



Rep. Marcus C. Evans, Jr.

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1 AMENDMENT TO SENATE BILL 1862

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1862 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act is dedicated to the memory of  
5 Lieutenant Scott Gillen, Trooper Brooke Jones-Story, Trooper  
6 Christopher Lambert, and all others who paid the ultimate  
7 sacrifice while serving in the line of duty.

8 Section 5. The State Finance Act is amended by adding  
9 Section 5.891 as follows:

10 (30 ILCS 105/5.891 new)

11 Sec. 5.891. The Scott's Law Fund.

12 Section 10. The Illinois Vehicle Code is amended by  
13 changing Sections 11-709, 11-907, and 11-907.5 as follows:

1 (625 ILCS 5/11-709) (from Ch. 95 1/2, par. 11-709)

2 Sec. 11-709. Driving on roadways laned for traffic.  
3 Whenever any roadway has been divided into 2 or more clearly  
4 marked lanes for traffic the following rules in addition to all  
5 others consistent herewith shall apply.

6 (a) A vehicle shall be driven as nearly as practicable  
7 entirely within a single lane and shall not be moved from such  
8 lane until the driver has first ascertained that such movement  
9 can be made with safety.

10 (b) Upon a roadway which is divided into 3 lanes and  
11 provides for two-way movement of traffic, a vehicle shall not  
12 be driven in the center lane except when overtaking and passing  
13 another vehicle traveling in the same direction when such  
14 center lane is clear of traffic within a safe distance, or in  
15 preparation for making a left turn or where such center lane is  
16 at the time allocated exclusively to traffic moving in the same  
17 direction that the vehicle is proceeding and such allocation is  
18 designated by official traffic control devices.

19 (c) Official traffic control devices may be erected  
20 directing specific traffic to use a designated lane or  
21 designating those lanes to be used by traffic moving in a  
22 particular direction regardless of the center of the roadway  
23 and drivers of vehicles shall obey the directions of every such  
24 device. On multi-lane controlled access highways with 3 or more  
25 lanes in one direction or on any multi-laned highway with 2 or  
26 more lanes in one direction, the Department may designate lanes

1 of traffic to be used by different types of motor vehicles.  
2 Drivers must obey lane designation signing except when it is  
3 necessary to use a different lane to make a turning maneuver.

4 (d) Official traffic control devices may be installed  
5 prohibiting the changing of lanes on sections of roadway and  
6 drivers of vehicles shall obey the directions of every such  
7 device.

8 (e) A person is not in violation of this Section if he or  
9 she is complying with Section 11-907, 11-907.5, or 11-908.

10 (Source: P.A. 84-1311.)

11 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

12 Sec. 11-907. Operation of vehicles and streetcars on  
13 approach of authorized emergency vehicles.

14 (a) Upon the immediate approach of an authorized emergency  
15 vehicle making use of audible and visual signals meeting the  
16 requirements of this Code or a police vehicle properly and  
17 lawfully making use of an audible or visual signal:

18 (1) the driver of every other vehicle shall yield the  
19 right-of-way and shall immediately drive to a position  
20 parallel to, and as close as possible to, the right-hand  
21 edge or curb of the highway clear of any intersection and  
22 shall, if necessary to permit the safe passage of the  
23 emergency vehicle, stop and remain in such position until  
24 the authorized emergency vehicle has passed, unless  
25 otherwise directed by a police officer; and

1           (2) the operator of every streetcar shall immediately  
2           stop such car clear of any intersection and keep it in such  
3           position until the authorized emergency vehicle has  
4           passed, unless otherwise directed by a police officer.

5           (b) This Section shall not operate to relieve the driver of  
6           an authorized emergency vehicle from the duty to drive with due  
7           regard for the safety of all persons using the highway.

8           (c) Upon approaching a stationary authorized emergency  
9           vehicle, when the authorized emergency vehicle is giving a  
10          signal by displaying alternately flashing red, red and white,  
11          blue, or red and blue lights or amber or yellow warning lights,  
12          a person who drives an approaching vehicle shall:

13           (1) proceeding with due caution, yield the  
14           right-of-way by making a lane change into a lane not  
15           adjacent to that of the authorized emergency vehicle, if  
16           possible with due regard to safety and traffic conditions,  
17           if on a highway having at least 4 lanes with not less than  
18           2 lanes proceeding in the same direction as the approaching  
19           vehicle; or

20           (2) if changing lanes would be impossible or unsafe,  
21           proceeding with due caution, reduce the speed of the  
22           vehicle, maintaining a safe speed for road conditions and  
23           leaving a safe distance until safely past the stationary  
24           vehicles ~~7 if changing lanes would be impossible or unsafe.~~

25           As used in this subsection (c), "authorized emergency  
26           vehicle" includes any vehicle authorized by law to be equipped

1 with oscillating, rotating, or flashing lights under Section  
2 12-215 of this Code, while the owner or operator of the vehicle  
3 is engaged in his or her official duties.

4 (d) A person who violates subsection (c) of this Section  
5 commits a business offense punishable by a fine of not less  
6 than \$250 or more than \$10,000 for a first violation, and a  
7 fine of not less than \$750 or more than \$10,000 for a second or  
8 subsequent violation ~~not less than \$100 or more than \$10,000.~~

9 It is a factor in aggravation if the person committed the  
10 offense while in violation of Section 11-501 of this Code.

11 Imposition of the penalties authorized by this subsection (d)  
12 for a violation of subsection (c) of this Section that results  
13 in the death of another person does not preclude imposition of  
14 appropriate additional civil or criminal penalties. A person  
15 who violates subsection (c) and the violation results in damage  
16 to another vehicle commits a Class A misdemeanor. A person who  
17 violates subsection (c) and the violation results in the injury  
18 or death of another person commits a Class 4 felony.

19 (e) If a violation of subsection (c) of this Section  
20 results in damage to the property of another person, in  
21 addition to any other penalty imposed, the person's driving  
22 privileges shall be suspended for a fixed period of not less  
23 than 90 days and not more than one year.

24 (f) If a violation of subsection (c) of this Section  
25 results in injury to another person, in addition to any other  
26 penalty imposed, the person's driving privileges shall be

1 suspended for a fixed period of not less than 180 days and not  
2 more than 2 years.

3 (g) If a violation of subsection (c) of this Section  
4 results in the death of another person, in addition to any  
5 other penalty imposed, the person's driving privileges shall be  
6 suspended for 2 years.

7 (h) The Secretary of State shall, upon receiving a record  
8 of a judgment entered against a person under subsection (c) of  
9 this Section:

10 (1) suspend the person's driving privileges for the  
11 mandatory period; or

12 (2) extend the period of an existing suspension by the  
13 appropriate mandatory period.

