



**Adopted in House Comm. on May 07, 2008**

09500HB5845ham001

LRB095 16116 WGH 49662 a

1 AMENDMENT TO HOUSE BILL 5845

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5845 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Fire Investigation Act is amended by  
5 changing Section 13.1 as follows:

6 (425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

7 Sec. 13.1. (a) There shall be a special fund in the State  
8 Treasury known as the Fire Prevention Fund.

9 (b) The following moneys shall be deposited into the Fund:

10 (1) Moneys received by the Department of Insurance  
11 under Section 12 of this Act.

12 (2) All fees and reimbursements received by the Office  
13 of the State Fire Marshal.

14 (3) All receipts from boiler and pressure vessel  
15 certification, as provided in Section 13 of the Boiler and  
16 Pressure Vessel Safety Act.

1           (4) Such other moneys as may be provided by law.

2           (c) The moneys in the Fire Prevention Fund shall be used,  
3 subject to appropriation, for the following purposes:

4           (1) Of the moneys deposited into the fund under Section  
5 12 of this Act, 12.5% shall be available for the  
6 maintenance of the Illinois Fire Service Institute and the  
7 expenses, facilities, and structures incident thereto, and  
8 for making transfers into the General Obligation Bond  
9 Retirement and Interest Fund for debt service requirements  
10 on bonds issued by the State of Illinois after January 1,  
11 1986 for the purpose of constructing a training facility  
12 for use by the Institute.

13           (2) Of the moneys deposited into the Fund under Section  
14 12 of this Act, 10% shall be available for the maintenance  
15 of the Chicago Fire Department Training Program and the  
16 expenses, facilities and structures incident thereto, in  
17 addition to any moneys payable from the Fund to the City of  
18 Chicago pursuant to the Illinois Fire Protection Training  
19 Act.

20           (3) For making payments to local governmental agencies  
21 and individuals pursuant to Section 10 of the Illinois Fire  
22 Protection Training Act.

23           (4) For the maintenance and operation of the Office of  
24 the State Fire Marshal, and the expenses incident thereto.

25           (5) For any other purpose authorized by law.

26           (c-5) As soon as possible after the effective date of this

1 amendatory Act of the 95th General Assembly, the Comptroller  
2 shall order the transfer and the Treasurer shall transfer  
3 \$2,000,000 from the Fire Prevention Fund to the Fire Service  
4 and Small Equipment Fund, \$9,000,000 from the Fire Prevention  
5 Fund to the Fire Truck Revolving Loan Fund, and \$4,000,000 from  
6 the Fire Prevention Fund to the Ambulance Revolving Loan Fund.  
7 Beginning on July 1, 2008, each month, or as soon as practical  
8 thereafter, an amount equal to \$2 from each fine received shall  
9 be transferred from the Fire Prevention Fund to the Fire  
10 Service and Small Equipment Fund, an amount equal to \$1.50 from  
11 each fine received shall be transferred from the Fire  
12 Prevention Fund to the Fire Truck Revolving Loan Fund, and an  
13 amount equal to \$4 from each fine received shall be transferred  
14 from the Fire Prevention Fund to the Ambulance Revolving Loan  
15 Fund. These moneys shall be transferred from the moneys  
16 deposited into the Fire Prevention Fund pursuant to Public Act  
17 95-154, together with not more than 25% of any unspent  
18 appropriations from the prior fiscal year. These moneys may be  
19 allocated to the Fire Truck Revolving Loan Fund, Ambulance  
20 Revolving Loan Fund, and Small Equipment Fund at the discretion  
21 of the Office of the State Fire Marshal for the purposes of  
22 implementation of this Act ~~any other moneys as may be necessary~~  
23 ~~to carry out this mandate.~~

24 (d) Any portion of the Fire Prevention Fund remaining  
25 unexpended at the end of any fiscal year which is not needed  
26 for the maintenance and expenses of the Office of the State

1 Fire Marshal or the maintenance and expenses of the Illinois  
2 Fire Service Institute, shall remain in the Fire Prevention  
3 Fund for the exclusive and restricted uses provided in  
4 subsections (c) and (c-5) of this Section.

