



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

##### HB2592

Introduced 2/20/2009, by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

425 ILCS 25/13.1	from Ch. 127 1/2, par. 17.1
625 ILCS 5/16-104d	
705 ILCS 105/27.5	from Ch. 25, par. 27.5
705 ILCS 105/27.6	
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Amends the Fire Investigation Act. In provisions regarding the transfer of moneys from the moneys deposited into the Fire Prevention Fund under Public Act 95-154, provides that not more than 25% of any unspent appropriations from the prior fiscal year may also be transferred, and provides that the moneys may be allocated to the Fire Truck Revolving Loan Fund, Ambulance Revolving Loan Fund, and Fire Service and Small Equipment Fund at the discretion of the Office of the State Fire Marshal for the purpose of implementation of the Fire Investigation Act. Amends the Illinois Vehicle Code, the Clerks of Courts Act, and the Unified Code of Corrections. Provides that a person convicted of or placed on supervision for a serious traffic violation or driving under the influence or a similar provision of a local ordinance shall, in addition to any other fines, fees, and court costs, be subject to the \$20 fee imposed under Public Act 95-154. Regarding an additional fee for serious traffic violations originally added to the statutes by Public Act 95-154, adds language regarding the disposition of the fee to another provision of the Clerks of Courts Act. Makes other changes. Effective July 1, 2009.

LRB096 03344 KTG 13365 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning fees and fines.

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 Fire Service and Small Equipment Fund  
14 at the discretion of the Office of the State Fire Marshal for  
15 the purpose of implementation of this Act ~~any other moneys as~~  
16 ~~may be necessary 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.

17 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
18 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.)

19 (705 ILCS 105/27.6)

20 Sec. 27.6. (a) All fees, fines, costs, additional  
21 penalties, bail balances assessed or forfeited, and any other  
22 amount paid by a person to the circuit clerk equalling an  
23 amount of \$55 or more, except the fine imposed by Section  
24 5-9-1.15 of the Unified Code of Corrections, the additional fee  
25 required by subsections (b) and (c), restitution under Section

1 5-5-6 of the Unified Code of Corrections, reimbursement for the  
2 costs of an emergency response as provided under Section 11-501  
3 of the Illinois Vehicle Code, any fees collected for attending  
4 a traffic safety program under paragraph (c) of Supreme Court  
5 Rule 529, any fee collected on behalf of a State's Attorney  
6 under Section 4-2002 of the Counties Code or a sheriff under  
7 Section 4-5001 of the Counties Code, or any cost imposed under  
8 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
9 convictions, orders of supervision, or any other disposition  
10 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
11 Vehicle Code, or a similar provision of a local ordinance, and  
12 any violation of the Child Passenger Protection Act, or a  
13 similar provision of a local ordinance, and except as provided  
14 in subsections (d) and (g) shall be disbursed within 60 days  
15 after receipt by the circuit clerk as follows: 44.5% shall be  
16 disbursed to the entity authorized by law to receive the fine  
17 imposed in the case; 16.825% shall be disbursed to the State  
18 Treasurer; and 38.675% shall be disbursed to the county's  
19 general corporate fund. Of the 16.825% disbursed to the State  
20 Treasurer, 2/17 shall be deposited by the State Treasurer into  
21 the Violent Crime Victims Assistance Fund, 5.052/17 shall be  
22 deposited into the Traffic and Criminal Conviction Surcharge  
23 Fund, 3/17 shall be deposited into the Drivers Education Fund,  
24 and 6.948/17 shall be deposited into the Trauma Center Fund. Of  
25 the 6.948/17 deposited into the Trauma Center Fund from the  
26 16.825% disbursed to the State Treasurer, 50% shall be

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

1 limitation of home rule powers and functions under subsection  
2 (h) of Section 6 of Article VII of the Illinois Constitution.

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

17 (b-1) In addition to any other fines and court costs  
18 assessed by the courts, any person convicted or receiving an  
19 order of supervision for driving under the influence of alcohol  
20 or drugs shall pay an additional fee of \$5 to the clerk of the  
21 circuit court. This amount, less 2 1/2% that shall be used to  
22 defray administrative costs incurred by the clerk, shall be  
23 remitted by the clerk to the Treasurer within 60 days after  
24 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
25 Research Trust Fund. This additional fee of \$5 shall not be  
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not  
2 later than March 1 of each year the Circuit Clerk shall submit  
3 a report of the amount of funds remitted to the State Treasurer  
4 under this subsection during the preceding calendar year.

5 (c) In addition to any other fines and court costs assessed  
6 by the courts, any person convicted for a violation of Sections  
7 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
8 person sentenced for a violation of the Cannabis Control Act,  
9 the Illinois Controlled Substances Act, or the Methamphetamine  
10 Control and Community Protection Act shall pay an additional  
11 fee of \$100 to the clerk of the circuit court. This amount,  
12 less 2 1/2% that shall be used to defray administrative costs  
13 incurred by the clerk, shall be remitted by the clerk to the  
14 Treasurer within 60 days after receipt for deposit into the  
15 Trauma Center Fund. This additional fee of \$100 shall not be  
16 considered a part of the fine for purposes of any reduction in  
17 the fine for time served either before or after sentencing. Not  
18 later than March 1 of each year the Circuit Clerk shall submit  
19 a report of the amount of funds remitted to the State Treasurer  
20 under this subsection during the preceding calendar year.