14 (i) The Scott's Law Fund shall be a special fund in the  
15 State treasury. Subject to appropriation by the General  
16 Assembly and approval by the Director, the Director of the  
17 State Police shall use all moneys in the Scott's Law Fund in  
18 the Department's discretion to fund the production of materials  
19 to educate drivers on approaching stationary authorized  
20 emergency vehicles, to hire off-duty Department of State Police  
21 for enforcement of this Section, and for other law enforcement  
22 purposes the Director deems necessary in these efforts.

23 (j) For violations of this Section issued by a county or  
24 municipal police officer, the assessment shall be deposited  
25 into the county or municipality's Transportation Safety  
26 Highway Hire-back Fund. The county shall use the moneys in its

1 Transportation Safety Highway Hire-back Fund to hire off-duty  
2 county police officers to monitor construction or maintenance  
3 zones in that county on highways other than interstate  
4 highways. The county, in its discretion, may also use a portion  
5 of the moneys in its Transportation Safety Highway Hire-back  
6 Fund to purchase equipment for county law enforcement and fund  
7 the production of materials to educate drivers on construction  
8 zone safe driving habits and approaching stationary authorized  
9 emergency vehicles.

10 (Source: P.A. 100-201, eff. 8-18-17.)

11 (625 ILCS 5/11-907.5)

12 Sec. 11-907.5. Approaching disabled vehicles.

13 (a) Upon approaching a disabled vehicle with lighted hazard  
14 lights on a highway having at least 4 lanes, of which at least  
15 2 are proceeding in the same direction, a driver of a vehicle  
16 shall:

17 (1) proceeding with due caution, yield the  
18 right-of-way by making a lane change into a lane not  
19 adjacent to that of the disabled vehicle, if possible with  
20 due regard to safety and traffic conditions ~~make a lane~~  
21 ~~change into a lane not adjacent to that disabled vehicle,~~  
22 ~~if possible with due regard to safety and traffic~~  
23 ~~conditions; or~~

24 (2) if changing lanes would be impossible or unsafe  
25 proceeding with due caution, reduce the speed of the

1        vehicle, maintaining a safe speed for road conditions and  
2        leaving a safe distance until safely past the stationary  
3        vehicles ~~proceeding with due caution, reduce the speed of~~  
4        ~~the vehicle, maintaining a safe speed for road conditions,~~  
5        ~~if changing lanes would be impossible or unsafe.~~

6        (b) A person who violates subsection (a) of this Section  
7        commits a petty offense.

8        (Source: P.A. 99-681, eff. 1-1-17.)

9        Section 15. The Criminal and Traffic Assessment Act is  
10       amended by changing Section 15-70 as follows:

11        (705 ILCS 135/15-70)

12        (This Section may contain text from a Public Act with a  
13        delayed effective date)

14        (Section scheduled to be repealed on January 1, 2021)

15        Sec. 15-70. Conditional assessments. In addition to  
16        payments under one of the Schedule of Assessments 1 through 13  
17        of this Act, the court shall also order payment of any of the  
18        following conditional assessment amounts for each sentenced  
19        violation in the case to which a conditional assessment is  
20        applicable, which shall be collected and remitted by the Clerk  
21        of the Circuit Court as provided in this Section:

22            (1) arson, residential arson, or aggravated arson,  
23            \$500 per conviction to the State Treasurer for deposit into  
24            the Fire Prevention Fund;



1           (2) child pornography under Section 11-20.1 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012, \$500  
3 per conviction, unless more than one agency is responsible  
4 for the arrest in which case the amount shall be remitted  
5 to each unit of government equally:

6           (A) if the arresting agency is an agency of a unit  
7 of local government, \$500 to the treasurer of the unit  
8 of local government for deposit into the unit of local  
9 government's General Fund, except that if the  
10 Department of State Police provides digital or  
11 electronic forensic examination assistance, or both,  
12 to the arresting agency then \$100 to the State  
13 Treasurer for deposit into the State Crime Laboratory  
14 Fund; or

15           (B) if the arresting agency is the Department of  
16 State Police, \$500 to the State Treasurer for deposit  
17 into the State Crime Laboratory Fund;

18           (3) crime laboratory drug analysis for a drug-related  
19 offense involving possession or delivery of cannabis or  
20 possession or delivery of a controlled substance as defined  
21 in the Cannabis Control Act, the Illinois Controlled  
22 Substances Act, or the Methamphetamine Control and  
23 Community Protection Act, \$100 reimbursement for  
24 laboratory analysis, as set forth in subsection (f) of  
25 Section 5-9-1.4 of the Unified Code of Corrections;

26           (4) DNA analysis, \$250 on each conviction in which it

1 was used to the State Treasurer for deposit into the State  
2 Offender DNA Identification System Fund as set forth in  
3 Section 5-4-3 of the Unified Code of Corrections;

4 (5) DUI analysis, \$150 on each sentenced violation in  
5 which it was used as set forth in subsection (f) of Section  
6 5-9-1.9 of the Unified Code of Corrections;

7 (6) drug-related offense involving possession or  
8 delivery of cannabis or possession or delivery of a  
9 controlled substance, other than methamphetamine, as  
10 defined in the Cannabis Control Act or the Illinois  
11 Controlled Substances Act, an amount not less than the full  
12 street value of the cannabis or controlled substance seized  
13 for each conviction to be disbursed as follows:

14 (A) 12.5% of the street value assessment shall be  
15 paid into the Youth Drug Abuse Prevention Fund, to be  
16 used by the Department of Human Services for the  
17 funding of programs and services for drug-abuse  
18 treatment, and prevention and education services;

19 (B) 37.5% to the county in which the charge was  
20 prosecuted, to be deposited into the county General  
21 Fund;

22 (C) 50% to the treasurer of the arresting law  
23 enforcement agency of the municipality or county, or to  
24 the State Treasurer if the arresting agency was a state  
25 agency;

26 (D) if the arrest was made in combination with

1 multiple law enforcement agencies, the clerk shall  
2 equitably allocate the portion in subparagraph (C) of  
3 this paragraph (6) among the law enforcement agencies  
4 involved in the arrest;

5 (6.5) Kane County or Will County, in felony,  
6 misdemeanor, local or county ordinance, traffic, or  
7 conservation cases, up to \$30 as set by the county board  
8 under Section 5-1101.3 of the Counties Code upon the entry  
9 of a judgment of conviction, an order of supervision, or a  
10 sentence of probation without entry of judgment under  
11 Section 10 of the Cannabis Control Act, Section 410 of the  
12 Illinois Controlled Substances Act, Section 70 of the  
13 Methamphetamine Control and Community Protection Act,  
14 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of  
15 the Criminal Code of 1961 or the Criminal Code of 2012,  
16 Section 10-102 of the Illinois Alcoholism and Other Drug  
17 Dependency Act, or Section 10 of the Steroid Control Act;  
18 except in local or county ordinance, traffic, and  
19 conservation cases, if fines are paid in full without a  
20 court appearance, then the assessment shall not be imposed  
21 or collected. Distribution of assessments collected under  
22 this paragraph (6.5) shall be as provided in Section  
23 5-1101.3 of the Counties Code;