5 (e) The Office of the State Fire Marshal shall keep on file  
6 an itemized statement of all expenses incurred which are  
7 payable from the Fund, other than expenses incurred by the  
8 Illinois Fire Service Institute, and shall approve all vouchers  
9 issued therefor before they are submitted to the State  
10 Comptroller for payment. Such vouchers shall be allowed and  
11 paid in the same manner as other claims against the State.

12 (Source: P.A. 95-717, eff. 4-8-08.)

13 Section 10. The Illinois Vehicle Code is amended by  
14 changing Section 16-104d as follows:

15 (625 ILCS 5/16-104d)

16 Sec. 16-104d. Additional fee; serious traffic violation.  
17 Any person who is convicted of, ~~or~~ pleads guilty to, or is  
18 placed on supervision for a serious traffic violation, as  
19 defined in Section 1-187.001 of this Code, a violation of  
20 Section 11-501 of this Code, or a violation of a similar  
21 provision of a local ordinance shall pay an additional fee of  
22 \$20. Of that fee, \$7.50 shall be deposited into the Fire  
23 Prevention Fund in the State treasury, \$7.50 shall be deposited  
24 into the Fire Truck Revolving Loan Fund in the State treasury,

1 and \$5 shall be deposited into the Circuit Court Clerk  
2 Operation and Administrative Fund created by the Clerk of the  
3 Circuit Court.

4 This Section becomes inoperative 7 years after the  
5 effective date of this amendatory Act of the 95th General  
6 Assembly.

7 (Source: P.A. 95-154, eff. 10-13-07.)

8 Section 15. The Clerks of Courts Act is amended by changing  
9 Sections 27.5 and 27.6 as follows:

10 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

11 Sec. 27.5. (a) All fees, fines, costs, additional  
12 penalties, bail balances assessed or forfeited, and any other  
13 amount paid by a person to the circuit clerk that equals an  
14 amount less than \$55, except restitution under Section 5-5-6 of  
15 the Unified Code of Corrections, reimbursement for the costs of  
16 an emergency response as provided under Section 11-501 of the  
17 Illinois Vehicle Code, any fees collected for attending a  
18 traffic safety program under paragraph (c) of Supreme Court  
19 Rule 529, any fee collected on behalf of a State's Attorney  
20 under Section 4-2002 of the Counties Code or a sheriff under  
21 Section 4-5001 of the Counties Code, or any cost imposed under  
22 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
23 convictions, orders of supervision, or any other disposition  
24 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, and except as provided  
4 in subsection (b) shall be disbursed within 60 days after  
5 receipt by the circuit clerk as follows: 47% shall be disbursed  
6 to the entity authorized by law to receive the fine imposed in  
7 the case; 12% shall be disbursed to the State Treasurer; and  
8 41% shall be disbursed to the county's general corporate fund.  
9 Of the 12% disbursed to the State Treasurer, 1/6 shall be  
10 deposited by the State Treasurer into the Violent Crime Victims  
11 Assistance Fund, 1/2 shall be deposited into the Traffic and  
12 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited  
13 into the Drivers Education Fund. For fiscal years 1992 and  
14 1993, amounts deposited into the Violent Crime Victims  
15 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
16 Fund, or the Drivers Education Fund shall not exceed 110% of  
17 the amounts deposited into those funds in fiscal year 1991. Any  
18 amount that exceeds the 110% limit shall be distributed as  
19 follows: 50% shall be disbursed to the county's general  
20 corporate fund and 50% shall be disbursed to the entity  
21 authorized by law to receive the fine imposed in the case. Not  
22 later than March 1 of each year the circuit clerk shall submit  
23 a report of the amount of funds remitted to the State Treasurer  
24 under this Section during the preceding year based upon  
25 independent verification of fines and fees. All counties shall  
26 be subject to this Section, except that counties with a

1 population under 2,000,000 may, by ordinance, elect not to be  
2 subject to this Section. For offenses subject to this Section,  
3 judges shall impose one total sum of money payable for  
4 violations. The circuit clerk may add on no additional amounts  
5 except for amounts that are required by Sections 27.3a and  
6 27.3c of this Act, unless those amounts are specifically waived  
7 by the judge. With respect to money collected by the circuit  
8 clerk as a result of forfeiture of bail, ex parte judgment or  
9 guilty plea pursuant to Supreme Court Rule 529, the circuit  
10 clerk shall first deduct and pay amounts required by Sections  
11 27.3a and 27.3c of this Act. This Section is a denial and  
12 limitation of home rule powers and functions under subsection  
13 (h) of Section 6 of Article VII of the Illinois Constitution.