21 (c-1) In addition to any other fines and court costs  
22 assessed by the courts, any person sentenced for a violation of  
23 the Cannabis Control Act, the Illinois Controlled Substances  
24 Act, or the Methamphetamine Control and Community Protection  
25 Act shall pay an additional fee of \$5 to the clerk of the  
26 circuit court. This amount, less 2 1/2% that shall be used to

1 defray administrative costs incurred by the clerk, shall be  
2 remitted by the clerk to the Treasurer within 60 days after  
3 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
4 Research Trust Fund. This additional fee of \$5 shall not be  
5 considered a part of the fine for purposes of any reduction in  
6 the fine for time served either before or after sentencing. Not  
7 later than March 1 of each year the Circuit Clerk shall submit  
8 a report of the amount of funds remitted to the State Treasurer  
9 under this subsection during the preceding calendar year.

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

12 (1) 50% of the amounts collected for felony offenses  
13 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
14 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
15 Animals Act and Section 26-5 of the Criminal Code of 1961;

16 (2) 20% of the amounts collected for Class A and Class  
17 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
18 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
19 for Animals Act and Section 26-5 of the Criminal Code of  
20 1961; and

21 (3) 50% of the amounts collected for Class C  
22 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
23 for Animals Act and Section 26-5 of the Criminal Code of  
24 1961.

25 (e) Any person who receives a disposition of court  
26 supervision for a violation of the Illinois Vehicle Code or a

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

11 (f) This Section does not apply to the additional child  
12 pornography fines assessed and collected under Section  
13 5-9-1.14 of the Unified Code of Corrections.

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

23 (h) Any person convicted of, pleading guilty to, or placed  
24 on supervision for a serious traffic violation, as defined in  
25 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
26 Section 11-501 of the Illinois Vehicle Code, or a violation of

1 a similar provision of a local ordinance shall pay an  
2 additional fee of \$20, to be disbursed as provided in Section  
3 16-104d of that Code.

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

6 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;  
7 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;  
8 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

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

11 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

22 (a) Except where specifically prohibited by other  
23 provisions of this Code, the court shall impose a sentence of  
24 probation or conditional discharge upon an offender unless,



1 having regard to the nature and circumstance of the offense,  
2 and to the history, character and condition of the offender,  
3 the court is of the opinion that:

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

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

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

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

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

25 (b-1) Subsections (a) and (b) of this Section do not apply  
26 to a defendant charged with a misdemeanor or felony under the

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

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

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

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

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

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

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

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

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

24           (3) pleaded guilty to or stipulated to the facts  
25 supporting a charge or a finding of guilty to a violation  
26 of Section 11-503 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance or any similar law or  
2 ordinance of another state, and the plea or stipulation was  
3 the result of a plea agreement.

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

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

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

13 (2) assigned supervision for a violation of Section  
14 16A-3 of the Criminal Code of 1961.

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

18 (f) The provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating Sections 15-111, 15-112,  
20 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
21 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
22 similar provision of a local ordinance.

23 (g) Except as otherwise provided in paragraph (i) of this  
24 Section, the provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 3-707, 3-708, 3-710,  
26 or 5-401.3 of the Illinois Vehicle Code or a similar provision

1 of a local ordinance if the defendant has within the last 5  
2 years been:

3 (1) convicted for a violation of Section 3-707, 3-708,  
4 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
5 provision of a local ordinance; or

6 (2) assigned supervision for a violation of Section  
7 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
8 Code or a similar provision of a local ordinance.

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

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

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

1 enters a guilty plea under this provision; or

2 (2) if the defendant has previously been sentenced  
3 under the provisions of paragraph (c) on or after January  
4 1, 1998 for any serious traffic offense as defined in  
5 Section 1-187.001 of the Illinois Vehicle Code.

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

22 (i) The provisions of paragraph (c) shall not apply to a  
23 defendant charged with violating Section 3-707 of the Illinois  
24 Vehicle Code or a similar provision of a local ordinance if the  
25 defendant has been assigned supervision for a violation of  
26 Section 3-707 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance.

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

10 (1) convicted for a violation of Section 6-303 of the  
11 Illinois Vehicle Code or a similar provision of a local  
12 ordinance; or

13 (2) assigned supervision for a violation of Section  
14 6-303 of the Illinois Vehicle Code or a similar provision  
15 of a local ordinance.

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

24 (l) A defendant charged with violating any provision of the  
25 Illinois Vehicle Code or a similar provision of a local  
26 ordinance who, after a court appearance in the same matter,

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

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

21 This subsection (m) becomes inoperative 7 years after  
22 October 13, 2007 (the effective date of Public Act 95-154).

23 (n) The provisions of paragraph (c) shall not apply to any  
24 person under the age of 18 who commits an offense against  
25 traffic regulations governing the movement of vehicles or any  
26 violation of Section 6-107 or Section 12-603.1 of the Illinois



1 Vehicle Code, except upon personal appearance of the defendant  
2 in court and upon the written consent of the defendant's parent  
3 or legal guardian, executed before the presiding judge. The  
4 presiding judge shall have the authority to waive this  
5 requirement upon the showing of good cause by the defendant.

6 (o) 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 suspension was for a violation of Section 11-501.1 of the  
10 Illinois Vehicle Code and when:

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

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

23 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,  
24 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
25 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;  
26 95-400, eff. 1-1-09; 95-428, 8-24-07; 95-876, eff. 8-21-08;

1 revised 10-30-08.)

2 Section 99. Effective date. This Act takes effect July 1,  
3 2009.