

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 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.

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

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

20 (1) Of the moneys deposited into the fund under Section
21 12 of this Act, 12.5% shall be available for the
22 maintenance of the Illinois Fire Service Institute and the
23 expenses, facilities, and structures incident thereto, and

1 for making transfers into the General Obligation Bond
2 Retirement and Interest Fund for debt service requirements
3 on bonds issued by the State of Illinois after January 1,
4 1986 for the purpose of constructing a training facility
5 for use by the Institute.

6 (2) Of the moneys deposited into the Fund under Section
7 12 of this Act, 10% shall be available for the maintenance
8 of the Chicago Fire Department Training Program and the
9 expenses, facilities and structures incident thereto, in
10 addition to any moneys payable from the Fund to the City of
11 Chicago pursuant to the Illinois Fire Protection Training
12 Act.

13 (3) For making payments to local governmental agencies
14 and individuals pursuant to Section 10 of the Illinois Fire
15 Protection Training Act.

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

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

19 (c-5) As soon as possible after the effective date of this
20 amendatory Act of the 95th General Assembly, the Comptroller
21 shall order the transfer and the Treasurer shall transfer
22 \$2,000,000 from the Fire Prevention Fund to the Fire Service
23 and Small Equipment Fund, \$9,000,000 from the Fire Prevention
24 Fund to the Fire Truck Revolving Loan Fund, and \$4,000,000 from
25 the Fire Prevention Fund to the Ambulance Revolving Loan Fund.
26 Beginning on July 1, 2008, each month, or as soon as practical

1 thereafter, an amount equal to \$2 from each fine received shall
2 be transferred from the Fire Prevention Fund to the Fire
3 Service and Small Equipment Fund, an amount equal to \$1.50 from
4 each fine received shall be transferred from the Fire
5 Prevention Fund to the Fire Truck Revolving Loan Fund, and an
6 amount equal to \$4 from each fine received shall be transferred
7 from the Fire Prevention Fund to the Ambulance Revolving Loan
8 Fund. These moneys shall be transferred from the moneys
9 deposited into the Fire Prevention Fund pursuant to Public Act
10 95-154, together with not more than 25% of any unspent
11 appropriations from the prior fiscal year. These moneys may be
12 allocated to the Fire Truck Revolving Loan Fund, Ambulance
13 Revolving Loan Fund, and Small Equipment Fund at the discretion
14 of the Office of the State Fire Marshal for the purposes of
15 implementation of this Act ~~any other moneys as may be necessary~~
16 ~~to carry out this mandate.~~

17 (d) Any portion of the Fire Prevention Fund remaining
18 unexpended at the end of any fiscal year which is not needed
19 for the maintenance and expenses of the Office of the State
20 Fire Marshal or the maintenance and expenses of the Illinois
21 Fire Service Institute, shall remain in the Fire Prevention
22 Fund for the exclusive and restricted uses provided in
23 subsections (c) and (c-5) of this Section.

24 (e) The Office of the State Fire Marshal shall keep on file
25 an itemized statement of all expenses incurred which are
26 payable from the Fund, other than expenses incurred by the

1 Illinois Fire Service Institute, and shall approve all vouchers
2 issued therefor before they are submitted to the State
3 Comptroller for payment. Such vouchers shall be allowed and
4 paid in the same manner as other claims against the State.

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

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

8 (625 ILCS 5/16-104d)

9 Sec. 16-104d. Additional fee; serious traffic violation.
10 Any person who is convicted of, ~~or~~ pleads guilty to, or is
11 placed on supervision for a serious traffic violation, as
12 defined in Section 1-187.001 of this Code, a violation of
13 Section 11-501 of this Code, or a violation of a similar
14 provision of a local ordinance shall pay an additional fee of
15 \$20. Of that fee, \$7.50 shall be deposited into the Fire
16 Prevention Fund in the State treasury, \$7.50 shall be deposited
17 into the Fire Truck Revolving Loan Fund in the State treasury,
18 and \$5 shall be deposited into the Circuit Court Clerk
19 Operation and Administrative Fund created by the Clerk of the
20 Circuit Court.

