sentencing. Not later than March 1 of each year the
11 Circuit Clerk shall submit a report of the amount of funds
12 remitted to the State Treasurer under this subsection during
13 the preceding calendar year.

14 (b-1) In addition to any other fines and court costs
15 assessed by the courts, any person convicted or receiving an
16 order of supervision for driving under the influence of alcohol
17 or drugs shall pay an additional fee of \$5 to the clerk of the
18 circuit court. This amount, less 2 1/2% that shall be used to
19 defray administrative costs incurred by the clerk, shall be
20 remitted by the clerk to the Treasurer within 60 days after
21 receipt for deposit into the Spinal Cord Injury Paralysis Cure
22 Research Trust Fund. This additional fee of \$5 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. Not
25 later than March 1 of each year the Circuit Clerk shall submit
26 a report of the amount of funds remitted to the State Treasurer

1 under this subsection during the preceding calendar year.

2 (c) In addition to any other fines and court costs assessed
3 by the courts, any person convicted for a violation of Sections
4 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 or a person sentenced for a violation of
6 the Cannabis Control Act, the Illinois Controlled Substances
7 Act, or the Methamphetamine Control and Community Protection
8 Act shall pay an additional fee of \$100 to the clerk of the
9 circuit court. This amount, less 2 1/2% that shall be used to
10 defray administrative costs incurred by the clerk, shall be
11 remitted by the clerk to the Treasurer within 60 days after
12 receipt for deposit into the Trauma Center Fund. This
13 additional fee of \$100 shall not be considered a part of the
14 fine for purposes of any reduction in the fine for time served
15 either before or after sentencing. Not later than March 1 of
16 each year the Circuit Clerk shall submit a report of the amount
17 of funds remitted to the State Treasurer under this subsection
18 during the preceding calendar year.

19 (c-1) In addition to any other fines and court costs
20 assessed by the courts, any person sentenced for a violation of
21 the Cannabis Control Act, the Illinois Controlled Substances
22 Act, or the Methamphetamine Control and Community Protection
23 Act shall pay an additional fee of \$5 to the clerk of the
24 circuit court. This amount, less 2 1/2% that shall be used to
25 defray administrative costs incurred by the clerk, shall be
26 remitted by the clerk to the Treasurer within 60 days after

1 receipt for deposit into the Spinal Cord Injury Paralysis Cure
2 Research Trust Fund. This additional fee of \$5 shall not be
3 considered a part of the fine for purposes of any reduction in
4 the fine for time served either before or after sentencing. Not
5 later than March 1 of each year the Circuit Clerk shall submit
6 a report of the amount of funds remitted to the State Treasurer
7 under this subsection during the preceding calendar year.

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

10 (1) 50% of the amounts collected for felony offenses
11 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
12 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
13 Animals Act and Section 26-5 or 48-1 of the Criminal Code
14 of 1961 or the Criminal Code of 2012;

15 (2) 20% of the amounts collected for Class A and Class
16 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
17 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
18 for Animals Act and Section 26-5 or 48-1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012; and

20 (3) 50% of the amounts collected for Class C
21 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
22 for Animals Act and Section 26-5 or 48-1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 (e) Any person who receives a disposition of court
25 supervision for a violation of the Illinois Vehicle Code or a
26 similar provision of a local ordinance shall, in addition to

1 any other fines, fees, and court costs, pay an additional fee
2 of \$29, to be disbursed as provided in Section 16-104c of the
3 Illinois Vehicle Code. In addition to the fee of \$29, the
4 person shall also pay a fee of \$7.50 ~~\$6~~, if not waived by the
5 court. If this \$7.50 ~~\$6~~ fee is collected, \$6.50 ~~\$5.50~~ of the
6 fee shall be deposited into the Circuit Court Clerk Operation
7 and Administrative Fund created by the Clerk of the Circuit
8 Court; ~~and~~ 50 cents of the fee shall be deposited into the
9 Prisoner Review Board Vehicle and Equipment Fund in the State
10 treasury; and 50 cents of the fee shall be deposited into the
11 State's Attorneys Appellate Prosecutor Vehicle and Equipment
12 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) Any person convicted of or pleading guilty to a serious
17 traffic violation, as defined in Section 1-187.001 of the
18 Illinois Vehicle Code, shall pay an additional fee of \$35, to
19 be disbursed as provided in Section 16-104d of that Code. This
20 subsection (g) becomes inoperative on January 1, 2020.

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

23 (1) A person who is found guilty of or pleads guilty to
24 violating subsection (a) of Section 11-501 of the Illinois
25 Vehicle Code, including any person placed on court
26 supervision for violating subsection (a), shall be fined

1 \$750 as provided for by subsection (f) of Section 11-501.01
2 of the Illinois Vehicle Code, payable to the circuit clerk,
3 who shall distribute the money pursuant to subsection (f)
4 of Section 11-501.01 of the Illinois Vehicle Code.