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

16 (1) 50% of the amounts collected for felony offenses  
17 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
18 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
19 Animals Act and Section 26-5 of the Criminal Code of 1961;

20 (2) 20% of the amounts collected for Class A and Class  
21 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
22 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
23 for Animals Act and Section 26-5 of the Criminal Code of  
24 1961; and

25 (3) 50% of the amounts collected for Class C  
26 misdemeanors under Sections 4.01 and 7.1 of the Humane Care

1 for Animals Act and Section 26-5 of the Criminal Code of  
2 1961.

3 (c) Any person who receives a disposition of court  
4 supervision for a violation of the Illinois Vehicle Code or a  
5 similar provision of a local ordinance shall, in addition to  
6 any other fines, fees, and court costs, pay an additional fee  
7 of \$20, to be disbursed as provided in Section 16-104c of the  
8 Illinois Vehicle Code. In addition to the fee of \$20, the  
9 person shall also pay a fee of \$5, if not waived by the court.  
10 If this \$5 fee is collected, \$4.50 of the fee shall be  
11 deposited into the Circuit Court Clerk Operation and  
12 Administrative Fund created by the Clerk of the Circuit Court  
13 and 50 cents of the fee shall be deposited into the Prisoner  
14 Review Board Vehicle and Equipment Fund in the State treasury.

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

22 This subsection (d) becomes inoperative 7 years after the  
23 effective date of Public Act 95-154 ~~this amendatory Act of the~~  
24 ~~95th General Assembly.~~

25 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
26 95-428, eff. 8-24-07; revised 11-19-07.)



1 (705 ILCS 105/27.6)

2 (Text of Section after amendment by P.A. 95-600)

3 Sec. 27.6. (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 equalling an  
6 amount of \$55 or more, except the fine imposed by Section  
7 5-9-1.15 ~~5-9-1.14~~ of the Unified Code of Corrections, the  
8 additional fee required by subsections (b) and (c), restitution  
9 under Section 5-5-6 of the Unified Code of Corrections,  
10 reimbursement for the costs of an emergency response as  
11 provided under Section 11-501 of the Illinois Vehicle Code, any  
12 fees collected for attending a traffic safety program under  
13 paragraph (c) of Supreme Court Rule 529, any fee collected on  
14 behalf of a State's Attorney under Section 4-2002 of the  
15 Counties Code or a sheriff under Section 4-5001 of the Counties  
16 Code, or any cost imposed under Section 124A-5 of the Code of  
17 Criminal Procedure of 1963, for convictions, orders of  
18 supervision, or any other disposition for a violation of  
19 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
20 similar provision of a local ordinance, and any violation of  
21 the Child Passenger Protection Act, or a similar provision of a  
22 local ordinance, and except as provided in subsections (d) and  
23 (g) ~~(f)~~ shall be disbursed within 60 days after receipt by the  
24 circuit clerk as follows: 44.5% shall be disbursed to the  
25 entity authorized by law to receive the fine imposed in the

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

1 subject to this Section. For offenses subject to this Section,  
2 judges shall impose one total sum of money payable for  
3 violations. The circuit clerk may add on no additional amounts  
4 except for amounts that are required by Sections 27.3a and  
5 27.3c of this Act, unless those amounts are specifically waived  
6 by the judge. With respect to money collected by the circuit  
7 clerk as a result of forfeiture of bail, ex parte judgment or  
8 guilty plea pursuant to Supreme Court Rule 529, the circuit  
9 clerk shall first deduct and pay amounts required by Sections  
10 27.3a and 27.3c of this Act. This Section is a denial and  
11 limitation of home rule powers and functions under subsection  
12 (h) of Section 6 of Article VII of the Illinois Constitution.