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

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

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

3 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

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

1 41% shall be disbursed to the county's general corporate fund.
2 Of the 12% disbursed to the State Treasurer, 1/6 shall be
3 deposited by the State Treasurer into the Violent Crime Victims
4 Assistance Fund, 1/2 shall be deposited into the Traffic and
5 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
6 into the Drivers Education Fund. For fiscal years 1992 and
7 1993, amounts deposited into the Violent Crime Victims
8 Assistance Fund, the Traffic and Criminal Conviction Surcharge
9 Fund, or the Drivers Education Fund shall not exceed 110% of
10 the amounts deposited into those funds in fiscal year 1991. Any
11 amount that exceeds the 110% limit shall be distributed as
12 follows: 50% shall be disbursed to the county's general
13 corporate fund and 50% shall be disbursed to the entity
14 authorized by law to receive the fine imposed in the case. Not
15 later than March 1 of each year the circuit clerk shall submit
16 a report of the amount of funds remitted to the State Treasurer
17 under this Section during the preceding year based upon
18 independent verification of fines and fees. All counties shall
19 be subject to this Section, except that counties with a
20 population under 2,000,000 may, by ordinance, elect not to be
21 subject to this Section. For offenses subject to this Section,
22 judges shall impose one total sum of money payable for
23 violations. The circuit clerk may add on no additional amounts
24 except for amounts that are required by Sections 27.3a and
25 27.3c of this Act, unless those amounts are specifically waived
26 by the judge. With respect to money collected by the circuit

1 clerk as a result of forfeiture of bail, ex parte judgment or
2 guilty plea pursuant to Supreme Court Rule 529, the circuit
3 clerk shall first deduct and pay amounts required by Sections
4 27.3a and 27.3c of this Act. This Section is a denial and
5 limitation of home rule powers and functions under subsection
6 (h) of Section 6 of Article VII of the Illinois Constitution.

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

9 (1) 50% of the amounts collected for felony offenses
10 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
11 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
12 Animals Act and Section 26-5 of the Criminal Code of 1961;

13 (2) 20% of the amounts collected for Class A and Class
14 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
15 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
16 for Animals Act and Section 26-5 of the Criminal Code of
17 1961; and

18 (3) 50% of the amounts collected for Class C
19 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
20 for Animals Act and Section 26-5 of the Criminal Code of
21 1961.

22 (c) Any person who receives a disposition of court
23 supervision for a violation of the Illinois Vehicle Code or a
24 similar provision of a local ordinance shall, in addition to
25 any other fines, fees, and court costs, pay an additional fee
26 of \$20, to be disbursed as provided in Section 16-104c of the

1 Illinois Vehicle Code. In addition to the fee of \$20, the
2 person shall also pay a fee of \$5, if not waived by the court.
3 If this \$5 fee is collected, \$4.50 of the fee shall be
4 deposited into the Circuit Court Clerk Operation and
5 Administrative Fund created by the Clerk of the Circuit Court
6 and 50 cents of the fee shall be deposited into the Prisoner
7 Review Board Vehicle and Equipment Fund in the State treasury.

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

15 This subsection (d) becomes inoperative 7 years after the
16 effective date of Public Act 95-154 ~~this amendatory Act of the~~
17 ~~95th General Assembly.~~

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

20 (705 ILCS 105/27.6)

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

22 Sec. 27.6. (a) All fees, fines, costs, additional
23 penalties, bail balances assessed or forfeited, and any other
24 amount paid by a person to the circuit clerk equalling an
25 amount of \$55 or more, except the fine imposed by Section

