



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1635

Introduced 2/20/2015, by Sen. Dale A. Righter

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code. Provides in a county with a service-intensive probation program, such as pre-trial, DUI court, veteran's court, drug court, mental health court, or domestic violence court, the county may adopt a \$25 fee to be paid by a defendant convicted of an offense. Amends the Unified Code of Corrections. Notwithstanding any other law to the contrary, when the offender is to be sentenced for a non-violent non-probationable offense, the court may sentence the offender to a term of imprisonment in the Department of Corrections or county jail in combination with a consecutive term of service-intensive probation if the court makes certain findings. If the court elects to sentence an offender to a combination sentence, the court must order the defendant to complete any indicated treatment for substance abuse or mental illness in an outpatient, inpatient, residential, or jail-based custodial treatment program, and include a regimen of graduated requirements and rewards and sanctions, including but not limited to: fines, fees, costs, restitution, additional incarceration, individual and group therapy, drug testing, close monitoring by the court and supervision of progress, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the sentence. Provides that the court may structure its sentence without regard to mandatory minimum imprisonment requirements if the combination of imprisonment and the term of probation equals or exceeds the minimum sentence for the offense.

LRB099 03468 MRW 23476 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Counties Code is amended by changing Section  
5 5-1101 as follows:

6 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

7 Sec. 5-1101. Additional fees to finance court system. A  
8 county board may enact by ordinance or resolution the following  
9 fees:

10 (a) A \$5 fee to be paid by the defendant on a judgment of  
11 guilty or a grant of supervision for violation of the Illinois  
12 Vehicle Code other than Section 11-501 or violations of similar  
13 provisions contained in county or municipal ordinances  
14 committed in the county, and up to a \$30 fee to be paid by the  
15 defendant on a judgment of guilty or a grant of supervision for  
16 violation of Section 11-501 of the Illinois Vehicle Code or a  
17 violation of a similar provision contained in county or  
18 municipal ordinances committed in the county.

19 (b) In the case of a county having a population of  
20 1,000,000 or less, a \$5 fee to be collected in all civil cases  
21 by the clerk of the circuit court.

22 (c) A fee to be paid by the defendant on a judgment of  
23 guilty or a grant of supervision, as follows:

- 1 (1) for a felony, \$50;
- 2 (2) for a class A misdemeanor, \$25;
- 3 (3) for a class B or class C misdemeanor, \$15;
- 4 (4) for a petty offense, \$10;
- 5 (5) for a business offense, \$10.

6 (d) A \$100 fee for the second and subsequent violations of  
7 Section 11-501 of the Illinois Vehicle Code or violations of  
8 similar provisions contained in county or municipal ordinances  
9 committed in the county. The proceeds of this fee shall be  
10 placed in the county general fund and used to finance education  
11 programs related to driving under the influence of alcohol or  
12 drugs.

13 (d-5) A \$10 fee to be paid by the defendant on a judgment  
14 of guilty or a grant of supervision under Section 5-9-1 of the  
15 Unified Code of Corrections to be placed in the county general  
16 fund and used to finance the county mental health court, the  
17 county drug court, the Veterans and Servicemembers Court, or  
18 any or all of the above.

19 (e) In each county in which a teen court, peer court, peer  
20 jury, youth court, or other youth diversion program has been  
21 created, a county may adopt a mandatory fee of up to \$5 to be  
22 assessed as provided in this subsection. Assessments collected  
23 by the clerk of the circuit court pursuant to this subsection  
24 must be deposited into an account specifically for the  
25 operation and administration of a teen court, peer court, peer  
26 jury, youth court, or other youth diversion program. The clerk

1 of the circuit court shall collect the fees established in this  
2 subsection and must remit the fees to the teen court, peer  
3 court, peer jury, youth court, or other youth diversion program  
4 monthly, less 5%, which is to be retained as fee income to the  
5 office of the clerk of the circuit court. The fees are to be  
6 paid as follows:

7 (1) a fee of up to \$5 paid by the defendant on a  
8 judgment of guilty or grant of supervision for violation of  
9 the Illinois Vehicle Code or violations of similar  
10 provisions contained in county or municipal ordinances  
11 committed in the county;

12 (2) a fee of up to \$5 paid by the defendant on a  
13 judgment of guilty or grant of supervision under Section  
14 5-9-1 of the Unified Code of Corrections for a felony; for  
15 a Class A, Class B, or Class C misdemeanor; for a petty  
16 offense; and for a business offense.

