



Rep. Nicholas K. Smith

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10300HB0277ham001

LRB103 03803 MXP 59362 a

1 AMENDMENT TO HOUSE BILL 277

2 AMENDMENT NO. _____. Amend House Bill 277 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-308 as follows:

6 (625 ILCS 5/6-308)

7 Sec. 6-308. Procedures for traffic violations.

8 (a) Any person cited for violating this Code or a similar
9 provision of a local ordinance for which a violation is a petty
10 offense as defined by Section 5-1-17 of the Unified Code of
11 Corrections, excluding business offenses as defined by Section
12 5-1-2 of the Unified Code of Corrections or a violation of
13 Section 15-111 or subsection (d) of Section 3-401 of this
14 Code, shall not be required to sign the citation for his or her
15 release. All other provisions of this Code or similar
16 provisions of local ordinances shall be governed by the

1 pretrial release provisions of the Illinois Supreme Court
2 Rules when it is not practical or feasible to take the person
3 before a judge to have conditions of pretrial release set or to
4 avoid undue delay because of the hour or circumstances.

5 (b) Whenever a person fails to appear in court, the court
6 may continue the case for a minimum of 30 days and the clerk of
7 the court shall send notice of the continued court date to the
8 person's last known address and, if the clerk of the court
9 elects to establish a system to send text, email, and
10 telephone notifications, may also send notifications to an
11 email address and may send a text message to the person's last
12 known cellular telephone number. If the person does not have a
13 cellular telephone number, the clerk of the court may reach
14 the person by calling the person's last known landline
15 telephone number regarding continued court dates. The notice
16 shall include a statement that a subsequent failure to appear
17 in court could result in a warrant for the defendant's arrest
18 and other significant consequences affecting their driving
19 privileges. If the person does not appear in court on or before
20 the continued court date or satisfy the court that the
21 person's appearance in and surrender to the court is
22 impossible for no fault of the person, the court shall enter an
23 order of failure to appear. The clerk of the court shall notify
24 the Secretary of State, on a report prescribed by the
25 Secretary, of the court's order. The Secretary, when notified
26 by the clerk of the court that an order of failure to appear

1 ~~has been entered, shall immediately suspend the person's~~
2 ~~driver's license, which shall be designated by the Secretary~~
3 ~~as a Failure to Appear suspension. The Secretary shall not~~
4 ~~remove the suspension, nor issue any permit or privileges to~~
5 ~~the person whose license has been suspended, until notified by~~
6 ~~the ordering court that the person has appeared and resolved~~
7 ~~the violation. Upon compliance, the clerk of the court shall~~
8 ~~present the person with a notice of compliance containing the~~
9 ~~seal of the court, and shall notify the Secretary that the~~
10 ~~person has appeared and resolved the violation.~~

11 (c) Illinois Supreme Court Rules shall govern pretrial
12 release and appearance procedures when a person who is a
13 resident of another state that is not a member of the
14 Nonresident Violator Compact of 1977 is cited for violating
15 this Code or a similar provision of a local ordinance.

16 (d) The changes made to this Section by this amendatory
17 Act of the 103rd General Assembly apply to each individual
18 whose license was suspended pursuant to this Section prior to
19 the effective date of this amendatory Act of the 103rd General
20 Assembly, and the suspension shall be lifted by the Secretary
21 of State without further action by any court.

22 (Source: P.A. 100-674, eff. 1-1-19; 101-652, eff. 1-1-23.)

23 Section 10. The Unified Code of Corrections is amended by
24 changing Section 5-9-3 as follows:

1 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

2 Sec. 5-9-3. Default.

3 (a) (Blank). ~~An offender who defaults in the payment of a~~
4 ~~fine or any installment of that fine may be held in contempt~~
5 ~~and imprisoned for nonpayment. The court may issue a summons~~
6 ~~for his appearance or a warrant of arrest.~~

7 (b) (Blank). ~~Unless the offender shows that his default~~
8 ~~was not due to his intentional refusal to pay, or not due to a~~
9 ~~failure on his part to make a good faith effort to pay, the~~
10 ~~court may order the offender imprisoned for a term not to~~
11 ~~exceed 6 months if the fine was for a felony, or 30 days if the~~
12 ~~fine was for a misdemeanor, a petty offense or a business~~
13 ~~offense. Payment of the fine at any time will entitle the~~
14 ~~offender to be released, but imprisonment under this Section~~
15 ~~shall not satisfy the payment of the fine.~~

16 (c) (Blank). ~~If it appears that the default in the payment~~
17 ~~of a fine is not intentional under paragraph (b) of this~~
18 ~~Section, the court may enter an order allowing the offender~~
19 ~~additional time for payment, reducing the amount of the fine~~
20 ~~or of each installment, or revoking the fine or the unpaid~~
21 ~~portion.~~

22 (d) (Blank). ~~When a fine is imposed on a corporation or~~
23 ~~unincorporated organization or association, it is the duty of~~
24 ~~the person or persons authorized to make disbursement of~~
25 ~~assets, and their superiors, to pay the fine from assets of the~~
26 ~~corporation or unincorporated organization or association. The~~

1 ~~failure of such persons to do so shall render them subject to~~
2 ~~proceedings under paragraphs (a) and (b) of this Section.~~

3 (e) A default in the payment of a fine, fee, cost, order of
4 restitution, judgment of bond forfeiture, judgment order of
5 forfeiture, or any installment thereof may be collected by any
6 and all means authorized for the collection of money
7 judgments. The State's Attorney of the county in which the
8 fine, fee, cost, order of restitution, judgment of bond
9 forfeiture, or judgment order of forfeiture was imposed may
10 retain attorneys and private collection agents for the purpose
11 of collecting any default in payment of any fine, fee, cost,
12 order of restitution, judgment of bond forfeiture, judgment
13 order of forfeiture, or installment thereof. An additional fee
14 of 30% of the delinquent amount and each taxable court cost
15 including, without limitation, costs of service of process,
16 shall be charged to the offender for any amount of the fine,
17 fee, cost, restitution, or judgment of bond forfeiture or
18 installment of the fine, fee, cost, restitution, or judgment
19 of bond forfeiture that remains unpaid after the time fixed
20 for payment of the fine, fee, cost, restitution, or judgment
21 of bond forfeiture by the court. The additional fee shall be
22 payable to the State's Attorney in order to compensate the
23 State's Attorney for costs incurred in collecting the
24 delinquent amount. The State's Attorney may enter into
25 agreements assigning any portion of the fee to the retained
26 attorneys or the private collection agent retained by the

1 State's Attorney. Any agreement between the State's Attorney
2 and the retained attorneys or collection agents shall require
3 the approval of the Circuit Clerk of that county. A default in
4 payment of a fine, fee, cost, restitution, or judgment of bond
5 forfeiture shall draw interest at the rate of 9% per annum.
6 (Source: P.A. 98-373, eff. 1-1-14.)".