13 (b) In addition to any other fines and court costs assessed  
14 by the courts, any person convicted or receiving an order of  
15 supervision for driving under the influence of alcohol or drugs  
16 shall pay an additional fee of \$100 to the clerk of the circuit  
17 court. This amount, less 2 1/2% that shall be used to defray  
18 administrative costs incurred by the clerk, shall be remitted  
19 by the clerk to the Treasurer within 60 days after receipt for  
20 deposit into the Trauma Center Fund. This additional fee of  
21 \$100 shall not be considered a part of the fine for purposes of  
22 any reduction in the fine for time served either before or  
23 after sentencing. Not later than March 1 of each year the  
24 Circuit Clerk shall submit a report of the amount of funds  
25 remitted to the State Treasurer under this subsection during  
26 the preceding calendar year.

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

15           (c) In addition to any other fines and court costs assessed  
16 by the courts, any person convicted for a violation of Sections  
17 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
18 person sentenced for a violation of the Cannabis Control Act,  
19 the Illinois Controlled Substances Act, or the Methamphetamine  
20 Control and Community Protection Act shall pay an additional  
21 fee of \$100 to the clerk of the circuit court. This amount,  
22 less 2 1/2% that shall be used to defray administrative costs  
23 incurred by the clerk, shall be remitted by the clerk to the  
24 Treasurer within 60 days after receipt for deposit into the  
25 Trauma Center Fund. This additional fee of \$100 shall not be  
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not  
2 later than March 1 of each year the Circuit Clerk shall submit  
3 a report of the amount of funds remitted to the State Treasurer  
4 under this subsection during the preceding calendar year.

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

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

22 (1) 50% of the amounts collected for felony offenses  
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
25 Animals Act and Section 26-5 of the Criminal Code of 1961;

26 (2) 20% of the amounts collected for Class A and Class

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

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

9 (e) Any person who receives a disposition of court  
10 supervision for a violation of the Illinois Vehicle Code or a  
11 similar provision of a local ordinance shall, in addition to  
12 any other fines, fees, and court costs, pay an additional fee  
13 of \$20, to be disbursed as provided in Section 16-104c of the  
14 Illinois Vehicle Code. In addition to the fee of \$20, the  
15 person shall also pay a fee of \$5, if not waived by the court.  
16 If this \$5 fee is collected, \$4.50 of the fee shall be  
17 deposited into the Circuit Court Clerk Operation and  
18 Administrative Fund created by the Clerk of the Circuit Court  
19 and 50 cents of the fee shall be deposited into the Prisoner  
20 Review Board Vehicle and Equipment Fund in the State treasury.

21 (f) This Section does not apply to the additional child  
22 pornography fines assessed and collected under Section  
23 5-9-1.14 of the Unified Code of Corrections.

24 (g) ~~(f)~~ Of the amounts collected as fines under subsection  
25 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
26 deposited into the Illinois Military Family Relief Fund and 1%

1 shall be deposited into the Circuit Court Clerk Operation and  
2 Administrative Fund created by the Clerk of the Circuit Court  
3 to be used to offset the costs incurred by the Circuit Court  
4 Clerk in performing the additional duties required to collect  
5 and disburse funds to entities of State and local government as  
6 provided by law.

7 (h) Any person convicted of, pleading guilty to, or placed  
8 on supervision for a serious traffic violation, as defined in  
9 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
10 Section 11-501 of the Illinois Vehicle Code, or a violation of  
11 a similar provision of a local ordinance shall pay an  
12 additional fee of \$20, to be disbursed as provided in Section  
13 16-104d of that Code.

14 This subsection (h) becomes inoperative 7 years after the  
15 effective date of Public Act 95-154.

16 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;  
17 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;  
18 95-600, eff. 6-1-08; revised 11-19-07.)