17 (f) In each county in which a drug court has been created,  
18 the county may adopt a mandatory fee of up to \$5 to be assessed  
19 as provided in this subsection. Assessments collected by the  
20 clerk of the circuit court pursuant to this subsection must be  
21 deposited into an account specifically for the operation and  
22 administration of the drug court. The clerk of the circuit  
23 court shall collect the fees established in this subsection and  
24 must remit the fees to the drug court, less 5%, which is to be  
25 retained as fee income to the office of the clerk of the  
26 circuit court. The fees are to be paid as follows:

1 (1) a fee of up to \$5 paid by the defendant on a  
2 judgment of guilty or grant of supervision for a violation  
3 of the Illinois Vehicle Code or a violation of a similar  
4 provision contained in a county or municipal ordinance  
5 committed in the county; or

6 (2) a fee of up to \$5 paid by the defendant on a  
7 judgment of guilty or a grant of supervision under Section  
8 5-9-1 of the Unified Code of Corrections for a felony; for  
9 a Class A, Class B, or Class C misdemeanor; for a petty  
10 offense; and for a business offense.

11 The clerk of the circuit court shall deposit the 5%  
12 retained under this subsection into the Circuit Court Clerk  
13 Operation and Administrative Fund to be used to defray the  
14 costs of collection and disbursement of the drug court fee.

15 (f-2) In each county in which a service-intensive probation  
16 program has been created, such as pre-trial, DUI court,  
17 veteran's court, drug court, mental health court, or domestic  
18 violence court, the county may adopt a mandatory fee of \$25 to  
19 be paid by a defendant on a judgment of guilty or grant of  
20 supervision under Section 5-9-1 of the Unified Code of  
21 Corrections for a felony, misdemeanor, petty offense, or  
22 business offense. The circuit clerk of the court shall remit  
23 monthly fees collected under this subsection (f-2) to the  
24 county treasurer in a special fund designated for the operation  
25 and administration of service-intensive probation programs. No  
26 expenditures shall be made from that fund except as approved by

1 the county probation department.

2 (f-5) In each county in which a Children's Advocacy Center  
3 provides services, the county board may adopt a mandatory fee  
4 of between \$5 and \$30 to be paid by the defendant on a judgment  
5 of guilty or a grant of supervision under Section 5-9-1 of the  
6 Unified Code of Corrections for a felony; for a Class A, Class  
7 B, or Class C misdemeanor; for a petty offense; and for a  
8 business offense. Assessments shall be collected by the clerk  
9 of the circuit court and must be deposited into an account  
10 specifically for the operation and administration of the  
11 Children's Advocacy Center. The clerk of the circuit court  
12 shall collect the fees as provided in this subsection, and must  
13 remit the fees to the Children's Advocacy Center.

14 (f-10) In each county in which the Court Appointed Special  
15 Advocates provide services, the county board may, in addition  
16 to any fine imposed under Section 5-9-1 of the Unified Code of  
17 Corrections, adopt a mandatory fee of between \$10 and \$30 to be  
18 paid by the defendant on a judgment of guilty or a grant of  
19 supervision for a felony; for a Class A, Class B, or Class C  
20 misdemeanor; for a petty offense; and for a business offense;  
21 where a court appearance is required. Assessments shall be  
22 collected by the clerk of the circuit court and must be  
23 deposited into an account specifically for the operations of  
24 the Court Appointed Special Advocates. The clerk of the circuit  
25 court shall collect the fees as provided in this subsection and  
26 must remit the fees to the Court Appointed Special Advocates

1 Fund that the county board shall create for the receipt of  
2 funds collected under this subsection, and from which the  
3 county board shall make grants to support the activities and  
4 services of the Court Appointed Special Advocates within that  
5 county. The term "Court Appointed Special Advocates" is  
6 copyrighted and is used with permission of the holder of the  
7 copyright.

