

1 AN ACT concerning criminal law.

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

4 Section 3. The Illinois Vehicle Code is amended by changing  
5 Section 3-707 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle unless the  
9 motor vehicle is covered by a liability insurance policy in  
10 accordance with Section 7-601 of this Code.

11 (b) Any person who fails to comply with a request by a law  
12 enforcement officer for display of evidence of insurance, as  
13 required under Section 7-602 of this Code, shall be deemed to  
14 be operating an uninsured motor vehicle.

15 (c) Any operator of a motor vehicle subject to registration  
16 under this Code who is convicted of violating this Section is  
17 guilty of a business offense and shall be required to pay a  
18 fine in excess of \$500, but not more than \$1,000. However, no  
19 person charged with violating this Section shall be convicted  
20 if such person produces in court satisfactory evidence that at  
21 the time of the arrest the motor vehicle was covered by a  
22 liability insurance policy in accordance with Section 7-601 of  
23 this Code. The chief judge of each circuit may designate an

1 officer of the court to review the documentation demonstrating  
2 that at the time of arrest the motor vehicle was covered by a  
3 liability insurance policy in accordance with Section 7-601 of  
4 this Code.

5 (c-1) A person convicted of violating this Section shall  
6 also have his or her driver's license, permit, or privileges  
7 suspended for 3 months. After the expiration of the 3 months,  
8 the person's driver's license, permit, or privileges shall not  
9 be reinstated until he or she has paid a reinstatement fee of  
10 \$100. If a person violates this Section while his or her  
11 driver's license, permit, or privileges are suspended under  
12 this subsection (c-1), his or her driver's license, permit, or  
13 privileges shall be suspended for an additional 6 months and  
14 until he or she pays the reinstatement fee.

15 (d) A person convicted a third or subsequent time of  
16 violating this Section or a similar provision of a local  
17 ordinance must give proof to the Secretary of State of the  
18 person's financial responsibility as defined in Section 7-315.  
19 The person must maintain the proof in a manner satisfactory to  
20 the Secretary for a minimum period of 3 years ~~one year~~ after  
21 the date the proof is first filed. The Secretary must suspend  
22 the driver's license of any person determined by the Secretary  
23 not to have provided adequate proof of financial responsibility  
24 as required by this subsection.

25 (Source: P.A. 94-1035, eff. 7-1-07.)

1           Section 5. The Unified Code of Corrections is amended by  
2 changing Section 5-6-3.1 as follows:

3           (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

4           Sec. 5-6-3.1. Incidents and Conditions of Supervision.

5           (a) When a defendant is placed on supervision, the court  
6 shall enter an order for supervision specifying the period of  
7 such supervision, and shall defer further proceedings in the  
8 case until the conclusion of the period.

9           (b) The period of supervision shall be reasonable under all  
10 of the circumstances of the case, but may not be longer than 2  
11 years, unless the defendant has failed to pay the assessment  
12 required by Section 10.3 of the Cannabis Control Act, Section  
13 411.2 of the Illinois Controlled Substances Act, or Section 80  
14 of the Methamphetamine Control and Community Protection Act, in  
15 which case the court may extend supervision beyond 2 years.  
16 Additionally, the court shall order the defendant to perform no  
17 less than 30 hours of community service and not more than 120  
18 hours of community service, if community service is available  
19 in the jurisdiction and is funded and approved by the county  
20 board where the offense was committed, when the offense (1) was  
21 related to or in furtherance of the criminal activities of an  
22 organized gang or was motivated by the defendant's membership  
23 in or allegiance to an organized gang; or (2) is a violation of  
24 any Section of Article 24 of the Criminal Code of 1961 where a  
25 disposition of supervision is not prohibited by Section 5-6-1

1 of this Code. The community service shall include, but not be  
2 limited to, the cleanup and repair of any damage caused by  
3 violation of Section 21-1.3 of the Criminal Code of 1961 and  
4 similar damages to property located within the municipality or  
5 county in which the violation occurred. Where possible and  
6 reasonable, the community service should be performed in the  
7 offender's neighborhood.

8 For the purposes of this Section, "organized gang" has the  
9 meaning ascribed to it in Section 10 of the Illinois Streetgang  
10 Terrorism Omnibus Prevention Act.

