



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1923

Introduced 2/23/2007, by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/16-104d new

705 ILCS 105/27.5

730 ILCS 5/5-6-1

from Ch. 25, par. 27.5

from Ch. 38, par. 1005-6-1

Amends the Illinois Vehicle Code, the Clerks of Courts Act, and the Unified Code of Corrections. Provides that any person who is convicted of or pleads guilty to a serious traffic violation, as defined in the Illinois Vehicle Code, shall pay an additional fee of \$20. Provides that \$7.50 of the fee shall be deposited into the Fire Prevention Fund in the State treasury, \$7.50 shall be deposited into the Fire Truck Revolving Loan Fund in the State treasury, and \$5 shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court. Provides that the new provisions become inoperative after 7 years. Effective 60 days after becoming law.

LRB095 09892 DRH 30103 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding  
5 Section 16-104d as follows:

6 (625 ILCS 5/16-104d new)

7 Sec. 16-104d. Additional fee; serious traffic violation.

8 Any person who is convicted of or pleads guilty to a serious  
9 traffic violation, as defined in Section 1-187.001 of this  
10 Code, shall pay an additional fee of \$20. Of that fee, \$7.50  
11 shall be deposited into the Fire Prevention Fund in the State  
12 treasury, \$7.50 shall be deposited into the Fire Truck  
13 Revolving Loan Fund in the State treasury, and \$5 shall be  
14 deposited into the Circuit Court Clerk Operation and  
15 Administrative Fund created by the Clerk of the Circuit Court.

16 This Section becomes inoperative 7 years after the  
17 effective date of this amendatory Act of the 95th General  
18 Assembly.

19 Section 10. The Clerks of Courts Act is amended by changing  
20 Section 27.5 as follows:

21 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

1           Sec. 27.5. (a) All fees, fines, costs, additional  
2 penalties, bail balances assessed or forfeited, and any other  
3 amount paid by a person to the circuit clerk that equals an  
4 amount less than \$55, except restitution under Section 5-5-6 of  
5 the Unified Code of Corrections, reimbursement for the costs of  
6 an emergency response as provided under Section 11-501 of the  
7 Illinois Vehicle Code, any fees collected for attending a  
8 traffic safety program under paragraph (c) of Supreme Court  
9 Rule 529, any fee collected on behalf of a State's Attorney  
10 under Section 4-2002 of the Counties Code or a sheriff under  
11 Section 4-5001 of the Counties Code, or any cost imposed under  
12 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
13 convictions, orders of supervision, or any other disposition  
14 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
15 Vehicle Code, or a similar provision of a local ordinance, and  
16 any violation of the Child Passenger Protection Act, or a  
17 similar provision of a local ordinance, and except as provided  
18 in subsection (b) shall be disbursed within 60 days after  
19 receipt by the circuit clerk as follows: 47% shall be disbursed  
20 to the entity authorized by law to receive the fine imposed in  
21 the case; 12% shall be disbursed to the State Treasurer; and  
22 41% shall be disbursed to the county's general corporate fund.  
23 Of the 12% disbursed to the State Treasurer, 1/6 shall be  
24 deposited by the State Treasurer into the Violent Crime Victims  
25 Assistance Fund, 1/2 shall be deposited into the Traffic and  
26 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited

1 into the Drivers Education Fund. For fiscal years 1992 and  
2 1993, amounts deposited into the Violent Crime Victims  
3 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
4 Fund, or the Drivers Education Fund shall not exceed 110% of  
5 the amounts deposited into those funds in fiscal year 1991. Any  
6 amount that exceeds the 110% limit shall be distributed as  
7 follows: 50% shall be disbursed to the county's general  
8 corporate fund and 50% shall be disbursed to the entity  
9 authorized by law to receive the fine imposed in the case. Not  
10 later than March 1 of each year the circuit clerk shall submit  
11 a report of the amount of funds remitted to the State Treasurer  
12 under this Section during the preceding year based upon  
13 independent verification of fines and fees. All counties shall  
14 be subject to this Section, except that counties with a  
15 population under 2,000,000 may, by ordinance, elect not to be  
16 subject to this Section. For offenses subject to this Section,  
17 judges shall impose one total sum of money payable for  
18 violations. The circuit clerk may add on no additional amounts  
19 except for amounts that are required by Sections 27.3a and  
20 27.3c of this Act, unless those amounts are specifically waived  
21 by the judge. With respect to money collected by the circuit  
22 clerk as a result of forfeiture of bail, ex parte judgment or  
23 guilty plea pursuant to Supreme Court Rule 529, the circuit  
24 clerk shall first deduct and pay amounts required by Sections  
25 27.3a and 27.3c of this Act. This Section is a denial and  
26 limitation of home rule powers and functions under subsection

1 (h) of Section 6 of Article VII of the Illinois Constitution.