24 (7) methamphetamine-related offense involving  
25 possession or delivery of methamphetamine or any salt of an  
26 optical isomer of methamphetamine or possession of a

1 methamphetamine manufacturing material as set forth in  
2 Section 10 of the Methamphetamine Control and Community  
3 Protection Act with the intent to manufacture a substance  
4 containing methamphetamine or salt of an optical isomer of  
5 methamphetamine, an amount not less than the full street  
6 value of the methamphetamine or salt of an optical isomer  
7 of methamphetamine or methamphetamine manufacturing  
8 materials seized for each conviction to be disbursed as  
9 follows:

10 (A) 12.5% of the street value assessment shall be  
11 paid into the Youth Drug Abuse Prevention Fund, to be  
12 used by the Department of Human Services for the  
13 funding of programs and services for drug-abuse  
14 treatment, and prevention and education services;

15 (B) 37.5% to the county in which the charge was  
16 prosecuted, to be deposited into the county General  
17 Fund;

18 (C) 50% to the treasurer of the arresting law  
19 enforcement agency of the municipality or county, or to  
20 the State Treasurer if the arresting agency was a state  
21 agency;

22 (D) if the arrest was made in combination with  
23 multiple law enforcement agencies, the clerk shall  
24 equitably allocate the portion in subparagraph (C) of  
25 this paragraph (6) among the law enforcement agencies  
26 involved in the arrest;

1           (8) order of protection violation under Section 12-3.4  
2 of the Criminal Code of 2012, \$200 for each conviction to  
3 the county treasurer for deposit into the Probation and  
4 Court Services Fund for implementation of a domestic  
5 violence surveillance program and any other assessments or  
6 fees imposed under Section 5-9-1.16 of the Unified Code of  
7 Corrections;

8           (9) order of protection violation, \$25 for each  
9 violation to the State Treasurer, for deposit into the  
10 Domestic Violence Abuser Services Fund;

11           (10) prosecution by the State's Attorney of a:

12           (A) petty or business offense, \$4 to the county  
13 treasurer of which \$2 deposited into the State's  
14 Attorney Records Automation Fund and \$2 into the Public  
15 Defender Records Automation Fund;

16           (B) conservation or traffic offense, \$2 to the  
17 county treasurer for deposit into the State's Attorney  
18 Records Automation Fund;

19           (11) speeding in a construction zone violation, \$250 to  
20 the State Treasurer for deposit into the Transportation  
21 Safety Highway Hire-back Fund, unless (i) the violation  
22 occurred on a highway other than an interstate highway and  
23 (ii) a county police officer wrote the ticket for the  
24 violation, in which case to the county treasurer for  
25 deposit into that county's Transportation Safety Highway  
26 Hire-back Fund;

1           (12) supervision disposition on an offense under the  
2 Illinois Vehicle Code or similar provision of a local  
3 ordinance, 50 cents, unless waived by the court, into the  
4 Prisoner Review Board Vehicle and Equipment Fund;

5           (13) victim and offender are family or household  
6 members as defined in Section 103 of the Illinois Domestic  
7 Violence Act of 1986 and offender pleads guilty or no  
8 contest to or is convicted of murder, voluntary  
9 manslaughter, involuntary manslaughter, burglary,  
10 residential burglary, criminal trespass to residence,  
11 criminal trespass to vehicle, criminal trespass to land,  
12 criminal damage to property, telephone harassment,  
13 kidnapping, aggravated kidnaping, unlawful restraint,  
14 forcible detention, child abduction, indecent solicitation  
15 of a child, sexual relations between siblings,  
16 exploitation of a child, child pornography, assault,  
17 aggravated assault, battery, aggravated battery, heinous  
18 battery, aggravated battery of a child, domestic battery,  
19 reckless conduct, intimidation, criminal sexual assault,  
20 predatory criminal sexual assault of a child, aggravated  
21 criminal sexual assault, criminal sexual abuse, aggravated  
22 criminal sexual abuse, violation of an order of protection,  
23 disorderly conduct, endangering the life or health of a  
24 child, child abandonment, contributing to dependency or  
25 neglect of child, or cruelty to children and others, \$200  
26 for each sentenced violation to the State Treasurer for

1 deposit as follows: (i) for sexual assault, as defined in  
2 Section 5-9-1.7 of the Unified Code of Corrections, when  
3 the offender and victim are family members, one-half to the  
4 Domestic Violence Shelter and Service Fund, and one-half to  
5 the Sexual Assault Services Fund; (ii) for the remaining  
6 offenses to the Domestic Violence Shelter and Service Fund;

7 (14) violation of Section 11-501 of the Illinois  
8 Vehicle Code, Section 5-7 of the Snowmobile Registration  
9 and Safety Act, Section 5-16 of the Boat Registration and  
10 Safety Act, or a similar provision, whose operation of a  
11 motor vehicle, snowmobile, or watercraft while in  
12 violation of Section 11-501, Section 5-7 of the Snowmobile  
13 Registration and Safety Act, Section 5-16 of the Boat  
14 Registration and Safety Act, or a similar provision  
15 proximately caused an incident resulting in an appropriate  
16 emergency response, \$1,000 maximum to the public agency  
17 that provided an emergency response related to the person's  
18 violation, and if more than one agency responded, the  
19 amount payable to public agencies shall be shared equally;

20 (15) violation of Section 401, 407, or 407.2 of the  
21 Illinois Controlled Substances Act that proximately caused  
22 any incident resulting in an appropriate drug-related  
23 emergency response, \$1,000 as reimbursement for the  
24 emergency response to the law enforcement agency that made  
25 the arrest, and if more than one agency is responsible for  
26 the arrest, the amount payable to law enforcement agencies

1 shall be shared equally;

2 (16) violation of reckless driving, aggravated  
3 reckless driving, or driving 26 miles per hour or more in  
4 excess of the speed limit that triggered an emergency  
5 response, \$1,000 maximum reimbursement for the emergency  
6 response to be distributed in its entirety to a public  
7 agency that provided an emergency response related to the  
8 person's violation, and if more than one agency responded,  
9 the amount payable to public agencies shall be shared  
10 equally;

11 (17) violation based upon each plea of guilty,  
12 stipulation of facts, or finding of guilt resulting in a  
13 judgment of conviction or order of supervision for an  
14 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of  
15 the Criminal Code of 2012 that results in the imposition of  
16 a fine, to be distributed as follows:

17 (A) \$50 to the county treasurer for deposit into  
18 the Circuit Court Clerk Operation and Administrative  
19 Fund to cover the costs in administering this paragraph  
20 (17);

21 (B) \$300 to the State Treasurer who shall deposit  
22 the portion as follows:

23 (i) if the arresting or investigating agency  
24 is the Department of State Police, into the State  
25 Police Law Enforcement Administration Fund;

26 (ii) if the arresting or investigating agency



1 is the Department of Natural Resources, into the  
2 Conservation Police Operations Assistance Fund;

3 (iii) if the arresting or investigating agency  
4 is the Secretary of State, into the Secretary of  
5 State Police Services Fund;

6 (iv) if the arresting or investigating agency  
7 is the Illinois Commerce Commission, into the  
8 Public Utility Fund; or

9 (v) if more than one of the State agencies in  
10 this subparagraph (B) is the arresting or  
11 investigating agency, then equal shares with the  
12 shares deposited as provided in the applicable  
13 items (i) through (iv) of this subparagraph (B);  
14 and

15 (C) the remainder for deposit into the Specialized  
16 Services for Survivors of Human Trafficking Fund; ~~and~~

17 (18) weapons violation under Section 24-1.1, 24-1.2,  
18 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012, \$100 for each conviction to the State Treasurer  
20 for deposit into the Trauma Center Fund; and -

21 (19) violation of subsection (c) of Section 11-907 of  
22 the Illinois Vehicle Code, \$250 to the State Treasurer for  
23 deposit into the Scott's Law Fund, unless a county or  
24 municipal police officer wrote the ticket for the  
25 violation, in which case to the county treasurer for  
26 deposit into that county's or municipality's

1           Transportation Safety Highway Hire-Back Fund to be used as  
2           provided in subsection (j) of Section 11-907 of the  
3           Illinois Vehicle Code.

4           (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

5           Section 20. The Criminal Code of 2012 is amended by  
6           changing Section 9-3 as follows:

7           (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

8           Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

9           (a) A person who unintentionally kills an individual  
10          without lawful justification commits involuntary manslaughter  
11          if his acts whether lawful or unlawful which cause the death  
12          are such as are likely to cause death or great bodily harm to  
13          some individual, and he performs them recklessly, except in  
14          cases in which the cause of the death consists of the driving  
15          of a motor vehicle or operating a snowmobile, all-terrain  
16          vehicle, or watercraft, in which case the person commits  
17          reckless homicide. A person commits reckless homicide if he or  
18          she unintentionally kills an individual while driving a vehicle  
19          and using an incline in a roadway, such as a railroad crossing,  
20          bridge approach, or hill, to cause the vehicle to become  
21          airborne.

22          (b) (Blank).

23          (c) (Blank).

24          (d) Sentence.

1 (1) Involuntary manslaughter is a Class 3 felony.

2 (2) Reckless homicide is a Class 3 felony.

3 (e) (Blank).

4 (e-2) Except as provided in subsection (e-3), in cases  
5 involving reckless homicide in which the offense is committed  
6 upon a public thoroughfare where children pass going to and  
7 from school when a school crossing guard is performing official  
8 duties, the penalty is a Class 2 felony, for which a person, if  
9 sentenced to a term of imprisonment, shall be sentenced to a  
10 term of not less than 3 years and not more than 14 years.

11 (e-3) In cases involving reckless homicide in which (i) the  
12 offense is committed upon a public thoroughfare where children  
13 pass going to and from school when a school crossing guard is  
14 performing official duties and (ii) the defendant causes the  
15 deaths of 2 or more persons as part of a single course of  
16 conduct, the penalty is a Class 2 felony, for which a person,  
17 if sentenced to a term of imprisonment, shall be sentenced to a  
18 term of not less than 6 years and not more than 28 years.

19 (e-5) (Blank).

20 (e-7) Except as otherwise provided in subsection (e-8), in  
21 cases involving reckless homicide in which the defendant: (1)  
22 was driving in a construction or maintenance zone, as defined  
23 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was  
24 operating a vehicle while failing or refusing to comply with  
25 any lawful order or direction of any authorized police officer  
26 or traffic control aide engaged in traffic control, the penalty

1 is a Class 2 felony, for which a person, if sentenced to a term  
2 of imprisonment, shall be sentenced to a term of not less than  
3 3 years and not more than 14 years.

4 (e-8) In cases involving reckless homicide in which the  
5 defendant caused the deaths of 2 or more persons as part of a  
6 single course of conduct and: (1) was driving in a construction  
7 or maintenance zone, as defined in Section 11-605.1 of the  
8 Illinois Vehicle Code, or (2) was operating a vehicle while  
9 failing or refusing to comply with any lawful order or  
10 direction of any authorized police officer or traffic control  
11 aide engaged in traffic control, the penalty is a Class 2  
12 felony, for which a person, if sentenced to a term of  
13 imprisonment, shall be sentenced to a term of not less than 6  
14 years and not more than 28 years.

15 (e-9) In cases involving reckless homicide in which the  
16 defendant drove a vehicle and used an incline in a roadway,  
17 such as a railroad crossing, bridge approach, or hill, to cause  
18 the vehicle to become airborne, and caused the deaths of 2 or  
19 more persons as part of a single course of conduct, the penalty  
20 is a Class 2 felony.

21 (e-10) In cases involving involuntary manslaughter or  
22 reckless homicide resulting in the death of a peace officer  
23 killed in the performance of his or her duties as a peace  
24 officer, the penalty is a Class 2 felony.

25 (e-11) In cases involving reckless homicide in which the  
26 defendant unintentionally kills an individual while driving in

1 a posted school zone, as defined in Section 11-605 of the  
2 Illinois Vehicle Code, while children are present or in a  
3 construction or maintenance zone, as defined in Section  
4 11-605.1 of the Illinois Vehicle Code, when construction or  
5 maintenance workers are present the trier of fact may infer  
6 that the defendant's actions were performed recklessly where he  
7 or she was also either driving at a speed of more than 20 miles  
8 per hour in excess of the posted speed limit or violating  
9 Section 11-501 of the Illinois Vehicle Code.

10 (e-12) Except as otherwise provided in subsection (e-13),  
11 in cases involving reckless homicide in which the offense was  
12 committed as result of a violation of subsection (c) of Section  
13 11-907 of the Illinois Vehicle Code, the penalty is a Class 2  
14 felony, for which a person, if sentenced to a term of  
15 imprisonment, shall be sentenced to a term of not less than 3  
16 years and not more than 14 years.