11 (c) The court may in addition to other reasonable  
12 conditions relating to the nature of the offense or the  
13 rehabilitation of the defendant as determined for each  
14 defendant in the proper discretion of the court require that  
15 the person:

16 (1) make a report to and appear in person before or  
17 participate with the court or such courts, person, or  
18 social service agency as directed by the court in the order  
19 of supervision;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational  
22 training;

23 (4) undergo medical, psychological or psychiatric  
24 treatment; or treatment for drug addiction or alcoholism;

25 (5) attend or reside in a facility established for the  
26 instruction or residence of defendants on probation;

- 1           (6) support his dependents;
- 2           (7) refrain from possessing a firearm or other  
3 dangerous weapon;
- 4           (8) and in addition, if a minor:
- 5                 (i) reside with his parents or in a foster home;
- 6                 (ii) attend school;
- 7                 (iii) attend a non-residential program for youth;
- 8                 (iv) contribute to his own support at home or in a  
9 foster home; or
- 10                (v) with the consent of the superintendent of the  
11 facility, attend an educational program at a facility  
12 other than the school in which the offense was  
13 committed if he or she is placed on supervision for a  
14 crime of violence as defined in Section 2 of the Crime  
15 Victims Compensation Act committed in a school, on the  
16 real property comprising a school, or within 1,000 feet  
17 of the real property comprising a school;
- 18           (9) make restitution or reparation in an amount not to  
19 exceed actual loss or damage to property and pecuniary loss  
20 or make restitution under Section 5-5-6 to a domestic  
21 violence shelter. The court shall determine the amount and  
22 conditions of payment;
- 23           (10) perform some reasonable public or community  
24 service;
- 25           (11) comply with the terms and conditions of an order  
26 of protection issued by the court pursuant to the Illinois

1 Domestic Violence Act of 1986 or an order of protection  
2 issued by the court of another state, tribe, or United  
3 States territory. If the court has ordered the defendant to  
4 make a report and appear in person under paragraph (1) of  
5 this subsection, a copy of the order of protection shall be  
6 transmitted to the person or agency so designated by the  
7 court;

8 (12) reimburse any "local anti-crime program" as  
9 defined in Section 7 of the Anti-Crime Advisory Council Act  
10 for any reasonable expenses incurred by the program on the  
11 offender's case, not to exceed the maximum amount of the  
12 fine authorized for the offense for which the defendant was  
13 sentenced;

14 (13) contribute a reasonable sum of money, not to  
15 exceed the maximum amount of the fine authorized for the  
16 offense for which the defendant was sentenced, to a "local  
17 anti-crime program", as defined in Section 7 of the  
18 Anti-Crime Advisory Council Act;

19 (14) refrain from entering into a designated  
20 geographic area except upon such terms as the court finds  
21 appropriate. Such terms may include consideration of the  
22 purpose of the entry, the time of day, other persons  
23 accompanying the defendant, and advance approval by a  
24 probation officer;

25 (15) refrain from having any contact, directly or  
26 indirectly, with certain specified persons or particular

1 types of person, including but not limited to members of  
2 street gangs and drug users or dealers;

3 (16) refrain from having in his or her body the  
4 presence of any illicit drug prohibited by the Cannabis  
5 Control Act, the Illinois Controlled Substances Act, or the  
6 Methamphetamine Control and Community Protection Act,  
7 unless prescribed by a physician, and submit samples of his  
8 or her blood or urine or both for tests to determine the  
9 presence of any illicit drug;

10 (17) refrain from operating any motor vehicle not  
11 equipped with an ignition interlock device as defined in  
12 Section 1-129.1 of the Illinois Vehicle Code. Under this  
13 condition the court may allow a defendant who is not  
14 self-employed to operate a vehicle owned by the defendant's  
15 employer that is not equipped with an ignition interlock  
16 device in the course and scope of the defendant's  
17 employment; and

18 (18) if placed on supervision for a sex offense as  
19 defined in subsection (a-5) of Section 3-1-2 of this Code,  
20 unless the offender is a parent or guardian of the person  
21 under 18 years of age present in the home and no  
22 non-familial minors are present, not participate in a  
23 holiday event involving children under 18 years of age,  
24 such as distributing candy or other items to children on  
25 Halloween, wearing a Santa Claus costume on or preceding  
26 Christmas, being employed as a department store Santa

1 Claus, or wearing an Easter Bunny costume on or preceding  
2 Easter.

3 (d) The court shall defer entering any judgment on the  
4 charges until the conclusion of the supervision.