1 5-9-1.15 ~~5-9-1.14~~ of the Unified Code of Corrections, the
2 additional fee required by subsections (b) and (c), restitution
3 under Section 5-5-6 of the Unified Code of Corrections,
4 reimbursement for the costs of an emergency response as
5 provided under Section 11-501 of the Illinois Vehicle Code, any
6 fees collected for attending a traffic safety program under
7 paragraph (c) of Supreme Court Rule 529, any fee collected on
8 behalf of a State's Attorney under Section 4-2002 of the
9 Counties Code or a sheriff under Section 4-5001 of the Counties
10 Code, or any cost imposed under Section 124A-5 of the Code of
11 Criminal Procedure of 1963, for convictions, orders of
12 supervision, or any other disposition for a violation of
13 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
14 similar provision of a local ordinance, and any violation of
15 the Child Passenger Protection Act, or a similar provision of a
16 local ordinance, and except as provided in subsections (d) and
17 (g) ~~(f)~~ shall be disbursed within 60 days after receipt by the
18 circuit clerk as follows: 44.5% shall be disbursed to the
19 entity authorized by law to receive the fine imposed in the
20 case; 16.825% shall be disbursed to the State Treasurer; and
21 38.675% shall be disbursed to the county's general corporate
22 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
23 shall be deposited by the State Treasurer into the Violent
24 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
25 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
26 be deposited into the Drivers Education Fund, and 6.948/17

1 shall be deposited into the Trauma Center Fund. Of the 6.948/17
2 deposited into the Trauma Center Fund from the 16.825%
3 disbursed to the State Treasurer, 50% shall be disbursed to the
4 Department of Public Health and 50% shall be disbursed to the
5 Department of Healthcare and Family Services. For fiscal year
6 1993, amounts deposited into the Violent Crime Victims
7 Assistance Fund, the Traffic and Criminal Conviction Surcharge
8 Fund, or the Drivers Education Fund shall not exceed 110% of
9 the amounts deposited into those funds in fiscal year 1991. Any
10 amount that exceeds the 110% limit shall be distributed as
11 follows: 50% shall be disbursed to the county's general
12 corporate fund and 50% shall be disbursed to the entity
13 authorized by law to receive the fine imposed in the case. Not
14 later than March 1 of each year the circuit clerk shall submit
15 a report of the amount of funds remitted to the State Treasurer
16 under this Section during the preceding year based upon
17 independent verification of fines and fees. All counties shall
18 be subject to this Section, except that counties with a
19 population under 2,000,000 may, by ordinance, elect not to be
20 subject to this Section. For offenses subject to this Section,
21 judges shall impose one total sum of money payable for
22 violations. The circuit clerk may add on no additional amounts
23 except for amounts that are required by Sections 27.3a and
24 27.3c of this Act, unless those amounts are specifically waived
25 by the judge. With respect to money collected by the circuit
26 clerk as a result of forfeiture of bail, ex parte judgment or

1 guilty plea pursuant to Supreme Court Rule 529, the circuit
2 clerk shall first deduct and pay amounts required by Sections
3 27.3a and 27.3c of this Act. This Section is a denial and
4 limitation of home rule powers and functions under subsection
5 (h) of Section 6 of Article VII of the Illinois Constitution.

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

20 (b-1) In addition to any other fines and court costs
21 assessed by the courts, any person convicted or receiving an
22 order of supervision for driving under the influence of alcohol
23 or drugs shall pay an additional fee of \$5 to the clerk of the
24 circuit court. This amount, less 2 1/2% that shall be used to
25 defray administrative costs incurred by the clerk, shall be
26 remitted by the clerk to the Treasurer within 60 days after

1 receipt for deposit into the Spinal Cord Injury Paralysis Cure
2 Research Trust Fund. This additional fee of \$5 shall not be
3 considered a part of the fine for purposes of any reduction in
4 the fine for time served either before or after sentencing. Not
5 later than March 1 of each year the Circuit Clerk shall submit
6 a report of the amount of funds remitted to the State Treasurer
7 under this subsection during the preceding calendar year.

