



Rep. Jim Sacia

Filed: 2/14/2006

09400HB4521ham003

LRB094 17027 DRH 55845 a

1 AMENDMENT TO HOUSE BILL 4521

2 AMENDMENT NO. _____. Amend House Bill 4521, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The State Finance Act is amended by changing
6 Section 8h as follows:

7 (30 ILCS 105/8h)

8 Sec. 8h. Transfers to General Revenue Fund.

9 (a) Except as provided in subsection (b), notwithstanding
10 any other State law to the contrary, the Governor may, through
11 June 30, 2007, from time to time direct the State Treasurer and
12 Comptroller to transfer a specified sum from any fund held by
13 the State Treasurer to the General Revenue Fund in order to
14 help defray the State's operating costs for the fiscal year.
15 The total transfer under this Section from any fund in any
16 fiscal year shall not exceed the lesser of (i) 8% of the
17 revenues to be deposited into the fund during that fiscal year
18 or (ii) an amount that leaves a remaining fund balance of 25%
19 of the July 1 fund balance of that fiscal year. In fiscal year
20 2005 only, prior to calculating the July 1, 2004 final
21 balances, the Governor may calculate and direct the State
22 Treasurer with the Comptroller to transfer additional amounts
23 determined by applying the formula authorized in Public Act
24 93-839 to the funds balances on July 1, 2003. No transfer may

1 be made from a fund under this Section that would have the
2 effect of reducing the available balance in the fund to an
3 amount less than the amount remaining unexpended and unreserved
4 from the total appropriation from that fund estimated to be
5 expended for that fiscal year. This Section does not apply to
6 any funds that are restricted by federal law to a specific use,
7 to any funds in the Motor Fuel Tax Fund, the Intercity
8 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
9 Provider Relief Fund, the Teacher Health Insurance Security
10 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
11 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter
12 Fund, the Lawyers' Assistance Program Fund, the Supreme Court
13 Federal Projects Fund, the Supreme Court Special State Projects
14 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development
15 and Operation Fund, or the Hospital Basic Services Preservation
16 Fund, or to any funds to which subsection (f) of Section 20-40
17 of the Nursing and Advanced Practice Nursing Act applies. No
18 transfers may be made under this Section from the Pet
19 Population Control Fund. Notwithstanding any other provision
20 of this Section, for fiscal year 2004, the total transfer under
21 this Section from the Road Fund or the State Construction
22 Account Fund shall not exceed the lesser of (i) 5% of the
23 revenues to be deposited into the fund during that fiscal year
24 or (ii) 25% of the beginning balance in the fund. For fiscal
25 year 2005 through fiscal year 2007, no amounts may be
26 transferred under this Section from the Road Fund, the State
27 Construction Account Fund, the Criminal Justice Information
28 Systems Trust Fund, the Wireless Service Emergency Fund, or the
29 Mandatory Arbitration Fund. No amounts may be transferred under
30 this Section from the State Police Vehicle Fund.

31 In determining the available balance in a fund, the
32 Governor may include receipts, transfers into the fund, and
33 other resources anticipated to be available in the fund in that
34 fiscal year.

1 The State Treasurer and Comptroller shall transfer the
2 amounts designated under this Section as soon as may be
3 practicable after receiving the direction to transfer from the
4 Governor.

5 (b) This Section does not apply to: (i) the Ticket For The
6 Cure Fund; (ii) ~~or to~~ any fund established under the Community
7 Senior Services and Resources Act; or (iii) ~~(iii)~~ on or after
8 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~
9 ~~amendatory Act of the 94th General Assembly~~, the Child Labor
10 and Day and Temporary Labor Enforcement Fund.

11 (c) This Section does not apply to the Demutualization
12 Trust Fund established under the Uniform Disposition of
13 Unclaimed Property Act.

14 (d) ~~(e)~~ This Section does not apply to moneys set aside in
15 the Illinois State Podiatric Disciplinary Fund for podiatric
16 scholarships and residency programs under the Podiatric
17 Scholarship and Residency Act.

