



Sen. Michael E. Hastings

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09800HB1010sam001

LRB098 07990 MLW 45260 a

1 AMENDMENT TO HOUSE BILL 1010

2 AMENDMENT NO. _____. Amend House Bill 1010 by replacing
3 everything after the enacting clause with the following:

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

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

7 (Text of Section before amendment by P.A. 97-831)

8 Sec. 5-6-1. Sentences of Probation and of Conditional
9 Discharge and Disposition of Supervision. The General Assembly
10 finds that in order to protect the public, the criminal justice
11 system must compel compliance with the conditions of probation
12 by responding to violations with swift, certain and fair
13 punishments and intermediate sanctions. The Chief Judge of each
14 circuit shall adopt a system of structured, intermediate
15 sanctions for violations of the terms and conditions of a
16 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 or the Criminal Code of 2012 if the
7 defendant within the past 12 months has been convicted of or
8 pleaded guilty to a misdemeanor or felony under the Illinois
9 Vehicle Code or reckless homicide under Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 (c) The court may, upon a plea of guilty or a stipulation
12 by the defendant of the facts supporting the charge or a
13 finding of guilt, defer further proceedings and the imposition
14 of a sentence, and enter an order for supervision of the
15 defendant, if the defendant is not charged with: (i) a Class A
16 misdemeanor, as defined by the following provisions of the
17 Criminal Code of 1961 or the Criminal Code of 2012: Sections
18 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
19 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
20 paragraph (1) through (5), (8), (10), and (11) of subsection
21 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
22 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
23 Act; or (iii) a felony. If the defendant is not barred from
24 receiving an order for supervision as provided in this
25 subsection, the court may enter an order for supervision after
26 considering the circumstances of the offense, and the history,

1 character and condition of the offender, if the court is of the
2 opinion that:

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

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

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

10 (c-5) Subsections (a), (b), and (c) of this Section do not
11 apply to a defendant charged with a second or subsequent
12 violation of Section 6-303 of the Illinois Vehicle Code
13 committed while his or her driver's license, permit or
14 privileges were revoked because of a violation of Section 9-3
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 relating to the offense of reckless homicide, or a similar
17 provision of a law of another state.

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

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

26 (2) assigned supervision for a violation of Section

1 11-501 of the Illinois Vehicle Code or a similar provision
2 of a local ordinance or any similar law or ordinance of
3 another state; or

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

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

13 (e) The provisions of paragraph (c) shall not apply to a
14 defendant charged with violating Section 16-25 or 16A-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 if said
16 defendant has within the last 5 years been:

17 (1) convicted for a violation of Section 16-25 or 16A-3
18 of the Criminal Code of 1961 or the Criminal Code of 2012;
19 or

20 (2) assigned supervision for a violation of Section
21 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
22 Code of 2012.

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

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

1 defendant charged with violating Sections 15-111, 15-112,
2 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
3 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance.

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

11 (1) convicted for a violation of Section 3-707, 3-708,
12 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance; or

14 (2) assigned supervision for a violation of Section
15 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
16 Code or a similar provision of a local ordinance.

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

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

24 (1) unless the defendant, upon payment of the fines,
25 penalties, and costs provided by law, agrees to attend and
26 successfully complete a traffic safety program approved by

1 the court under standards set by the Conference of Chief
2 Circuit Judges. The accused shall be responsible for
3 payment of any traffic safety program fees. If the accused
4 fails to file a certificate of successful completion on or
5 before the termination date of the supervision order, the
6 supervision shall be summarily revoked and conviction
7 entered. The provisions of Supreme Court Rule 402 relating
8 to pleas of guilty do not apply in cases when a defendant
9 enters a guilty plea under this provision; or

10 (2) if the defendant has previously been sentenced
11 under the provisions of paragraph (c) on or after January
12 1, 1998 for any serious traffic offense as defined in
13 Section 1-187.001 of the Illinois Vehicle Code.

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

1 The provisions of Supreme Court Rule 402 relating to pleas of
2 guilty do not apply in cases when a defendant enters a guilty
3 plea under this provision.

4 (i) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating Section 3-707 of the Illinois
6 Vehicle Code or a similar provision of a local ordinance if the
7 defendant has been assigned supervision for a violation of
8 Section 3-707 of the Illinois Vehicle Code or a similar
9 provision of a local ordinance.

10 (j) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 6-303 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance when
13 the revocation or suspension was for a violation of Section
14 11-501 or a similar provision of a local ordinance or a
15 violation of Section 11-501.1 or paragraph (b) of Section
16 11-401 of the Illinois Vehicle Code if the defendant has within
17 the last 10 years been:

18 (1) convicted for a violation of Section 6-303 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance; or

21 (2) assigned supervision for a violation of Section
22 6-303 of the Illinois Vehicle Code or a similar provision
23 of a local ordinance.