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

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

8 (2) 20% of the amounts collected for Class A and Class  
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
11 for Animals Act and Section 26-5 of the Criminal Code of  
12 1961; and

13 (3) 50% of the amounts collected for Class C  
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
15 for Animals Act and Section 26-5 of the Criminal Code of  
16 1961.

17 (c) Any person who receives a disposition of court  
18 supervision for a violation of the Illinois Vehicle Code shall,  
19 in addition to any other fines, fees, and court costs, pay an  
20 additional fee of \$20, to be disbursed as provided in Section  
21 16-104c of the Illinois Vehicle Code. In addition to the fee of  
22 \$20, the person shall also pay a fee of \$5, if not waived by the  
23 court. If this \$5 fee is collected, \$4.50 of the fee shall be  
24 deposited into the Circuit Court Clerk Operation and  
25 Administrative Fund created by the Clerk of the Circuit Court  
26 and 50 cents of the fee shall be deposited into the Prisoner

1 Review Board Vehicle and Equipment Fund in the State treasury.

2 (d) Any person convicted of or pleading guilty to a serious  
3 traffic violation, as defined in Section 1-187.001 of the  
4 Illinois Vehicle Code, shall pay an additional fee of \$20, to  
5 be disbursed as provided in Section 16-104d of that Code.

6 This subsection (d) becomes inoperative 7 years after the  
7 effective date of this amendatory Act of the 95th General  
8 Assembly.

9 (Source: P.A. 93-800, eff. 1-1-05; 94-1009, eff. 1-1-07.)

10 Section 15. The Unified Code of Corrections is amended by  
11 changing Section 5-6-1 as follows:

12 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

23 (a) Except where specifically prohibited by other  
24 provisions of this Code, the court shall impose a sentence of

1 probation or conditional discharge upon an offender unless,  
2 having regard to the nature and circumstance of the offense,  
3 and to the history, character and condition of the offender,  
4 the court is of the opinion that:

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

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

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

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

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

26 (b-1) Subsections (a) and (b) of this Section do not apply

1 to a defendant charged with a misdemeanor or felony under the  
2 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
3 the Criminal Code of 1961 if the defendant within the past 12  
4 months has been convicted of or pleaded guilty to a misdemeanor  
5 or felony under the Illinois Vehicle Code or reckless homicide  
6 under Section 9-3 of the Criminal Code of 1961.

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

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

26 (2) the defendant and the public would be best served



1 if the defendant were not to receive a criminal record; and

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

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

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

13 (2) assigned supervision for a violation of Section  
14 11-501 of the Illinois Vehicle Code or a similar provision  
15 of a local ordinance or any similar law or ordinance of  
16 another state; or

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

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

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

1 defendant charged with violating Section 16A-3 of the Criminal  
2 Code of 1961 if said defendant has within the last 5 years  
3 been:

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

6 (2) assigned supervision for a violation of Section  
7 16A-3 of the Criminal Code of 1961.

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

11 (f) The provisions of paragraph (c) shall not apply to a  
12 defendant charged with violating Sections 15-111, 15-112,  
13 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
14 Section 11-1414 of the Illinois Vehicle Code or a similar  
15 provision of a local ordinance.

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

22 (1) convicted for a violation of Section 3-707, 3-708,  
23 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
24 provision of a local ordinance; or

25 (2) assigned supervision for a violation of Section  
26 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

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

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

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

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

25 (i) The provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 3-707 of the Illinois

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

5 (j) The provisions of paragraph (c) shall not apply to a  
6 defendant charged with violating Section 6-303 of the Illinois  
7 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 of Section 11-501.1 or paragraph (b) of Section 11-401 of the  
11 Illinois Vehicle Code, or a violation of Section 9-3 of the  
12 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 Illinois Vehicle Code or a similar provision of a local  
16 ordinance; or

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

20 (k) The provisions of paragraph (c) shall not apply to a  
21 defendant charged with violating any provision of the Illinois  
22 Vehicle Code or a similar provision of a local ordinance that  
23 governs the movement of vehicles if, within the 12 months  
24 preceding the date of the defendant's arrest, the defendant has  
25 been assigned court supervision on 2 occasions for a violation  
26 that governs the movement of vehicles under the Illinois

1 Vehicle Code or a similar provision of a local ordinance.

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

17 (m) Any person convicted of or pleading guilty to a serious  
18 traffic violation, as defined in Section 1-187.001 of the  
19 Illinois Vehicle Code, shall pay an additional fee of \$20, to  
20 be disbursed as provided in Section 16-104d of that Code.

21 This subsection (m) becomes inoperative 7 years after the  
22 effective date of this amendatory Act of the 95th General  
23 Assembly.

24 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;  
25 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;  
26 94-1009, eff. 1-1-07.)

1           Section 99. Effective date. This Act takes effect 60 days  
2 after becoming law.