5 (e) At the conclusion of the period of supervision, if the  
6 court determines that the defendant has successfully complied  
7 with all of the conditions of supervision, the court shall  
8 discharge the defendant and enter a judgment dismissing the  
9 charges.

10 (f) Discharge and dismissal upon a successful conclusion of  
11 a disposition of supervision shall be deemed without  
12 adjudication of guilt and shall not be termed a conviction for  
13 purposes of disqualification or disabilities imposed by law  
14 upon conviction of a crime. Two years after the discharge and  
15 dismissal under this Section, unless the disposition of  
16 supervision was for a violation of Sections 3-707, 3-708,  
17 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance, or for a violation of  
19 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
20 case it shall be 5 years after discharge and dismissal, a  
21 person may have his record of arrest sealed or expunged as may  
22 be provided by law. However, any defendant placed on  
23 supervision before January 1, 1980, may move for sealing or  
24 expungement of his arrest record, as provided by law, at any  
25 time after discharge and dismissal under this Section. A person  
26 placed on supervision for a sexual offense committed against a

1 minor as defined in subsection (g) of Section 5 of the Criminal  
2 Identification Act or for a violation of Section 11-501 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance shall not have his or her record of arrest sealed or  
5 expunged.

6 (g) A defendant placed on supervision and who during the  
7 period of supervision undergoes mandatory drug or alcohol  
8 testing, or both, or is assigned to be placed on an approved  
9 electronic monitoring device, shall be ordered to pay the costs  
10 incidental to such mandatory drug or alcohol testing, or both,  
11 and costs incidental to such approved electronic monitoring in  
12 accordance with the defendant's ability to pay those costs. The  
13 county board with the concurrence of the Chief Judge of the  
14 judicial circuit in which the county is located shall establish  
15 reasonable fees for the cost of maintenance, testing, and  
16 incidental expenses related to the mandatory drug or alcohol  
17 testing, or both, and all costs incidental to approved  
18 electronic monitoring, of all defendants placed on  
19 supervision. The concurrence of the Chief Judge shall be in the  
20 form of an administrative order. The fees shall be collected by  
21 the clerk of the circuit court. The clerk of the circuit court  
22 shall pay all moneys collected from these fees to the county  
23 treasurer who shall use the moneys collected to defray the  
24 costs of drug testing, alcohol testing, and electronic  
25 monitoring. The county treasurer shall deposit the fees  
26 collected in the county working cash fund under Section 6-27001

1 or Section 6-29002 of the Counties Code, as the case may be.

2 (h) A disposition of supervision is a final order for the  
3 purposes of appeal.

4 (i) The court shall impose upon a defendant placed on  
5 supervision after January 1, 1992 or to community service under  
6 the supervision of a probation or court services department  
7 after January 1, 2004, as a condition of supervision or  
8 supervised community service, a fee of \$50 for each month of  
9 supervision or supervised community service ordered by the  
10 court, unless after determining the inability of the person  
11 placed on supervision or supervised community service to pay  
12 the fee, the court assesses a lesser fee. The court may not  
13 impose the fee on a minor who is made a ward of the State under  
14 the Juvenile Court Act of 1987 while the minor is in placement.  
15 The fee shall be imposed only upon a defendant who is actively  
16 supervised by the probation and court services department. The  
17 fee shall be collected by the clerk of the circuit court. The  
18 clerk of the circuit court shall pay all monies collected from  
19 this fee to the county treasurer for deposit in the probation  
20 and court services fund pursuant to Section 15.1 of the  
21 Probation and Probation Officers Act.

22 A circuit court may not impose a probation fee in excess of  
23 \$25 per month unless: (1) the circuit court has adopted, by  
24 administrative order issued by the chief judge, a standard  
25 probation fee guide determining an offender's ability to pay,  
26 under guidelines developed by the Administrative Office of the

1 Illinois Courts; and (2) the circuit court has authorized, by  
2 administrative order issued by the chief judge, the creation of  
3 a Crime Victim's Services Fund, to be administered by the Chief  
4 Judge or his or her designee, for services to crime victims and  
5 their families. Of the amount collected as a probation fee, not  
6 to exceed \$5 of that fee collected per month may be used to  
7 provide services to crime victims and their families.