17 (e-13) In cases involving reckless homicide in which the  
18 offense was committed as result of a violation of subsection  
19 (c) of Section 11-907 of the Illinois Vehicle Code and the  
20 defendant caused the deaths of 2 or more persons as part of a  
21 single course of conduct, the penalty is a Class 2 felony, for  
22 which a person, if sentenced to a term of imprisonment, shall  
23 be sentenced to a term of not less than 6 years and not more  
24 than 28 years.

25 (e-14) In cases involving reckless homicide in which the  
26 defendant unintentionally kills an individual, the trier of

1 fact may infer that the defendant's actions were performed  
2 recklessly where he or she was also violating subsection (c) of  
3 Section 11-907 of the Illinois Vehicle Code. The penalty for a  
4 reckless homicide in which the driver also violated subsection  
5 (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2  
6 felony, for which a person, if sentenced to a term of  
7 imprisonment, shall be sentenced to a term of not less than 3  
8 years and not more than 14 years.

9 (e-15) In cases involving reckless homicide in which the  
10 defendant was operating a vehicle while failing or refusing to  
11 comply with subsection (c) of Section 11-907 of the Illinois  
12 Vehicle Code resulting in the death of a firefighter or  
13 emergency medical services personnel in the performance of his  
14 or her official duties, the penalty is a Class 2 felony.

15 (f) In cases involving involuntary manslaughter in which  
16 the victim was a family or household member as defined in  
17 paragraph (3) of Section 112A-3 of the Code of Criminal  
18 Procedure of 1963, the penalty shall be a Class 2 felony, for  
19 which a person if sentenced to a term of imprisonment, shall be  
20 sentenced to a term of not less than 3 years and not more than  
21 14 years.

22 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,  
23 eff. 6-1-08; 95-591, eff. 9-10-07; 95-803, eff. 1-1-09; 95-876,  
24 eff. 8-21-08; 95-884, eff. 1-1-09; 96-328, eff. 8-11-09.)

25 Section 25. The Unified Code of Corrections is amended by

1 changing Sections 5-5-3.2 and 5-6-1 as follows:

2 (730 ILCS 5/5-5-3.2)

3 Sec. 5-5-3.2. Factors in aggravation and extended-term  
4 sentencing.

5 (a) The following factors shall be accorded weight in favor  
6 of imposing a term of imprisonment or may be considered by the  
7 court as reasons to impose a more severe sentence under Section  
8 5-8-1 or Article 4.5 of Chapter V:

9 (1) the defendant's conduct caused or threatened  
10 serious harm;

11 (2) the defendant received compensation for committing  
12 the offense;

13 (3) the defendant has a history of prior delinquency or  
14 criminal activity;

15 (4) the defendant, by the duties of his office or by  
16 his position, was obliged to prevent the particular offense  
17 committed or to bring the offenders committing it to  
18 justice;

19 (5) the defendant held public office at the time of the  
20 offense, and the offense related to the conduct of that  
21 office;

22 (6) the defendant utilized his professional reputation  
23 or position in the community to commit the offense, or to  
24 afford him an easier means of committing it;

25 (7) the sentence is necessary to deter others from

1 committing the same crime;

2 (8) the defendant committed the offense against a  
3 person 60 years of age or older or such person's property;

4 (9) the defendant committed the offense against a  
5 person who has a physical disability or such person's  
6 property;

7 (10) by reason of another individual's actual or  
8 perceived race, color, creed, religion, ancestry, gender,  
9 sexual orientation, physical or mental disability, or  
10 national origin, the defendant committed the offense  
11 against (i) the person or property of that individual; (ii)  
12 the person or property of a person who has an association  
13 with, is married to, or has a friendship with the other  
14 individual; or (iii) the person or property of a relative  
15 (by blood or marriage) of a person described in clause (i)  
16 or (ii). For the purposes of this Section, "sexual  
17 orientation" has the meaning ascribed to it in paragraph  
18 (0-1) of Section 1-103 of the Illinois Human Rights Act;

19 (11) the offense took place in a place of worship or on  
20 the grounds of a place of worship, immediately prior to,  
21 during or immediately following worship services. For  
22 purposes of this subparagraph, "place of worship" shall  
23 mean any church, synagogue or other building, structure or  
24 place used primarily for religious worship;

25 (12) the defendant was convicted of a felony committed  
26 while he was released on bail or his own recognizance



1 pending trial for a prior felony and was convicted of such  
2 prior felony, or the defendant was convicted of a felony  
3 committed while he was serving a period of probation,  
4 conditional discharge, or mandatory supervised release  
5 under subsection (d) of Section 5-8-1 for a prior felony;

6 (13) the defendant committed or attempted to commit a  
7 felony while he was wearing a bulletproof vest. For the  
8 purposes of this paragraph (13), a bulletproof vest is any  
9 device which is designed for the purpose of protecting the  
10 wearer from bullets, shot or other lethal projectiles;

11 (14) the defendant held a position of trust or  
12 supervision such as, but not limited to, family member as  
13 defined in Section 11-0.1 of the Criminal Code of 2012,  
14 teacher, scout leader, baby sitter, or day care worker, in  
15 relation to a victim under 18 years of age, and the  
16 defendant committed an offense in violation of Section  
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
18 11-14.4 except for an offense that involves keeping a place  
19 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
20 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
21 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 against that victim;

23 (15) the defendant committed an offense related to the  
24 activities of an organized gang. For the purposes of this  
25 factor, "organized gang" has the meaning ascribed to it in  
26 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation of  
3 one of the following Sections while in a school, regardless  
4 of the time of day or time of year; on any conveyance  
5 owned, leased, or contracted by a school to transport  
6 students to or from school or a school related activity; on  
7 the real property of a school; or on a public way within  
8 1,000 feet of the real property comprising any school:  
9 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
10 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
14 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
15 Criminal Code of 2012;

16 (16.5) the defendant committed an offense in violation  
17 of one of the following Sections while in a day care  
18 center, regardless of the time of day or time of year; on  
19 the real property of a day care center, regardless of the  
20 time of day or time of year; or on a public way within  
21 1,000 feet of the real property comprising any day care  
22 center, regardless of the time of day or time of year:  
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
2 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
3 Criminal Code of 2012;

4 (17) the defendant committed the offense by reason of  
5 any person's activity as a community policing volunteer or  
6 to prevent any person from engaging in activity as a  
7 community policing volunteer. For the purpose of this  
8 Section, "community policing volunteer" has the meaning  
9 ascribed to it in Section 2-3.5 of the Criminal Code of  
10 2012;

11 (18) the defendant committed the offense in a nursing  
12 home or on the real property comprising a nursing home. For  
13 the purposes of this paragraph (18), "nursing home" means a  
14 skilled nursing or intermediate long term care facility  
15 that is subject to license by the Illinois Department of  
16 Public Health under the Nursing Home Care Act, the  
17 Specialized Mental Health Rehabilitation Act of 2013, the  
18 ID/DD Community Care Act, or the MC/DD Act;