18 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
19 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
20 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
21 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
22 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
23 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
24 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

25 Section 10. The Illinois Vehicle Code is amended by adding
26 Section 16-104c as follows:

27 (625 ILCS 5/16-104c new)

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

29 (a) Any person who, after a court appearance in the same
30 matter, receives a disposition of court supervision for a
31 violation of any provision of this Code shall pay an additional
32 fee of \$20, which shall be disbursed as follows:

1 (1) if an officer of the Department of State Police
2 arrested the person for the violation, the \$20 fee shall be
3 deposited into the State Police Vehicle Fund; or

4 (2) if an officer of any law enforcement agency in the
5 State other than the Department of State Police arrested
6 the person for the violation, the \$20 fee shall be paid to
7 the law enforcement agency that employed the arresting
8 officer and shall be used for the acquisition or
9 maintenance of police vehicles.

10 (b) In addition to the fee provided for in subsection (a),
11 a person who, after a court appearance in the same matter,
12 receives a disposition of court supervision for any violation
13 of this Code shall also pay an additional fee of \$5, which, if
14 not waived by the court, shall be deposited into the Circuit
15 Court Clerk Operation and Administrative Fund created by the
16 Clerk of the Circuit Court.

17 Section 15. The Clerks of Courts Act is amended by changing
18 Sections 27.5 and 27.6 and adding Section 27.3d as follows:

19 (705 ILCS 105/27.3d new)

20 Sec. 27.3d. Circuit Court Clerk Operation and
21 Administrative Fund. Each Circuit Clerk shall create a Circuit
22 Court Clerk Operation and Administrative Fund, to be used to
23 offset the costs incurred by the Circuit Court Clerk in
24 performing the additional duties required to collect and
25 disburse funds to entities of State and local government as
26 provided by law. The Circuit Court Clerk shall be the
27 custodian, ex officio, of this Fund and shall use the Fund to
28 perform the duties required by the office. The Fund shall be
29 audited by the auditor retained by the Clerk for the purpose of
30 conducting the Annual Circuit Clerk Audit. Expenditures shall
31 be made from the Fund by the Circuit Court Clerk for expenses
32 related to the cost of collection for and disbursement to

1 entities of State and local government.

2 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

3 Sec. 27.5. (a) All fees, fines, costs, additional
4 penalties, bail balances assessed or forfeited, and any other
5 amount paid by a person to the circuit clerk that equals an
6 amount less than \$55, except restitution under Section 5-5-6 of
7 the Unified Code of Corrections, reimbursement for the costs of
8 an emergency response as provided under Section 11-501 of the
9 Illinois Vehicle Code, any fees collected for attending a
10 traffic safety program under paragraph (c) of Supreme Court
11 Rule 529, any fee collected on behalf of a State's Attorney
12 under Section 4-2002 of the Counties Code or a sheriff under
13 Section 4-5001 of the Counties Code, or any cost imposed under
14 Section 124A-5 of the Code of Criminal Procedure of 1963, for
15 convictions, orders of supervision, or any other disposition
16 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
17 Vehicle Code, or a similar provision of a local ordinance, and
18 any violation of the Child Passenger Protection Act, or a
19 similar provision of a local ordinance, and except as provided
20 in subsection (b) shall be disbursed within 60 days after
21 receipt by the circuit clerk as follows: 47% shall be disbursed
22 to the entity authorized by law to receive the fine imposed in
23 the case; 12% shall be disbursed to the State Treasurer; and
24 41% shall be disbursed to the county's general corporate fund.
25 Of the 12% disbursed to the State Treasurer, 1/6 shall be
26 deposited by the State Treasurer into the Violent Crime Victims
27 Assistance Fund, 1/2 shall be deposited into the Traffic and
28 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
29 into the Drivers Education Fund. For fiscal years 1992 and
30 1993, amounts deposited into the Violent Crime Victims
31 Assistance Fund, the Traffic and Criminal Conviction Surcharge
32 Fund, or the Drivers Education Fund shall not exceed 110% of
33 the amounts deposited into those funds in fiscal year 1991. Any

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

23 (b) The following amounts must be remitted to the State
24 Treasurer for deposit into the Illinois Animal Abuse Fund:

25 (1) 50% of the amounts collected for felony offenses
26 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
27 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
28 Animals Act and Section 26-5 of the Criminal Code of 1961;

29 (2) 20% of the amounts collected for Class A and Class
30 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
31 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
32 for Animals Act and Section 26-5 of the Criminal Code of
33 1961; and

34 (3) 50% of the amounts collected for Class C

1 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
2 for Animals Act and Section 26-5 of the Criminal Code of
3 1961.