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

10 (3) When a fine for a violation of Section 11-605.1 of
11 the Illinois Vehicle Code is \$250 or greater, the person
12 who violated that Section shall be charged an additional
13 \$125 as provided for by subsection (e) of Section 11-605.1
14 of the Illinois Vehicle Code, which shall be disbursed by
15 the circuit clerk to a State or county Transportation
16 Safety Highway Hire-back Fund as provided by subsection (e)
17 of Section 11-605.1 of the Illinois Vehicle Code.

18 (4) When a fine for a violation of subsection (a) of
19 Section 11-605 of the Illinois Vehicle Code is \$150 or
20 greater, the additional \$50 which is charged as provided
21 for by subsection (f) of Section 11-605 of the Illinois
22 Vehicle Code shall be disbursed by the circuit clerk to a
23 school district or districts for school safety purposes as
24 provided by subsection (f) of Section 11-605.

25 (5) When a fine for a violation of subsection (a) of
26 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or

1 greater, the additional \$50 which is charged as provided
2 for by subsection (c) of Section 11-1002.5 of the Illinois
3 Vehicle Code shall be disbursed by the circuit clerk to a
4 school district or districts for school safety purposes as
5 provided by subsection (c) of Section 11-1002.5 of the
6 Illinois Vehicle Code.

7 (6) When a mandatory drug court fee of up to \$5 is
8 assessed as provided in subsection (f) of Section 5-1101 of
9 the Counties Code, it shall be disbursed by the circuit
10 clerk as provided in subsection (f) of Section 5-1101 of
11 the Counties Code.

12 (7) When a mandatory teen court, peer jury, youth
13 court, or other youth diversion program fee is assessed as
14 provided in subsection (e) of Section 5-1101 of the
15 Counties Code, it shall be disbursed by the circuit clerk
16 as provided in subsection (e) of Section 5-1101 of the
17 Counties Code.

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

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

1 (10) When a new fee collected in traffic cases is
2 enacted after the effective date of this subsection (h), it
3 shall be excluded from the percentage disbursement
4 provisions of this Section unless otherwise indicated by
5 law.

6 (i) Of the amounts collected as fines under subsection (b)
7 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
8 deposited into the Illinois Military Family Relief Fund and 1%
9 shall be deposited into the Circuit Court Clerk Operation and
10 Administrative Fund created by the Clerk of the Circuit Court
11 to be used to offset the costs incurred by the Circuit Court
12 Clerk in performing the additional duties required to collect
13 and disburse funds to entities of State and local government as
14 provided by law.

15 (j) (Blank).

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

21 (l) Any person who receives a disposition of court
22 supervision for a violation of Section 11-501 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance shall,
24 in addition to any other fines, fees, and court costs, pay an
25 additional fee of \$50, which shall be collected by the circuit
26 clerk and then remitted to the State Treasurer for deposit into

1 the Roadside Memorial Fund, a special fund in the State
2 treasury. However, the court may waive the fee if full
3 restitution is complied with. Subject to appropriation, all
4 moneys in the Roadside Memorial Fund shall be used by the
5 Department of Transportation to pay fees imposed under
6 subsection (f) of Section 20 of the Roadside Memorial Act. The
7 fee shall be remitted by the circuit clerk within one month
8 after receipt to the State Treasurer for deposit into the
9 Roadside Memorial Fund.

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

20 (n) In addition to any other fines and court costs assessed
21 by the courts, any person who is convicted of or pleads guilty
22 to a violation of the Criminal Code of 1961 or the Criminal
23 Code of 2012, or a similar provision of a local ordinance, or
24 who is convicted of, pleads guilty to, or receives a
25 disposition of court supervision for a violation of the
26 Illinois Vehicle Code, or a similar provision of a local

1 ordinance, shall pay an additional fee of \$15 to the clerk of
2 the circuit court. This additional fee of \$15 shall not be
3 considered a part of the fine for purposes of any reduction in
4 the fine for time served either before or after sentencing.
5 This amount, less 2.5% that shall be used to defray
6 administrative costs incurred by the clerk, shall be remitted
7 by the clerk to the State Treasurer within 60 days after
8 receipt for deposit into the State Police Merit Board Public
9 Safety Fund.

10 (o) The amounts collected as fines under Sections 10-9,
11 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
12 be collected by the circuit clerk and distributed as provided
13 under Section 5-9-1.21 of the Unified Code of Corrections in
14 lieu of any disbursement under subsection (a) of this Section.

15 (p) In addition to any other fees and penalties imposed,
16 any person who is convicted of or pleads guilty to a violation
17 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
18 shall pay an additional fee of \$250 to the clerk of the circuit
19 court. This additional fee of \$250 shall not be considered a
20 part of the fine for purposes of any reduction in the fine for
21 time served either before or after sentencing. This amount,
22 less 2.5% that shall be used to defray administrative costs
23 incurred by the clerk, shall be remitted by the clerk to the
24 Department of Insurance within 60 days after receipt for
25 deposit into the George Bailey Memorial Fund.