19 (19) the defendant was a federally licensed firearm  
20 dealer and was previously convicted of a violation of  
21 subsection (a) of Section 3 of the Firearm Owners  
22 Identification Card Act and has now committed either a  
23 felony violation of the Firearm Owners Identification Card  
24 Act or an act of armed violence while armed with a firearm;

25 (20) the defendant (i) committed the offense of  
26 reckless homicide under Section 9-3 of the Criminal Code of

1 1961 or the Criminal Code of 2012 or the offense of driving  
2 under the influence of alcohol, other drug or drugs,  
3 intoxicating compound or compounds or any combination  
4 thereof under Section 11-501 of the Illinois Vehicle Code  
5 or a similar provision of a local ordinance and (ii) was  
6 operating a motor vehicle in excess of 20 miles per hour  
7 over the posted speed limit as provided in Article VI of  
8 Chapter 11 of the Illinois Vehicle Code;

9 (21) the defendant (i) committed the offense of  
10 reckless driving or aggravated reckless driving under  
11 Section 11-503 of the Illinois Vehicle Code and (ii) was  
12 operating a motor vehicle in excess of 20 miles per hour  
13 over the posted speed limit as provided in Article VI of  
14 Chapter 11 of the Illinois Vehicle Code;

15 (22) the defendant committed the offense against a  
16 person that the defendant knew, or reasonably should have  
17 known, was a member of the Armed Forces of the United  
18 States serving on active duty. For purposes of this clause  
19 (22), the term "Armed Forces" means any of the Armed Forces  
20 of the United States, including a member of any reserve  
21 component thereof or National Guard unit called to active  
22 duty;

23 (23) the defendant committed the offense against a  
24 person who was elderly or infirm or who was a person with a  
25 disability by taking advantage of a family or fiduciary  
26 relationship with the elderly or infirm person or person

1 with a disability;

2 (24) the defendant committed any offense under Section  
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012 and possessed 100 or more images;

5 (25) the defendant committed the offense while the  
6 defendant or the victim was in a train, bus, or other  
7 vehicle used for public transportation;

8 (26) the defendant committed the offense of child  
9 pornography or aggravated child pornography, specifically  
10 including paragraph (1), (2), (3), (4), (5), or (7) of  
11 subsection (a) of Section 11-20.1 of the Criminal Code of  
12 1961 or the Criminal Code of 2012 where a child engaged in,  
13 solicited for, depicted in, or posed in any act of sexual  
14 penetration or bound, fettered, or subject to sadistic,  
15 masochistic, or sadomasochistic abuse in a sexual context  
16 and specifically including paragraph (1), (2), (3), (4),  
17 (5), or (7) of subsection (a) of Section 11-20.1B or  
18 Section 11-20.3 of the Criminal Code of 1961 where a child  
19 engaged in, solicited for, depicted in, or posed in any act  
20 of sexual penetration or bound, fettered, or subject to  
21 sadistic, masochistic, or sadomasochistic abuse in a  
22 sexual context;

23 (27) the defendant committed the offense of first  
24 degree murder, assault, aggravated assault, battery,  
25 aggravated battery, robbery, armed robbery, or aggravated  
26 robbery against a person who was a veteran and the

1 defendant knew, or reasonably should have known, that the  
2 person was a veteran performing duties as a representative  
3 of a veterans' organization. For the purposes of this  
4 paragraph (27), "veteran" means an Illinois resident who  
5 has served as a member of the United States Armed Forces, a  
6 member of the Illinois National Guard, or a member of the  
7 United States Reserve Forces; and "veterans' organization"  
8 means an organization comprised of members of which  
9 substantially all are individuals who are veterans or  
10 spouses, widows, or widowers of veterans, the primary  
11 purpose of which is to promote the welfare of its members  
12 and to provide assistance to the general public in such a  
13 way as to confer a public benefit;

14 (28) the defendant committed the offense of assault,  
15 aggravated assault, battery, aggravated battery, robbery,  
16 armed robbery, or aggravated robbery against a person that  
17 the defendant knew or reasonably should have known was a  
18 letter carrier or postal worker while that person was  
19 performing his or her duties delivering mail for the United  
20 States Postal Service;

21 (29) the defendant committed the offense of criminal  
22 sexual assault, aggravated criminal sexual assault,  
23 criminal sexual abuse, or aggravated criminal sexual abuse  
24 against a victim with an intellectual disability, and the  
25 defendant holds a position of trust, authority, or  
26 supervision in relation to the victim;

1 (30) the defendant committed the offense of promoting  
2 juvenile prostitution, patronizing a prostitute, or  
3 patronizing a minor engaged in prostitution and at the time  
4 of the commission of the offense knew that the prostitute  
5 or minor engaged in prostitution was in the custody or  
6 guardianship of the Department of Children and Family  
7 Services; ~~or~~

8 (31) the defendant (i) committed the offense of driving  
9 while under the influence of alcohol, other drug or drugs,  
10 intoxicating compound or compounds or any combination  
11 thereof in violation of Section 11-501 of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance  
13 and (ii) the defendant during the commission of the offense  
14 was driving his or her vehicle upon a roadway designated  
15 for one-way traffic in the opposite direction of the  
16 direction indicated by official traffic control devices;  
17 or -

18 (32) the defendant committed the offense of reckless  
19 homicide while committing a violation of Section 11-907 of  
20 the Illinois Vehicle Code.

21 For the purposes of this Section:

22 "School" is defined as a public or private elementary or  
23 secondary school, community college, college, or university.

24 "Day care center" means a public or private State certified  
25 and licensed day care center as defined in Section 2.09 of the  
26 Child Care Act of 1969 that displays a sign in plain view

1 stating that the property is a day care center.

2 "Intellectual disability" means significantly subaverage  
3 intellectual functioning which exists concurrently with  
4 impairment in adaptive behavior.

5 "Public transportation" means the transportation or  
6 conveyance of persons by means available to the general public,  
7 and includes paratransit services.

8 "Traffic control devices" means all signs, signals,  
9 markings, and devices that conform to the Illinois Manual on  
10 Uniform Traffic Control Devices, placed or erected by authority  
11 of a public body or official having jurisdiction, for the  
12 purpose of regulating, warning, or guiding traffic.