4 (c) Any person who receives a disposition of court
5 supervision for a violation of the Illinois Vehicle Code shall,
6 in addition to any other fines, fees, and court costs, pay
7 additional fees of \$20 and \$5, to be disbursed as provided in
8 Section 16-104c of the Illinois Vehicle Code.

9 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02;
10 93-800, eff. 1-1-05.)

11 (705 ILCS 105/27.6)

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

1 Treasurer; and 38.675% shall be disbursed to the county's
2 general corporate fund. Of the 16.825% disbursed to the State
3 Treasurer, 2/17 shall be deposited by the State Treasurer into
4 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
5 deposited into the Traffic and Criminal Conviction Surcharge
6 Fund, 3/17 shall be deposited into the Drivers Education Fund,
7 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
8 the 6.948/17 deposited into the Trauma Center Fund from the
9 16.825% disbursed to the State Treasurer, 50% shall be
10 disbursed to the Department of Public Health and 50% shall be
11 disbursed to the Department of Healthcare and Family Services
12 ~~Public Aid~~. For fiscal year 1993, amounts deposited into the
13 Violent Crime Victims Assistance Fund, the Traffic and Criminal
14 Conviction Surcharge Fund, or the Drivers Education Fund shall
15 not exceed 110% of the amounts deposited into those funds in
16 fiscal year 1991. Any amount that exceeds the 110% limit shall
17 be distributed as follows: 50% shall be disbursed to the
18 county's general corporate fund and 50% shall be disbursed to
19 the entity authorized by law to receive the fine imposed in the
20 case. Not later than March 1 of each year the circuit clerk
21 shall submit a report of the amount of funds remitted to the
22 State Treasurer under this Section during the preceding year
23 based upon independent verification of fines and fees. All
24 counties shall be subject to this Section, except that counties
25 with a population under 2,000,000 may, by ordinance, elect not
26 to be subject to this Section. For offenses subject to this
27 Section, judges shall impose one total sum of money payable for
28 violations. The circuit clerk may add on no additional amounts
29 except for amounts that are required by Sections 27.3a and
30 27.3c of this Act, unless those amounts are specifically waived
31 by the judge. With respect to money collected by the circuit
32 clerk as a result of forfeiture of bail, ex parte judgment or
33 guilty plea pursuant to Supreme Court Rule 529, the circuit
34 clerk shall first deduct and pay amounts required by Sections

1 27.3a and 27.3c of this Act. This Section is a denial and
2 limitation of home rule powers and functions under subsection
3 (h) of Section 6 of Article VII of the Illinois Constitution.

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

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

32 (c) In addition to any other fines and court costs assessed
33 by the courts, any person convicted for a violation of Sections
34 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a

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

14 (c-1) In addition to any other fines and court costs
15 assessed by the courts, any person sentenced for a violation of
16 the Cannabis Control Act, the Illinois Controlled Substances
17 Act, or the Methamphetamine Control and Community Protection
18 Act shall pay an additional fee of \$5 to the clerk of the
19 circuit court. This amount, less 2 1/2% that shall be used to
20 defray administrative costs incurred by the clerk, shall be
21 remitted by the clerk to the Treasurer within 60 days after
22 receipt for deposit into the Spinal Cord Injury Paralysis Cure
23 Research Trust Fund. This additional fee of \$5 shall not be
24 considered a part of the fine for purposes of any reduction in
25 the fine for time served either before or after sentencing. Not
26 later than March 1 of each year the Circuit Clerk shall submit
27 a report of the amount of funds remitted to the State Treasurer
28 under this subsection during the preceding calendar year.

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

- 31 (1) 50% of the amounts collected for felony offenses
32 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
33 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
34 Animals Act and Section 26-5 of the Criminal Code of 1961;

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

6 (3) 50% of the amounts collected for Class C
7 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
8 for Animals Act and Section 26-5 of the Criminal Code of
9 1961.

10 (e) Any person who receives a disposition of court
11 supervision for a violation of the Illinois Vehicle Code shall,
12 in addition to any other fines, fees, and court costs, pay
13 additional fees of \$20 and \$5, to be disbursed as provided in
14 Section 16-104c of the Illinois Vehicle Code.

15 (Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05;
16 revised 12-15-05.)