8 (c) In addition to any other fines and court costs assessed
9 by the courts, any person convicted for a violation of Sections
10 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
11 person sentenced for a violation of the Cannabis Control Act,
12 the Illinois Controlled Substances Act, or the Methamphetamine
13 Control and Community Protection Act shall pay an additional
14 fee of \$100 to the clerk of the circuit court. This amount,
15 less 2 1/2% that shall be used to defray administrative costs
16 incurred by the clerk, shall be remitted by the clerk to the
17 Treasurer within 60 days after receipt for deposit into the
18 Trauma Center Fund. This additional fee of \$100 shall not be
19 considered a part of the fine for purposes of any reduction in
20 the fine for time served either before or after sentencing. 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 subsection during the preceding calendar year.

24 (c-1) In addition to any other fines and court costs
25 assessed by the courts, any person sentenced for a violation of
26 the Cannabis Control Act, the Illinois Controlled Substances

1 Act, or the Methamphetamine Control and Community Protection
2 Act shall pay an additional fee of \$5 to the clerk of the
3 circuit court. This amount, less 2 1/2% that shall be used to
4 defray administrative costs incurred by the clerk, shall be
5 remitted by the clerk to the Treasurer within 60 days after
6 receipt for deposit into the Spinal Cord Injury Paralysis Cure
7 Research Trust Fund. This additional fee of \$5 shall not be
8 considered a part of the fine for purposes of any reduction in
9 the fine for time served either before or after sentencing. 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 subsection during the preceding calendar year.

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

15 (1) 50% of the amounts collected for felony offenses
16 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
17 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
18 Animals Act and Section 26-5 of the Criminal Code of 1961;

19 (2) 20% of the amounts collected for Class A and Class
20 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
21 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
22 for Animals Act and Section 26-5 of the Criminal Code of
23 1961; and

24 (3) 50% of the amounts collected for Class C
25 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
26 for Animals Act and Section 26-5 of the Criminal Code of

1 1961.

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

14 (f) This Section does not apply to the additional child
15 pornography fines assessed and collected under Section
16 5-9-1.14 of the Unified Code of Corrections.

17 (g) ~~(f)~~ Of the amounts collected as fines under subsection
18 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
19 deposited into the Illinois Military Family Relief Fund and 1%
20 shall be deposited into the Circuit Court Clerk Operation and
21 Administrative Fund created by the Clerk of the Circuit Court
22 to be used to offset the costs incurred by the Circuit Court
23 Clerk in performing the additional duties required to collect
24 and disburse funds to entities of State and local government as
25 provided by law.

26 (h) Any person convicted of, pleading guilty to, or placed

1 on supervision for a serious traffic violation, as defined in
2 Section 1-187.001 of the Illinois Vehicle Code, a violation of
3 Section 11-501 of the Illinois Vehicle Code, or a violation of
4 a similar provision of a local ordinance shall pay an
5 additional fee of \$20, to be disbursed as provided in Section
6 16-104d of that Code.

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

9 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
10 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
11 95-600, eff. 6-1-08; revised 11-19-07.)

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

14 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

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

1 supervision.

2 (a) Except where specifically prohibited by other
3 provisions of this Code, the court shall impose a sentence of
4 probation or conditional discharge upon an offender unless,
5 having regard to the nature and circumstance of the offense,
6 and to the history, character and condition of the offender,
7 the court is of the opinion that:

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

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

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

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

25 (b) The court may impose a sentence of conditional
26 discharge for an offense if the court is of the opinion that

1 neither a sentence of imprisonment nor of periodic imprisonment
2 nor of probation supervision is appropriate.

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

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

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

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

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

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

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

20 (1) convicted for a violation of Section 11-501 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance or any similar law or ordinance of another state;
23 or

24 (2) assigned supervision for a violation of Section
25 11-501 of the Illinois Vehicle Code or a similar provision
26 of a local ordinance or any similar law or ordinance of

1 another state; or

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

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

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

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

17 (2) assigned supervision for a violation of Section
18 16A-3 of the Criminal Code of 1961.

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

22 (f) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Sections 15-111, 15-112,
24 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
25 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance.

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:

7 (1) convicted for a violation of Section 3-707, 3-708,
8 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
9 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.