13 (b) The following factors, related to all felonies, may be  
14 considered by the court as reasons to impose an extended term  
15 sentence under Section 5-8-2 upon any offender:

16 (1) When a defendant is convicted of any felony, after  
17 having been previously convicted in Illinois or any other  
18 jurisdiction of the same or similar class felony or greater  
19 class felony, when such conviction has occurred within 10  
20 years after the previous conviction, excluding time spent  
21 in custody, and such charges are separately brought and  
22 tried and arise out of different series of acts; or

23 (2) When a defendant is convicted of any felony and the  
24 court finds that the offense was accompanied by  
25 exceptionally brutal or heinous behavior indicative of  
26 wanton cruelty; or



1           (3) When a defendant is convicted of any felony  
2 committed against:

3           (i) a person under 12 years of age at the time of  
4 the offense or such person's property;

5           (ii) a person 60 years of age or older at the time  
6 of the offense or such person's property; or

7           (iii) a person who had a physical disability at the  
8 time of the offense or such person's property; or

9           (4) When a defendant is convicted of any felony and the  
10 offense involved any of the following types of specific  
11 misconduct committed as part of a ceremony, rite,  
12 initiation, observance, performance, practice or activity  
13 of any actual or ostensible religious, fraternal, or social  
14 group:

15           (i) the brutalizing or torturing of humans or  
16 animals;

17           (ii) the theft of human corpses;

18           (iii) the kidnapping of humans;

19           (iv) the desecration of any cemetery, religious,  
20 fraternal, business, governmental, educational, or  
21 other building or property; or

22           (v) ritualized abuse of a child; or

23           (5) When a defendant is convicted of a felony other  
24 than conspiracy and the court finds that the felony was  
25 committed under an agreement with 2 or more other persons  
26 to commit that offense and the defendant, with respect to

1 the other individuals, occupied a position of organizer,  
2 supervisor, financier, or any other position of management  
3 or leadership, and the court further finds that the felony  
4 committed was related to or in furtherance of the criminal  
5 activities of an organized gang or was motivated by the  
6 defendant's leadership in an organized gang; or

7 (6) When a defendant is convicted of an offense  
8 committed while using a firearm with a laser sight attached  
9 to it. For purposes of this paragraph, "laser sight" has  
10 the meaning ascribed to it in Section 26-7 of the Criminal  
11 Code of 2012; or

12 (7) When a defendant who was at least 17 years of age  
13 at the time of the commission of the offense is convicted  
14 of a felony and has been previously adjudicated a  
15 delinquent minor under the Juvenile Court Act of 1987 for  
16 an act that if committed by an adult would be a Class X or  
17 Class 1 felony when the conviction has occurred within 10  
18 years after the previous adjudication, excluding time  
19 spent in custody; or

20 (8) When a defendant commits any felony and the  
21 defendant used, possessed, exercised control over, or  
22 otherwise directed an animal to assault a law enforcement  
23 officer engaged in the execution of his or her official  
24 duties or in furtherance of the criminal activities of an  
25 organized gang in which the defendant is engaged; or

26 (9) When a defendant commits any felony and the

1 defendant knowingly video or audio records the offense with  
2 the intent to disseminate the recording.

3 (c) The following factors may be considered by the court as  
4 reasons to impose an extended term sentence under Section 5-8-2  
5 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

6 (1) When a defendant is convicted of first degree  
7 murder, after having been previously convicted in Illinois  
8 of any offense listed under paragraph (c)(2) of Section  
9 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
10 within 10 years after the previous conviction, excluding  
11 time spent in custody, and the charges are separately  
12 brought and tried and arise out of different series of  
13 acts.

14 (1.5) When a defendant is convicted of first degree  
15 murder, after having been previously convicted of domestic  
16 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
17 (720 ILCS 5/12-3.3) committed on the same victim or after  
18 having been previously convicted of violation of an order  
19 of protection (720 ILCS 5/12-30) in which the same victim  
20 was the protected person.

21 (2) When a defendant is convicted of voluntary  
22 manslaughter, second degree murder, involuntary  
23 manslaughter, or reckless homicide in which the defendant  
24 has been convicted of causing the death of more than one  
25 individual.

26 (3) When a defendant is convicted of aggravated

1 criminal sexual assault or criminal sexual assault, when  
2 there is a finding that aggravated criminal sexual assault  
3 or criminal sexual assault was also committed on the same  
4 victim by one or more other individuals, and the defendant  
5 voluntarily participated in the crime with the knowledge of  
6 the participation of the others in the crime, and the  
7 commission of the crime was part of a single course of  
8 conduct during which there was no substantial change in the  
9 nature of the criminal objective.

10 (4) If the victim was under 18 years of age at the time  
11 of the commission of the offense, when a defendant is  
12 convicted of aggravated criminal sexual assault or  
13 predatory criminal sexual assault of a child under  
14 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
15 of Section 12-14.1 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

17 (5) When a defendant is convicted of a felony violation  
18 of Section 24-1 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
20 finding that the defendant is a member of an organized  
21 gang.

22 (6) When a defendant was convicted of unlawful use of  
23 weapons under Section 24-1 of the Criminal Code of 1961 or  
24 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
25 a weapon that is not readily distinguishable as one of the  
26 weapons enumerated in Section 24-1 of the Criminal Code of

1 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

2 (7) When a defendant is convicted of an offense  
3 involving the illegal manufacture of a controlled  
4 substance under Section 401 of the Illinois Controlled  
5 Substances Act (720 ILCS 570/401), the illegal manufacture  
6 of methamphetamine under Section 25 of the Methamphetamine  
7 Control and Community Protection Act (720 ILCS 646/25), or  
8 the illegal possession of explosives and an emergency  
9 response officer in the performance of his or her duties is  
10 killed or injured at the scene of the offense while  
11 responding to the emergency caused by the commission of the  
12 offense. In this paragraph, "emergency" means a situation  
13 in which a person's life, health, or safety is in jeopardy;  
14 and "emergency response officer" means a peace officer,  
15 community policing volunteer, fireman, emergency medical  
16 technician-ambulance, emergency medical  
17 technician-intermediate, emergency medical  
18 technician-paramedic, ambulance driver, other medical  
19 assistance or first aid personnel, or hospital emergency  
20 room personnel.

21 (8) When the defendant is convicted of attempted mob  
22 action, solicitation to commit mob action, or conspiracy to  
23 commit mob action under Section 8-1, 8-2, or 8-4 of the  
24 Criminal Code of 2012, where the criminal object is a  
25 violation of Section 25-1 of the Criminal Code of 2012, and  
26 an electronic communication is used in the commission of

1 the offense. For the purposes of this paragraph (8),  
2 "electronic communication" shall have the meaning provided  
3 in Section 26.5-0.1 of the Criminal Code of 2012.

4 (d) For the purposes of this Section, "organized gang" has  
5 the meaning ascribed to it in Section 10 of the Illinois  
6 Streetgang Terrorism Omnibus Prevention Act.