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

21 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

22 (Text of Section before amendment by P.A. 95-400)

23 Sec. 5-6-1. Sentences of Probation and of Conditional  
24 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 if the defendant within the past 12  
14 months has been convicted of or pleaded guilty to a misdemeanor  
15 or felony under the Illinois Vehicle Code or reckless homicide  
16 under Section 9-3 of the Criminal Code of 1961.

17 (c) The court may, upon a plea of guilty or a stipulation  
18 by the defendant of the facts supporting the charge or a  
19 finding of guilt, defer further proceedings and the imposition  
20 of a sentence, and enter an order for supervision of the  
21 defendant, if the defendant is not charged with: (i) a Class A  
22 misdemeanor, as defined by the following provisions of the  
23 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
24 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
25 paragraph (1) through (5), (8), (10), and (11) of subsection  
26 (a) of Section 24-1; (ii) a Class A misdemeanor violation of

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

8 (1) the offender is not likely to commit further  
9 crimes;

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

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

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

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

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

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

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

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

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

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

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

26           The court shall consider the statement of the prosecuting

1 authority with regard to the standards set forth in this  
2 Section.

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

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

14 (1) convicted for a violation of Section 3-707, 3-708,  
15 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
16 provision of a local ordinance; or

17 (2) assigned supervision for a violation of Section  
18 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
19 Code or a similar provision of a local ordinance.

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

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

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

13           (2) if the defendant has previously been sentenced  
14 under the provisions of paragraph (c) on or after January  
15 1, 1998 for any serious traffic offense as defined in  
16 Section 1-187.001 of the Illinois Vehicle Code.

17           (h-1) The provisions of paragraph (c) shall not apply to a  
18 defendant under the age of 21 years charged with an offense  
19 against traffic regulations governing the movement of vehicles  
20 or any violation of Section 6-107 or Section 12-603.1 of the  
21 Illinois Vehicle Code, unless the defendant, upon payment of  
22 the fines, penalties, and costs provided by law, agrees to  
23 attend and successfully complete a traffic safety program  
24 approved by the court under standards set by the Conference of  
25 Chief Circuit Judges. The accused shall be responsible for  
26 payment of any traffic safety program fees. If the accused

1 fails to file a certificate of successful completion on or  
2 before the termination date of the supervision order, the  
3 supervision shall be summarily revoked and conviction entered.  
4 The provisions of Supreme Court Rule 402 relating to pleas of  
5 guilty do not apply in cases when a defendant enters a guilty  
6 plea under this provision.

7 (i) The provisions of paragraph (c) shall not apply to a  
8 defendant charged with violating Section 3-707 of the Illinois  
9 Vehicle Code or a similar provision of a local ordinance if the  
10 defendant has been assigned supervision for a violation of  
11 Section 3-707 of the Illinois Vehicle Code or a similar  
12 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 Illinois  
15 Vehicle Code or a similar provision of a local ordinance when  
16 the revocation or suspension was for a violation of Section  
17 11-501 or a similar provision of a local ordinance or a  
18 violation of Section 11-501.1 or paragraph (b) of Section  
19 11-401 of the Illinois Vehicle Code, if the defendant has  
20 within the last 10 years been:

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

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

1           (k) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating any provision of the Illinois  
3 Vehicle Code or a similar provision of a local ordinance that  
4 governs the movement of vehicles if, within the 12 months  
5 preceding the date of the defendant's arrest, the defendant has  
6 been assigned court supervision on 2 occasions for a violation  
7 that governs the movement of vehicles under the Illinois  
8 Vehicle Code or a similar provision of a local ordinance.

9           (l) A defendant charged with violating any provision of the  
10 Illinois Vehicle Code or a similar provision of a local  
11 ordinance who, after a court appearance in the same matter,  
12 receives a disposition of supervision under subsection (c)  
13 shall pay an additional fee of \$20, to be collected as provided  
14 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In  
15 addition to the \$20 fee, the person shall also pay a fee of \$5,  
16 which, if not waived by the court, shall be collected as  
17 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.  
18 The \$20 fee shall be disbursed as provided in Section 16-104c  
19 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50  
20 of the fee shall be deposited into the Circuit Court Clerk  
21 Operation and Administrative Fund created by the Clerk of the  
22 Circuit Court and 50 cents of the fee shall be deposited into  
23 the Prisoner Review Board Vehicle and Equipment Fund in the  
24 State treasury.