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

19 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

20 Sec. 5-6-1. Sentences of Probation and of Conditional
21 Discharge and Disposition of Supervision. The General Assembly
22 finds that in order to protect the public, the criminal justice
23 system must compel compliance with the conditions of probation
24 by responding to violations with swift, certain and fair
25 punishments and intermediate sanctions. The Chief Judge of each
26 circuit shall adopt a system of structured, intermediate
27 sanctions for violations of the terms and conditions of a
28 sentence of probation, conditional discharge or disposition of
29 supervision.

30 (a) Except where specifically prohibited by other
31 provisions of this Code, the court shall impose a sentence of
32 probation or conditional discharge upon an offender unless,

1 having regard to the nature and circumstance of the offense,
2 and to the history, character and condition of the offender,
3 the court is of the opinion that:

4 (1) his imprisonment or periodic imprisonment is
5 necessary for the protection of the public; or

6 (2) probation or conditional discharge would deprecate
7 the seriousness of the offender's conduct and would be
8 inconsistent with the ends of justice; or

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

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

21 (b) The court may impose a sentence of conditional
22 discharge for an offense if the court is of the opinion that
23 neither a sentence of imprisonment nor of periodic imprisonment
24 nor of probation supervision is appropriate.

25 (b-1) Subsections (a) and (b) of this Section do not apply
26 to a defendant charged with a misdemeanor or felony under the
27 Illinois Vehicle Code or reckless homicide under Section 9-3 of
28 the Criminal Code of 1961 if the defendant within the past 12
29 months has been convicted of or pleaded guilty to a misdemeanor
30 or felony under the Illinois Vehicle Code or reckless homicide
31 under Section 9-3 of the Criminal Code of 1961.

32 (c) The court may, upon a plea of guilty or a stipulation
33 by the defendant of the facts supporting the charge or a
34 finding of guilt, defer further proceedings and the imposition

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

15 (1) the offender is not likely to commit further
16 crimes;

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

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

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

26 (1) convicted for a violation of Section 11-501 of the
27 Illinois Vehicle Code or a similar provision of a local
28 ordinance or any similar law or ordinance of another state;
29 or

30 (2) assigned supervision for a violation of Section
31 11-501 of the Illinois Vehicle Code or a similar provision
32 of a local ordinance or any similar law or ordinance of
33 another state; or

34 (3) pleaded guilty to or stipulated to the facts

1 supporting a charge or a finding of guilty to a violation
2 of Section 11-503 of the Illinois Vehicle Code or a similar
3 provision of a local ordinance or any similar law or
4 ordinance of another state, and the plea or stipulation was
5 the result of a plea agreement.

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

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

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

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

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

20 (f) The provisions of paragraph (c) shall not apply to a
21 defendant charged with violating Sections 15-111, 15-112,
22 15-301, paragraph (b) of Section 6-104, Section 11-605, or
23 Section 11-1414 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance.

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

31 (1) convicted for a violation of Section 3-707, 3-708,
32 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
33 provision of a local ordinance; or

34 (2) assigned supervision for a violation of Section

1 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
2 Code or a similar provision of a local ordinance.

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

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

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

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

26 (i) The provisions of paragraph (c) shall not apply to a
27 defendant charged with violating Section 3-707 of the Illinois
28 Vehicle Code or a similar provision of a local ordinance if the
29 defendant has been assigned supervision for a violation of
30 Section 3-707 of the Illinois Vehicle Code or a similar
31 provision of a local ordinance.

32 (j) The provisions of paragraph (c) shall not apply to a
33 defendant charged with violating Section 6-303 of the Illinois
34 Vehicle Code or a similar provision of a local ordinance when

1 the revocation or suspension was for a violation of Section
2 11-501 or a similar provision of a local ordinance, a violation
3 of Section 11-501.1 or paragraph (b) of Section 11-401 of the
4 Illinois Vehicle Code, or a violation of Section 9-3 of the
5 Criminal Code of 1961 if the defendant has within the last 10
6 years been:

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

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

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

21 (l) A defendant charged with violating any provision of the
22 Illinois Vehicle Code who, after a court appearance in the same
23 matter, receives a disposition of supervision under subsection
24 (c) shall pay additional fees of \$20 and \$5, to be collected as
25 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act
26 and to be disbursed as provided in Section 27.3d of the Clerks
27 of Courts Act and Section 16-104c of the Illinois Vehicle Code.

28 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
29 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
30 revised 8-19-05.)".