1

AN ACT concerning criminal law.

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

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

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

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

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

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

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

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

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

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

12 (c) The court may, upon a plea of guilty or a stipulation 13 by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition 14 15 of a sentence, and enter an order for supervision of the 16 defendant, if the defendant is not charged with: (i) a Class A 17 misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 18 19 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; 20 paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of 21 22 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals 23 Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this 24 25 subsection, the court may enter an order for supervision after 26 considering the circumstances of the offense, and the history, 27 character and condition of the offender, if the court is of the 28 opinion that:

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

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

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

36 (d) The provisions of paragraph (c) shall not apply to a

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1 defendant charged with violating Section 11-501 of the Illinois 2 Vehicle Code or a similar provision of a local ordinance when 3 the defendant has previously been:

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

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

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

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

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

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

27 (2) assigned supervision for a violation of Section
28 16A-3 of the Criminal Code of 1961.

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

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance. SB1897 Enrolled

1 (g) Except as otherwise provided in paragraph (i) of this 2 Section, the provisions of paragraph (c) shall not apply to a 3 defendant charged with violating Section 3-707, 3-708, 3-710, 4 or 5-401.3 of the Illinois Vehicle Code or a similar provision 5 of a local ordinance if the defendant has within the last 5 6 years been:

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

10 (2) assigned supervision for a violation of Section
11 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
12 Code or a similar provision of a local ordinance.

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

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

20 (1) unless the defendant, upon payment of the fines, 21 penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by 22 23 the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for 24 payment of any traffic safety program fees. If the accused 25 fails to file a certificate of successful completion on or 26 27 before the termination date of the supervision order, the 28 supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating 29 30 to pleas of guilty do not apply in cases when a defendant 31 enters a guilty plea under this provision; or

32 (2) if the defendant has previously been sentenced
33 under the provisions of paragraph (c) on or after January
34 1, 1998 for any serious traffic offense as defined in
35 Section 1-187.001 of the Illinois Vehicle Code.

36 (i) The provisions of paragraph (c) shall not apply to a

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1 defendant charged with violating Section 3-707 of the Illinois 2 Vehicle Code or a similar provision of a local ordinance if the 3 defendant has been assigned supervision for a violation of 4 Section 3-707 of the Illinois Vehicle Code or a similar 5 provision of a local ordinance.

6 (j) The provisions of paragraph (c) shall not apply to a 7 defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when 8 the revocation or suspension was for a violation of Section 9 11-501 or a similar provision of a local ordinance, a violation 10 11 of Section 11-501.1 or paragraph (b) of Section 11-401 of the 12 Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 13 years been: 14

(1) convicted for a violation of Section 6-303 of the 15 16 Illinois Vehicle Code or a similar provision of a local 17 ordinance; or

(2) assigned supervision for a violation of Section 18 6-303 of the Illinois Vehicle Code or a similar provision 19 20 of a local ordinance.

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(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05.)