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

20 (1) unless the defendant, upon payment of the fines,
21 penalties, and costs provided by law, agrees to attend and
22 successfully complete a traffic safety program approved by
23 the court under standards set by the Conference of Chief
24 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
3 entered. The provisions of Supreme Court Rule 402 relating
4 to pleas of guilty do not apply in cases when a defendant
5 enters a guilty plea under this provision; or

6 (2) if the defendant has previously been sentenced
7 under the provisions of paragraph (c) on or after January
8 1, 1998 for any serious traffic offense as defined in
9 Section 1-187.001 of the Illinois Vehicle Code.

10 (h-1) The provisions of paragraph (c) shall not apply to a
11 defendant under the age of 21 years charged with an offense
12 against traffic regulations governing the movement of vehicles
13 or any violation of Section 6-107 or Section 12-603.1 of the
14 Illinois Vehicle Code, unless the defendant, upon payment of
15 the fines, penalties, and costs provided by law, agrees to
16 attend and successfully complete a traffic safety program
17 approved by the court under standards set by the Conference of
18 Chief Circuit Judges. The accused shall be responsible for
19 payment of any traffic safety program fees. If the accused
20 fails to file a certificate of successful completion on or
21 before the termination date of the supervision order, the
22 supervision shall be summarily revoked and conviction entered.
23 The provisions of Supreme Court Rule 402 relating to pleas of
24 guilty do not apply in cases when a defendant enters a guilty
25 plea under this provision.

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

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
8 Vehicle Code or a similar provision of a local ordinance when
9 the revocation or suspension was for a violation of Section
10 11-501 or a similar provision of a local ordinance or a
11 violation of Section 11-501.1 or paragraph (b) of Section
12 11-401 of the Illinois Vehicle Code, if the defendant has
13 within the last 10 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 or a similar provision of a local
4 ordinance who, after a court appearance in the same matter,
5 receives a disposition of supervision under subsection (c)
6 shall pay an additional fee of \$20, to be collected as provided
7 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In
8 addition to the \$20 fee, the person shall also pay a fee of \$5,
9 which, if not waived by the court, shall be collected as
10 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
11 The \$20 fee shall be disbursed as provided in Section 16-104c
12 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
13 of the fee shall be deposited into the Circuit Court Clerk
14 Operation and Administrative Fund created by the Clerk of the
15 Circuit Court and 50 cents of the fee shall be deposited into
16 the Prisoner Review Board Vehicle and Equipment Fund in the
17 State treasury.

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

25 This subsection (m) becomes inoperative 7 years after the
26 effective date of Public Act 95-154 ~~this amendatory Act of the~~

1 ~~95th General Assembly.~~

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

11 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,
12 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
13 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;
14 95-428, 8-24-07; revised 11-19-07.)

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

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

1 (a) Except where specifically prohibited by other
2 provisions of this Code, the court shall impose a sentence of
3 probation or conditional discharge upon an offender unless,
4 having regard to the nature and circumstance of the offense,
5 and to the history, character and condition of the offender,
6 the court is of the opinion that:

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

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

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

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

24 (b) The court may impose a sentence of conditional
25 discharge for an offense if the court is of the opinion that
26 neither a sentence of imprisonment nor of periodic imprisonment

1 nor of probation supervision is appropriate.

2 (b-1) Subsections (a) and (b) of this Section do not apply
3 to a defendant charged with a misdemeanor or felony under the
4 Illinois Vehicle Code or reckless homicide under Section 9-3 of
5 the Criminal Code of 1961 if the defendant within the past 12
6 months has been convicted of or pleaded guilty to a misdemeanor
7 or felony under the Illinois Vehicle Code or reckless homicide
8 under Section 9-3 of the Criminal Code of 1961.

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

26 (1) the offender is not likely to commit further

1 crimes;

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

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

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

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

19 (1) convicted for a violation of Section 11-501 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance or any similar law or ordinance of another state;
22 or

23 (2) assigned supervision for a violation of Section
24 11-501 of the Illinois Vehicle Code or a similar provision
25 of a local ordinance or any similar law or ordinance of
26 another state; or

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

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

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

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

16 (2) assigned supervision for a violation of Section
17 16A-3 of the Criminal Code of 1961.