26 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;

1 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

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

4 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

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

21 (1) his imprisonment or periodic imprisonment is
22 necessary for the protection of the public; or

23 (2) probation or conditional discharge would deprecate
24 the seriousness of the offender's conduct and would be

1 inconsistent with the ends of justice; or

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

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

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

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

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

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

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

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

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

25 (c-5) Subsections (a), (b), and (c) of this Section do not
26 apply to a defendant charged with a second or subsequent

1 violation of Section 6-303 of the Illinois Vehicle Code
2 committed while his or her driver's license, permit or
3 privileges were revoked because of a violation of Section 9-3
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 relating to the offense of reckless homicide, or a similar
6 provision of a law of another state.

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

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

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

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

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

1 Section.

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

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

9 (2) assigned supervision for a violation of Section
10 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
11 Code of 2012.

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

15 (f) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Sections 15-111, 15-112,
17 15-301, paragraph (b) of Section 6-104, Section 11-605,
18 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or
19 Section 11-1414 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance.

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

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

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

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

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

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

26 (2) if the defendant has previously been sentenced

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

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

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

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

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

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

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

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

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

1 ordinance who receives a disposition of supervision under
2 subsection (c) shall pay an additional fee of \$29, to be
3 collected as provided in Sections 27.5 and 27.6 of the Clerks
4 of Courts Act. In addition to the \$29 fee, the person shall
5 also pay a fee of \$7.50 ~~\$6~~, which, if not waived by the court,
6 shall be collected as provided in Sections 27.5 and 27.6 of the
7 Clerks of Courts Act. The \$29 fee shall be disbursed as
8 provided in Section 16-104c of the Illinois Vehicle Code. If
9 the \$7.50 ~~\$6~~ fee is collected, \$6.50 ~~\$5.50~~ of the fee shall be
10 deposited into the Circuit Court Clerk Operation and
11 Administrative Fund created by the Clerk of the Circuit Court;
12 ~~and~~ 50 cents of the fee shall be deposited into the Prisoner
13 Review Board Vehicle and Equipment Fund in the State treasury;
14 and 50 cents of the fee shall be deposited into the State's
15 Attorneys Appellate Prosecutor Vehicle and Equipment Fund in
16 the State treasury.

17 (m) Any person convicted of, pleading guilty to, or placed
18 on supervision for a serious traffic violation, as defined in
19 Section 1-187.001 of the Illinois Vehicle Code, a violation of
20 Section 11-501 of the Illinois Vehicle Code, or a violation of
21 a similar provision of a local ordinance shall pay an
22 additional fee of \$35, to be disbursed as provided in Section
23 16-104d of that Code.

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

25 (n) The provisions of paragraph (c) shall not apply to any
26 person under the age of 18 who commits an offense against

1 traffic regulations governing the movement of vehicles or any
2 violation of Section 6-107 or Section 12-603.1 of the Illinois
3 Vehicle Code, except upon personal appearance of the defendant
4 in court and upon the written consent of the defendant's parent
5 or legal guardian, executed before the presiding judge. The
6 presiding judge shall have the authority to waive this
7 requirement upon the showing of good cause by the defendant.

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

13 (1) at the time of the violation of Section 11-501.1 of
14 the Illinois Vehicle Code, the defendant was a first
15 offender pursuant to Section 11-500 of the Illinois Vehicle
16 Code and the defendant failed to obtain a monitoring device
17 driving permit; or

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

25 (p) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating Section 11-601.5 of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance when the defendant has previously been:

3 (1) convicted for a violation of Section 11-601.5 of
4 the Illinois Vehicle Code or a similar provision of a local
5 ordinance or any similar law or ordinance of another state;
6 or

7 (2) assigned supervision for a violation of Section
8 11-601.5 of the Illinois Vehicle Code or a similar
9 provision of a local ordinance or any similar law or
10 ordinance of another state.

11 (q) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating subsection (b) of Section
13 11-601 or Section 11-601.5 of the Illinois Vehicle Code when
14 the defendant was operating a vehicle, in an urban district, at
15 a speed that is 26 miles per hour or more in excess of the
16 applicable maximum speed limit established under Chapter 11 of
17 the Illinois Vehicle Code.

18 (r) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating any provision of the Illinois
20 Vehicle Code or a similar provision of a local ordinance if the
21 violation was the proximate cause of the death of another and
22 the defendant's driving abstract contains a prior conviction or
23 disposition of court supervision for any violation of the
24 Illinois Vehicle Code, other than an equipment violation, or a
25 suspension, revocation, or cancellation of the driver's
26 license.

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

4 (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14;
5 98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff.
6 1-1-16.)