24 (k) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating any provision of the Illinois
26 Vehicle Code or a similar provision of a local ordinance that

1 governs the movement of vehicles if, within the 12 months
2 preceding the date of the defendant's arrest, the defendant has
3 been assigned court supervision on 2 occasions for a violation
4 that governs the movement of vehicles under the Illinois
5 Vehicle Code or a similar provision of a local ordinance. The
6 provisions of this paragraph (k) do not apply to a defendant
7 charged with violating Section 11-501 of the Illinois Vehicle
8 Code or a similar provision of a local ordinance.

9 (l) A defendant charged with violating any provision of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance who receives a disposition of supervision under
12 subsection (c) shall pay an additional fee of \$29, to be
13 collected as provided in Sections 27.5 and 27.6 of the Clerks
14 of Courts Act. In addition to the \$29 fee, the person shall
15 also pay a fee of \$6, which, if not waived by the court, shall
16 be collected as provided in Sections 27.5 and 27.6 of the
17 Clerks of Courts Act. The \$29 fee shall be disbursed as
18 provided in Section 16-104c of the Illinois Vehicle Code. If
19 the \$6 fee is collected, \$5.50 of the fee shall be deposited
20 into the Circuit Court Clerk Operation and Administrative Fund
21 created by the Clerk of the Circuit Court and 50 cents of the
22 fee shall be deposited into the Prisoner Review Board Vehicle
23 and Equipment Fund in the State treasury.

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

1 Section 11-501 of the Illinois Vehicle Code, or a violation of
2 a similar provision of a local ordinance shall pay an
3 additional fee of \$35, to be disbursed as provided in Section
4 16-104d of that Code.

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

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

16 (o) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 6-303 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance when
19 the suspension was for a violation of Section 11-501.1 of the
20 Illinois Vehicle Code and when:

21 (1) at the time of the violation of Section 11-501.1 of
22 the Illinois Vehicle Code, the defendant was a first
23 offender pursuant to Section 11-500 of the Illinois Vehicle
24 Code and the defendant failed to obtain a monitoring device
25 driving permit; or

26 (2) at the time of the violation of Section 11-501.1 of

1 the Illinois Vehicle Code, the defendant was a first
2 offender pursuant to Section 11-500 of the Illinois Vehicle
3 Code, had subsequently obtained a monitoring device
4 driving permit, but was driving a vehicle not equipped with
5 a breath alcohol ignition interlock device as defined in
6 Section 1-129.1 of the Illinois Vehicle Code.

7 (p) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating subsection (b) of Section
9 11-601.5 of the Illinois Vehicle Code or a similar provision of
10 a local ordinance.

11 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;
12 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.
13 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,
14 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
15 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 (Text of Section after amendment by P.A. 97-831)

17 Sec. 5-6-1. Sentences of Probation and of Conditional
18 Discharge and Disposition of Supervision. The General Assembly
19 finds that in order to protect the public, the criminal justice
20 system must compel compliance with the conditions of probation
21 by responding to violations with swift, certain and fair
22 punishments and intermediate sanctions. The Chief Judge of each
23 circuit shall adopt a system of structured, intermediate
24 sanctions for violations of the terms and conditions of a
25 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 or the Criminal Code of 2012 if the
7 defendant within the past 12 months has been convicted of or
8 pleaded guilty to a misdemeanor or felony under the Illinois
9 Vehicle Code or reckless homicide under Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 (c) The court may, upon a plea of guilty or a stipulation
12 by the defendant of the facts supporting the charge or a
13 finding of guilt, defer further proceedings and the imposition
14 of a sentence, and enter an order for supervision of the
15 defendant, if the defendant is not charged with: (i) a Class A
16 misdemeanor, as defined by the following provisions of the
17 Criminal Code of 1961 or the Criminal Code of 2012: Sections
18 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
19 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
20 paragraph (1) through (5), (8), (10), and (11) of subsection
21 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
22 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
23 Act; or (iii) a felony. If the defendant is not barred from
24 receiving an order for supervision as provided in this
25 subsection, the court may enter an order for supervision after
26 considering the circumstances of the offense, and the history,

1 character and condition of the offender, if the court is of the
2 opinion that:

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

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

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

10 (c-5) Subsections (a), (b), and (c) of this Section do not
11 apply to a defendant charged with a second or subsequent
12 violation of Section 6-303 of the Illinois Vehicle Code
13 committed while his or her driver's license, permit or
14 privileges were revoked because of a violation of Section 9-3
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 relating to the offense of reckless homicide, or a similar
17 provision of a law of another state.

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

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

26 (2) assigned supervision for a violation of Section

1 11-501 of the Illinois Vehicle Code or a similar provision
2 of a local ordinance or any similar law or ordinance of
3 another state; or

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

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

13 (e) The provisions of paragraph (c) shall not apply to a
14 defendant charged with violating Section 16-25 or 16A-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 if said
16 defendant has within the last 5 years been:

17 (1) convicted for a violation of Section 16-25 or 16A-3
18 of the Criminal Code of 1961 or the Criminal Code of 2012;
19 or

20 (2) assigned supervision for a violation of Section
21 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
22 Code of 2012.

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

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

1 defendant charged with violating Sections 15-111, 15-112,
2 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
3 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance.