25           (m) Any person convicted of, ~~or~~ pleading guilty to, or  
26 placed on supervision for a serious traffic violation, as

1 defined in Section 1-187.001 of the Illinois Vehicle Code, a  
2 violation of Section 11-501 of the Illinois Vehicle Code, or a  
3 violation of a similar provision of a local ordinance shall pay  
4 an additional fee of \$20, to be disbursed as provided in  
5 Section 16-104d of that Code.

6 This subsection (m) becomes inoperative 7 years after the  
7 effective date of Public Act 95-154 ~~this amendatory Act of the~~  
8 ~~95th General Assembly.~~

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

18 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,  
19 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
20 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;  
21 95-428, 8-24-07; revised 11-19-07.)

22 (Text of Section after amendment by P.A. 95-400)

23 Sec. 5-6-1. Sentences of Probation and of Conditional  
24 Discharge and Disposition of Supervision. The General Assembly  
25 finds that in order to protect the public, the criminal justice



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

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

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

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

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

24 The court shall impose as a condition of a sentence of  
25 probation, conditional discharge, or supervision, that the  
26 probation agency may invoke any sanction from the list of

1 intermediate sanctions adopted by the chief judge of the  
2 circuit court for violations of the terms and conditions of the  
3 sentence of probation, conditional discharge, or supervision,  
4 subject to the provisions of Section 5-6-4 of 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 imprisonment  
8 nor of probation supervision is appropriate.

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

16 (c) The court may, upon a plea of guilty or a stipulation  
17 by the defendant of the facts supporting the charge or a  
18 finding of guilt, defer further proceedings and the imposition  
19 of a sentence, and enter an order for supervision of the  
20 defendant, if the defendant is not charged with: (i) a Class A  
21 misdemeanor, as defined by the following provisions of the  
22 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
23 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
24 paragraph (1) through (5), (8), (10), and (11) of subsection  
25 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
26 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals

1 Act; or (iii) felony. If the defendant is not barred from  
2 receiving an order for supervision as provided in this  
3 subsection, the court may enter an order for supervision after  
4 considering the circumstances of the offense, and the history,  
5 character and condition of the offender, if the court is of the  
6 opinion that:

7 (1) the offender is not likely to commit further  
8 crimes;

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

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

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

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

1 Illinois Vehicle Code or a similar provision of a local  
2 ordinance or any similar law or ordinance of another state;  
3 or

4 (2) assigned supervision for a violation of Section  
5 11-501 of the Illinois Vehicle Code or a similar provision  
6 of a local ordinance or any similar law or ordinance of  
7 another state; or

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

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

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

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

23 (2) assigned supervision for a violation of Section  
24 16A-3 of the Criminal Code of 1961.

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

1 Section.

2 (f) The provisions of paragraph (c) shall not apply to a  
3 defendant charged with violating Sections 15-111, 15-112,  
4 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
5 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance.

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

13 (1) convicted for a violation of Section 3-707, 3-708,  
14 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
15 provision of a local ordinance; or

16 (2) assigned supervision for a violation of Section  
17 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
18 Code or a similar provision of a local ordinance.

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

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

26 (1) unless the defendant, upon payment of the fines,

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

12 (2) if the defendant has previously been sentenced  
13 under the provisions of paragraph (c) on or after January  
14 1, 1998 for any serious traffic offense as defined in  
15 Section 1-187.001 of the Illinois Vehicle Code.