8 (j) All fines and costs imposed under this Section for any  
9 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
10 Code, or a similar provision of a local ordinance, and any  
11 violation of the Child Passenger Protection Act, or a similar  
12 provision of a local ordinance, shall be collected and  
13 disbursed by the circuit clerk as provided under Section 27.5  
14 of the Clerks of Courts Act.

15 (k) A defendant at least 17 years of age who is placed on  
16 supervision for a misdemeanor in a county of 3,000,000 or more  
17 inhabitants and who has not been previously convicted of a  
18 misdemeanor or felony may as a condition of his or her  
19 supervision be required by the court to attend educational  
20 courses designed to prepare the defendant for a high school  
21 diploma and to work toward a high school diploma or to work  
22 toward passing the high school level Test of General  
23 Educational Development (GED) or to work toward completing a  
24 vocational training program approved by the court. The  
25 defendant placed on supervision must attend a public  
26 institution of education to obtain the educational or

1 vocational training required by this subsection (k). The  
2 defendant placed on supervision shall be required to pay for  
3 the cost of the educational courses or GED test, if a fee is  
4 charged for those courses or test. The court shall revoke the  
5 supervision of a person who wilfully fails to comply with this  
6 subsection (k). The court shall resentence the defendant upon  
7 revocation of supervision as provided in Section 5-6-4. This  
8 subsection (k) does not apply to a defendant who has a high  
9 school diploma or has successfully passed the GED test. This  
10 subsection (k) does not apply to a defendant who is determined  
11 by the court to be developmentally disabled or otherwise  
12 mentally incapable of completing the educational or vocational  
13 program.

14 (1) The court shall require a defendant placed on  
15 supervision for possession of a substance prohibited by the  
16 Cannabis Control Act, the Illinois Controlled Substances Act,  
17 or the Methamphetamine Control and Community Protection Act  
18 after a previous conviction or disposition of supervision for  
19 possession of a substance prohibited by the Cannabis Control  
20 Act, the Illinois Controlled Substances Act, or the  
21 Methamphetamine Control and Community Protection Act or a  
22 sentence of probation under Section 10 of the Cannabis Control  
23 Act or Section 410 of the Illinois Controlled Substances Act  
24 and after a finding by the court that the person is addicted,  
25 to undergo treatment at a substance abuse program approved by  
26 the court.

1 (m) The Secretary of State shall require anyone placed on  
2 court supervision for a violation of Section 3-707 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance to give proof of his or her financial responsibility  
5 as defined in Section 7-315 of the Illinois Vehicle Code. The  
6 proof shall be maintained by the individual in a manner  
7 satisfactory to the Secretary of State for a minimum period of  
8 3 years ~~one year~~ after the date the proof is first filed. The  
9 proof shall be limited to a single action per arrest and may  
10 not be affected by any post-sentence disposition. The Secretary  
11 of State shall suspend the driver's license of any person  
12 determined by the Secretary to be in violation of this  
13 subsection.

14 (n) Any offender placed on supervision for any offense that  
15 the court or probation department has determined to be sexually  
16 motivated as defined in the Sex Offender Management Board Act  
17 shall be required to refrain from any contact, directly or  
18 indirectly, with any persons specified by the court and shall  
19 be available for all evaluations and treatment programs  
20 required by the court or the probation department.

21 (o) An offender placed on supervision for a sex offense as  
22 defined in the Sex Offender Management Board Act shall refrain  
23 from residing at the same address or in the same condominium  
24 unit or apartment unit or in the same condominium complex or  
25 apartment complex with another person he or she knows or  
26 reasonably should know is a convicted sex offender or has been

1 placed on supervision for a sex offense. The provisions of this  
2 subsection (o) do not apply to a person convicted of a sex  
3 offense who is placed in a Department of Corrections licensed  
4 transitional housing facility for sex offenders.

5 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;  
6 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.  
7 9-11-05; revised 8-19-05.)