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

21 (f) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Sections 15-111, 15-112,
23 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
24 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance.

26 (g) Except as otherwise provided in paragraph (i) of this

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

6 (1) convicted for a violation of Section 3-707, 3-708,
7 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance; or

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

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

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

19 (1) unless the defendant, upon payment of the fines,
20 penalties, and costs provided by law, agrees to attend and
21 successfully complete a traffic safety program approved by
22 the court under standards set by the Conference of Chief
23 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 before the termination date of the supervision order, the

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

5 (2) if the defendant has previously been sentenced
6 under the provisions of paragraph (c) on or after January
7 1, 1998 for any serious traffic offense as defined in
8 Section 1-187.001 of the Illinois Vehicle Code.

9 (h-1) The provisions of paragraph (c) shall not apply to a
10 defendant under the age of 21 years charged with an offense
11 against traffic regulations governing the movement of vehicles
12 or any violation of Section 6-107 or Section 12-603.1 of the
13 Illinois Vehicle Code, unless the defendant, upon payment of
14 the fines, penalties, and costs provided by law, agrees to
15 attend and successfully complete a traffic safety program
16 approved by the court under standards set by the Conference of
17 Chief Circuit Judges. The accused shall be responsible for
18 payment of any traffic safety program fees. If the accused
19 fails to file a certificate of successful completion on or
20 before the termination date of the supervision order, the
21 supervision shall be summarily revoked and conviction entered.
22 The provisions of Supreme Court Rule 402 relating to pleas of
23 guilty do not apply in cases when a defendant enters a guilty
24 plea under this provision.

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 or a
10 violation of Section 11-501.1 or paragraph (b) of Section
11 11-401 of the Illinois Vehicle Code, if the defendant has
12 within the last 10 years been:

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

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

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

1 (1) A defendant charged with violating any provision of the
2 Illinois Vehicle Code or a similar provision of a local
3 ordinance who, after a court appearance in the same matter,
4 receives a disposition of supervision under subsection (c)
5 shall pay an additional fee of \$20, to be collected as provided
6 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In
7 addition to the \$20 fee, the person shall also pay a fee of \$5,
8 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, or
18 placed on supervision for a serious traffic violation, as
19 defined in Section 1-187.001 of the Illinois Vehicle Code, a
20 violation of Section 11-501 of the Illinois Vehicle Code, or a
21 violation of a similar provision of a local ordinance shall pay
22 an additional fee of \$20, to be disbursed as provided in
23 Section 16-104d of that Code.

24 This subsection (m) becomes inoperative 7 years after the
25 effective date of Public Act 95-154 ~~this amendatory Act of the~~
26 ~~95th General Assembly.~~

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

10 (o) ~~(m)~~ The provisions of paragraph (c) shall not apply to
11 a defendant charged with violating Section 6-303 of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance when the suspension was for a violation of Section
14 11-501.1 of the Illinois Vehicle Code and when:

15 (1) at the time of the violation of Section 11-501.1 of
16 the Illinois Vehicle Code, the defendant was a first
17 offender pursuant to Section 11-500 of the Illinois Vehicle
18 Code and the defendant failed to obtain a monitoring device
19 driving permit; or

20 (2) at the time of the violation of Section 11-501.1 of
21 the Illinois Vehicle Code, the defendant was a first
22 offender pursuant to Section 11-500 of the Illinois Vehicle
23 Code, had subsequently obtained a monitoring device
24 driving permit, but was driving a vehicle not equipped with
25 a breath alcohol ignition interlock device as defined in
26 Section 1-129.1 of the Illinois Vehicle Code.

1 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,
2 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
3 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;
4 95-400, eff. 1-1-09; 95-428, 8-24-07; revised 11-19-07.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 99. Effective date. This Act takes effect July 1,
13 2008.