

1 AN ACT in relation to criminal law.

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

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

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

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

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

23 (1) his imprisonment or periodic imprisonment is  
24 necessary for the protection of the public; or

25 (2) probation or conditional discharge would  
26 deprecate the seriousness of the offender's conduct and  
27 would be inconsistent with the ends of justice.

28 The court shall impose as a condition of a sentence of  
29 probation, conditional discharge, or supervision, that the  
30 probation agency may invoke any sanction from the list of  
31 intermediate sanctions adopted by the chief judge of the

1 circuit court for violations of the terms and conditions of  
2 the sentence of probation, conditional discharge, or  
3 supervision, subject to the provisions of Section 5-6-4 of  
4 this Act.

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

9 (c) The court may, upon a plea of guilty or a  
10 stipulation by the defendant of the facts supporting the  
11 charge or a finding of guilt, defer further proceedings and  
12 the imposition of a sentence, and enter an order for  
13 supervision of the defendant, if the defendant is not charged  
14 with a: (i) Class A misdemeanor, as defined by the following  
15 provisions of the Criminal Code of 1961: Sections 12-3.2;  
16 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of  
17 Section 21-1; paragraph (1) through (5), (8), (10), and (11)  
18 of subsection (a) of Section 24-1; (ii) misdemeanor violation  
19 of and Section 1 of the Boarding Aircraft With Weapon Act;  
20 (iii) misdemeanor violation of Section 3, 3.01, 3.03-1, or  
21 4.01 of the Humane Care for Animals Act; or (iv) a felony. If  
22 the defendant is not barred from receiving an order for  
23 supervision as provided in this subsection, the court may  
24 enter an order for supervision after considering the  
25 circumstances of the offense, and the history, character and  
26 condition of the offender, if the court is of the opinion  
27 that:

28 (1) the offender is not likely to commit further  
29 crimes;

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

33 (3) in the best interests of justice an order of  
34 supervision is more appropriate than a sentence otherwise

1 permitted under this Code.

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

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

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

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

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

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

27 (1) convicted for a violation of Section 16A-3 of  
28 the Criminal Code of 1961; or

29 (2) assigned supervision for a violation of Section  
30 16A-3 of the Criminal Code of 1961.

31 The court shall consider the statement of the prosecuting  
32 authority with regard to the standards set forth in this  
33 Section.

34 (f) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Sections 15-111, 15-112,  
2 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
3 Section 11-1414 of the Illinois Vehicle Code or a similar  
4 provision of a local ordinance.

5 (g) Except as otherwise provided in paragraph (i) of  
6 this Section, the provisions of paragraph (c) shall not apply  
7 to a defendant charged with violating Section 3-707, 3-708,  
8 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
9 provision of a local ordinance if the defendant has within  
10 the last 5 years been:

11 (1) convicted for a violation of Section 3-707,  
12 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or  
13 a similar provision of a local ordinance; or

14 (2) assigned supervision for a violation of Section  
15 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
16 Code or a similar provision of a local ordinance.

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

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

24 (1) unless the defendant, upon payment of the  
25 fines, penalties, and costs provided by law, agrees to  
26 attend and successfully complete a traffic safety program  
27 approved by the court under standards set by the  
28 Conference of Chief Circuit Judges. The accused shall be  
29 responsible for payment of any traffic safety program  
30 fees. If the accused fails to file a certificate of  
31 successful completion on or before the termination date  
32 of the supervision order, the supervision shall be  
33 summarily revoked and conviction entered. The provisions  
34 of Supreme Court Rule 402 relating to pleas of guilty do

1 not apply in cases when a defendant enters a guilty plea  
2 under this provision; or

3 (2) if the defendant has previously been sentenced  
4 under the provisions of paragraph (c) on or after January  
5 1, 1998 for any serious traffic offense as defined in  
6 Section 1-187.001 of the Illinois Vehicle Code.

7 (i) The provisions of paragraph (c) shall not apply to a  
8 defendant charged with violating Section 3-707 of the  
9 Illinois Vehicle Code or a similar provision of a local  
10 ordinance if the defendant has been assigned supervision for  
11 a violation of Section 3-707 of the Illinois Vehicle Code or  
12 a similar provision of a local ordinance.

13 (j) The provisions of paragraph (c) shall not apply to a  
14 defendant charged with violating Section 6-303 of the  
15 Illinois Vehicle Code or a similar provision of a local  
16 ordinance when the revocation or suspension was for a  
17 violation of Section 11-501 or a similar provision of a local  
18 ordinance, a violation of Section 11-501.1 or paragraph (b)  
19 of Section 11-401 of the Illinois Vehicle Code, or a  
20 violation of Section 9-3 of the Criminal Code of 1961 if the  
21 defendant has within the last 10 years been:

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

25 (2) assigned supervision for a violation of Section  
26 6-303 of the Illinois Vehicle Code or a similar provision  
27 of a local ordinance.

28 (Source: P.A. 90-369, eff. 1-1-98; 90-738, eff. 1-1-99;  
29 90-784, eff. 1-1-99; 91-114, eff. 1-1-00; 91-357, eff.  
30 7-29-99.)

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law.