16 (h-1) The provisions of paragraph (c) shall not apply to a  
17 defendant under the age of 21 years charged with an offense  
18 against traffic regulations governing the movement of vehicles  
19 or any violation of Section 6-107 or Section 12-603.1 of the  
20 Illinois Vehicle Code, unless the defendant, upon payment of  
21 the fines, penalties, and costs provided by law, agrees to  
22 attend and successfully complete a traffic safety program  
23 approved by the court under standards set by the Conference of  
24 Chief Circuit Judges. The accused shall be responsible for  
25 payment of any traffic safety program fees. If the accused  
26 fails to file a certificate of successful completion on or

1 before the termination date of the supervision order, the  
2 supervision shall be summarily revoked and conviction entered.  
3 The provisions of Supreme Court Rule 402 relating to pleas of  
4 guilty do not apply in cases when a defendant enters a guilty  
5 plea under this provision.

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

12 (j) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating Section 6-303 of the Illinois  
14 Vehicle Code or a similar provision of a local ordinance when  
15 the revocation or suspension was for a violation of Section  
16 11-501 or a similar provision of a local ordinance or a  
17 violation of Section 11-501.1 or paragraph (b) of Section  
18 11-401 of the Illinois Vehicle Code~~7~~ if the defendant has  
19 within the last 10 years been:

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

23 (2) assigned supervision for a violation of Section  
24 6-303 of the Illinois Vehicle Code or a similar provision  
25 of a local ordinance.

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

1 defendant charged with violating any provision of the Illinois  
2 Vehicle Code or a similar provision of a local ordinance that  
3 governs the movement of vehicles if, within the 12 months  
4 preceding the date of the defendant's arrest, the defendant has  
5 been assigned court supervision on 2 occasions for a violation  
6 that governs the movement of vehicles under the Illinois  
7 Vehicle Code or a similar provision of a local ordinance.

8 (l) A defendant charged with violating any provision of the  
9 Illinois Vehicle Code or a similar provision of a local  
10 ordinance who, after a court appearance in the same matter,  
11 receives a disposition of supervision under subsection (c)  
12 shall pay an additional fee of \$20, to be collected as provided  
13 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In  
14 addition to the \$20 fee, the person shall also pay a fee of \$5,  
15 which, if not waived by the court, shall be collected as  
16 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.  
17 The \$20 fee shall be disbursed as provided in Section 16-104c  
18 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50  
19 of the fee shall be deposited into the Circuit Court Clerk  
20 Operation and Administrative Fund created by the Clerk of the  
21 Circuit Court and 50 cents of the fee shall be deposited into  
22 the Prisoner Review Board Vehicle and Equipment Fund in the  
23 State treasury.

24 (m) Any person convicted of, ~~or~~ pleading guilty to, or  
25 placed on supervision for a serious traffic violation, as  
26 defined in Section 1-187.001 of the Illinois Vehicle Code, a



1 violation of Section 11-501 of the Illinois Vehicle Code, or a  
2 violation of a similar provision of a local ordinance shall pay  
3 an additional fee of \$20, to be disbursed as provided in  
4 Section 16-104d of that Code.

5 This subsection (m) becomes inoperative 7 years after the  
6 effective date of Public Act 95-154 ~~this amendatory Act of the~~  
7 ~~95th General Assembly.~~

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

17 (o) ~~(m)~~ The provisions of paragraph (c) shall not apply to  
18 a defendant charged with violating Section 6-303 of the  
19 Illinois Vehicle Code or a similar provision of a local  
20 ordinance when the suspension was for a violation of Section  
21 11-501.1 of the Illinois Vehicle Code and when:

22 (1) at the time of the violation of Section 11-501.1 of  
23 the Illinois Vehicle Code, the defendant was a first  
24 offender pursuant to Section 11-500 of the Illinois Vehicle  
25 Code and the defendant failed to obtain a monitoring device  
26 driving permit; or

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

8           (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,  
9           eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
10          95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;  
11          95-400, eff. 1-1-09; 95-428, 8-24-07; revised 11-19-07.)

12          Section 95. No acceleration or delay. Where this Act makes  
13          changes in a statute that is represented in this Act by text  
14          that is not yet or no longer in effect (for example, a Section  
15          represented by multiple versions), the use of that text does  
16          not accelerate or delay the taking effect of (i) the changes  
17          made by this Act or (ii) provisions derived from any other  
18          Public Act.

19          Section 99. Effective date. This Act takes effect July 1,  
20          2008."