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

11 (1) convicted for a violation of Section 3-707, 3-708,
12 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance; or

14 (2) assigned supervision for a violation of Section
15 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
16 Code or a similar provision of a local ordinance.

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

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

24 (1) unless the defendant, upon payment of the fines,
25 penalties, and costs provided by law, agrees to attend and
26 successfully complete a traffic safety program approved by

1 the court under standards set by the Conference of Chief
2 Circuit Judges. The accused shall be responsible for
3 payment of any traffic safety program fees. If the accused
4 fails to file a certificate of successful completion on or
5 before the termination date of the supervision order, the
6 supervision shall be summarily revoked and conviction
7 entered. The provisions of Supreme Court Rule 402 relating
8 to pleas of guilty do not apply in cases when a defendant
9 enters a guilty plea under this provision; or

10 (2) if the defendant has previously been sentenced
11 under the provisions of paragraph (c) on or after January
12 1, 1998 for any serious traffic offense as defined in
13 Section 1-187.001 of the Illinois Vehicle Code.

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

1 The provisions of Supreme Court Rule 402 relating to pleas of
2 guilty do not apply in cases when a defendant enters a guilty
3 plea under this provision.

4 (i) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating Section 3-707 of the Illinois
6 Vehicle Code or a similar provision of a local ordinance if the
7 defendant has been assigned supervision for a violation of
8 Section 3-707 of the Illinois Vehicle Code or a similar
9 provision of a local ordinance.

10 (j) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 6-303 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance when
13 the revocation or suspension was for a violation of Section
14 11-501 or a similar provision of a local ordinance or a
15 violation of Section 11-501.1 or paragraph (b) of Section
16 11-401 of the Illinois Vehicle Code if the defendant has within
17 the last 10 years been:

18 (1) convicted for a violation of Section 6-303 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance; or

21 (2) assigned supervision for a violation of Section
22 6-303 of the Illinois Vehicle Code or a similar provision
23 of a local ordinance.

24 (k) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating any provision of the Illinois
26 Vehicle Code or a similar provision of a local ordinance that

1 governs the movement of vehicles if, within the 12 months
2 preceding the date of the defendant's arrest, the defendant has
3 been assigned court supervision on 2 occasions for a violation
4 that governs the movement of vehicles under the Illinois
5 Vehicle Code or a similar provision of a local ordinance. The
6 provisions of this paragraph (k) do not apply to a defendant
7 charged with violating Section 11-501 of the Illinois Vehicle
8 Code or a similar provision of a local ordinance.

9 (l) A defendant charged with violating any provision of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance who receives a disposition of supervision under
12 subsection (c) shall pay an additional fee of \$29, to be
13 collected as provided in Sections 27.5 and 27.6 of the Clerks
14 of Courts Act. In addition to the \$29 fee, the person shall
15 also pay a fee of \$6, which, if not waived by the court, shall
16 be collected as provided in Sections 27.5 and 27.6 of the
17 Clerks of Courts Act. The \$29 fee shall be disbursed as
18 provided in Section 16-104c of the Illinois Vehicle Code. If
19 the \$6 fee is collected, \$5.50 of the fee shall be deposited
20 into the Circuit Court Clerk Operation and Administrative Fund
21 created by the Clerk of the Circuit Court and 50 cents of the
22 fee shall be deposited into the Prisoner Review Board Vehicle
23 and Equipment Fund in the State treasury.

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

1 Section 11-501 of the Illinois Vehicle Code, or a violation of
2 a similar provision of a local ordinance shall pay an
3 additional fee of \$35, to be disbursed as provided in Section
4 16-104d of that Code.

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

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

16 (o) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 6-303 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance when
19 the suspension was for a violation of Section 11-501.1 of the
20 Illinois Vehicle Code and when:

21 (1) at the time of the violation of Section 11-501.1 of
22 the Illinois Vehicle Code, the defendant was a first
23 offender pursuant to Section 11-500 of the Illinois Vehicle
24 Code and the defendant failed to obtain a monitoring device
25 driving permit; or

26 (2) at the time of the violation of Section 11-501.1 of

1 the Illinois Vehicle Code, the defendant was a first
2 offender pursuant to Section 11-500 of the Illinois Vehicle
3 Code, had subsequently obtained a monitoring device
4 driving permit, but was driving a vehicle not equipped with
5 a breath alcohol ignition interlock device as defined in
6 Section 1-129.1 of the Illinois Vehicle Code.

7 (p) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 11-601.5 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance.

11 (q) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating subsection (b) of Section
13 11-601 of the Illinois Vehicle Code when the defendant was
14 operating a vehicle, in an urban district, at a speed in excess
15 of 25 miles per hour over the posted speed limit.

16 (r) 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 if the
19 violation was the proximate cause of the death of another and
20 the defendant's driving abstract contains a prior conviction or
21 disposition of court supervision for any violation of the
22 Illinois Vehicle Code, other than an equipment violation, or a
23 suspension, revocation, or cancellation of the driver's
24 license.

25 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;
26 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.

1 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,
2 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12; 97-831,
3 eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

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