7 (e) The court may impose an extended term sentence under  
8 Article 4.5 of Chapter V upon an offender who has been  
9 convicted of a felony violation of Section 11-1.20, 11-1.30,  
10 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
11 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
12 when the victim of the offense is under 18 years of age at the  
13 time of the commission of the offense and, during the  
14 commission of the offense, the victim was under the influence  
15 of alcohol, regardless of whether or not the alcohol was  
16 supplied by the offender; and the offender, at the time of the  
17 commission of the offense, knew or should have known that the  
18 victim had consumed alcohol.

19 (Source: P.A. 99-77, eff. 1-1-16; 99-143, eff. 7-27-15; 99-180,  
20 eff. 7-29-15; 99-283, eff. 1-1-16; 99-347, eff. 1-1-16; 99-642,  
21 eff. 7-28-16; 100-1053, eff. 1-1-19.)

22 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

23 (Text of Section before amendment by P.A. 100-987)

24 Sec. 5-6-1. Sentences of probation and of conditional  
25 discharge and disposition of supervision. The General Assembly

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

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

15 (1) his imprisonment or periodic imprisonment is  
16 necessary for the protection of the public; or

17 (2) probation or conditional discharge would deprecate  
18 the seriousness of the offender's conduct and would be  
19 inconsistent with the ends of justice; or

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

25 The court shall impose as a condition of a sentence of  
26 probation, conditional discharge, or supervision, that the

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

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

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

18 (c) The court may, upon a plea of guilty or a stipulation  
19 by the defendant of the facts supporting the charge or a  
20 finding of guilt, defer further proceedings and the imposition  
21 of a sentence, and enter an order for supervision of the  
22 defendant, if the defendant is not charged with: (i) a Class A  
23 misdemeanor, as defined by the following provisions of the  
24 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
25 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
26 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;



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

10 (1) the offender is not likely to commit further  
11 crimes;

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

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

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

25 (d) The provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 11-501 of the Illinois

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

3 (1) convicted for a violation of Section 11-501 of the  
4 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 11-501 of the Illinois Vehicle Code or a similar provision  
9 of a local ordinance or any similar law or ordinance of  
10 another state; or

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

17 The court shall consider the statement of the prosecuting  
18 authority with regard to the standards set forth in this  
19 Section.

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

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

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

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

7           (f) The provisions of paragraph (c) shall not apply to a  
8           defendant charged with: (1) violating Sections 15-111, 15-112,  
9           15-301, paragraph (b) of Section 6-104, Section 11-605,  
10          paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or  
11          Section 11-1414 of the Illinois Vehicle Code or a similar  
12          provision of a local ordinance; or (2) committing a Class A  
13          misdemeanor under subsection (c) of Section 11-907 of the  
14          Illinois Vehicle Code or a similar provision of a local  
15          ordinance.

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

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

25                 (2) assigned supervision for a violation of Section  
26                 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

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

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

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

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

25 (h-1) The provisions of paragraph (c) shall not apply to a  
26 defendant under the age of 21 years charged with an offense

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

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

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

1 11-401 of the Illinois Vehicle Code if the defendant has within  
2 the last 10 years been:

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

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

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

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

1 be collected as provided in Sections 27.5 and 27.6 of the  
2 Clerks of Courts Act. The \$29 fee shall be disbursed as  
3 provided in Section 16-104c of the Illinois Vehicle Code. If  
4 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
5 into the Circuit Court Clerk Operation and Administrative Fund  
6 created by the Clerk of the Circuit Court and 50 cents of the  
7 fee shall be deposited into the Prisoner Review Board Vehicle  
8 and Equipment Fund in the State treasury.

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

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

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

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

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

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

17 (p) The provisions of paragraph (c) shall not apply to a  
18 defendant charged with violating Section 11-601.5 of the  
19 Illinois Vehicle Code or a similar provision of a local  
20 ordinance when the defendant has previously been:

21 (1) convicted for a violation of Section 11-601.5 of  
22 the Illinois Vehicle Code or a similar provision of a local  
23 ordinance or any similar law or ordinance of another state;  
24 or

25 (2) assigned supervision for a violation of Section  
26 11-601.5 of the Illinois Vehicle Code or a similar



1 provision of a local ordinance or any similar law or  
2 ordinance of another state.

3 (q) The provisions of paragraph (c) shall not apply to a  
4 defendant charged with violating subsection (b) of Section  
5 11-601 or Section 11-601.5 of the Illinois Vehicle Code when  
6 the defendant was operating a vehicle, in an urban district, at  
7 a speed that is 26 miles per hour or more in excess of the  
8 applicable maximum speed limit established under Chapter 11 of  
9 the Illinois Vehicle Code.

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

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

22 (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14;  
23 98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff.  
24 1-1-16.)

25 (Text of Section after amendment by P.A. 100-987)

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

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

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

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

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

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

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

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

20           (c) The court may, upon a plea of guilty or a stipulation  
21 by the defendant of the facts supporting the charge or a  
22 finding of guilt, defer further proceedings and the imposition  
23 of a sentence, and enter an order for supervision of the  
24 defendant, if the defendant is not charged with: (i) a Class A  
25 misdemeanor, as defined by the following provisions of the  
26 Criminal Code of 1961 or the Criminal Code of 2012: Sections

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

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

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

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

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

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

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

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

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

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

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

26 (1) convicted for a violation of Section 16-25 or 16A-3

1 of the Criminal Code of 1961 or the Criminal Code of 2012;  
2 or

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

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

9 (f) The provisions of paragraph (c) shall not apply to a  
10 defendant charged with: (1) violating Sections 15-111, 15-112,  
11 15-301, paragraph (b) of Section 6-104, Section 11-605,  
12 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or  
13 Section 11-1414 of the Illinois Vehicle Code or a similar  
14 provision of a local ordinance; or (2) committing a Class A  
15 misdemeanor under subsection (c) of Section 11-907 of the  
16 Illinois Vehicle Code or a similar provision of a local  
17 ordinance.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

22 (l) (Blank).

23 (m) (Blank).

24 (n) The provisions of paragraph (c) shall not apply to any  
25 person under the age of 18 who commits an offense against  
26 traffic regulations governing the movement of vehicles or any

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

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

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

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

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

1 ordinance when the defendant has previously been:

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

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

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

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

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

1 defendant charged with violating subsection (i) of Section 70  
2 of the Firearm Concealed Carry Act.

3 (Source: P.A. 99-78, eff. 7-20-15; 99-212, eff. 1-1-16;  
4 100-987, eff. 7-1-19.)

5 Section 95. No acceleration or delay. Where this Act makes  
6 changes in a statute that is represented in this Act by text  
7 that is not yet or no longer in effect (for example, a Section  
8 represented by multiple versions), the use of that text does  
9 not accelerate or delay the taking effect of (i) the changes  
10 made by this Act or (ii) provisions derived from any other  
11 Public Act."