8 (g) The proceeds of all fees enacted under this Section  
9 must, except as provided in subsections (d), (d-5), (e), (f),  
10 and (f-10) be placed in the county general fund and used to  
11 finance the court system in the county, unless the fee is  
12 subject to disbursement by the circuit clerk as provided under  
13 Section 27.5 of the Clerks of Courts Act.

14 (Source: P.A. 98-331, eff. 8-13-13.)

15 Section 10. The Unified Code of Corrections is amended by  
16 changing Sections 5-4.5-15 and 5-6-1 as follows:

17 (730 ILCS 5/5-4.5-15)

18 Sec. 5-4.5-15. DISPOSITIONS.

19 (a) APPROPRIATE DISPOSITIONS. The following are  
20 appropriate dispositions, alone or in combination, for all  
21 felonies and misdemeanors other than as provided in Section  
22 5-5-3 (730 ILCS 5/5-5-3) or as specifically provided in the  
23 statute defining the offense or elsewhere:

24 (1) A period of probation.

- 1 (2) A term of periodic imprisonment.
- 2 (3) A term of conditional discharge.
- 3 (4) A term of imprisonment.
- 4 (5) A fine.
- 5 (6) Restitution to the victim.
- 6 (7) Participation in an impact incarceration program.
- 7 (8) A term of imprisonment in combination with a term
- 8 of probation under subsection (d) of this Section or
- 9 paragraph (3) of subsection (a) of Section 5-6-1 of this
- 10 Code ~~when the offender has been admitted into a drug court~~
- 11 ~~program.~~

12 (9) If the defendant is convicted of arson, aggravated

13 arson, residential arson, or place of worship arson, an

14 order directing the offender to reimburse the local

15 emergency response department for the costs of responding

16 to the fire that the offender was convicted of setting in

17 accordance with the Emergency Services Response

18 Reimbursement for Criminal Convictions Act.

19 (b) FINE; RESTITUTION; NOT SOLE DISPOSITION. Neither a fine

20 nor restitution shall be the sole disposition for a felony, and

21 either or both may be imposed only in conjunction with another

22 disposition.

23 (c) PAROLE; MANDATORY SUPERVISED RELEASE. Except when a

24 term of natural life is imposed, every sentence includes a term

25 in addition to the term of imprisonment. For those sentenced

26 under the law in effect before February 1, 1978, that term is a



1 parole term. For those sentenced on or after February 1, 1978,  
2 that term is a mandatory supervised release term.

3 (d) COMBINATION SENTENCE. Notwithstanding any other law to  
4 the contrary, in cases in which the defendant is to be  
5 sentenced for a non-probationable offense based upon  
6 sentencing statutes or the defendant's conviction history, the  
7 court may sentence the defendant to a term of imprisonment in  
8 the Department of Corrections or county jail in combination  
9 with a consecutive term of service-intensive probation if the  
10 court makes the following findings at the time of sentencing:

11 (1) the defendant suffers or has suffered from an  
12 addiction or a mental illness that has contributed to past  
13 or current criminal behavior;

14 (2) a combination sentence is necessary for the  
15 protection of the public and for the rehabilitation of the  
16 defendant; and

17 (3) the court finds each of the following eligibility  
18 requirements apply:

19 (A) the offense is not a crime of violence;

20 (B) the offense is a non-probationable Class 1, 2,  
21 3, or 4 felony including those to which the defendant  
22 is subject to Class X sentencing under subsection (b)  
23 of Section 5-4.5-95 of this Code or a drug offense  
24 regardless of felony classification including  
25 drug-induced homicide;

26 (C) the defendant admits his or her use of or

1 addiction to drugs or alcohol and a need for treatment  
2 is supported by a substance abuse evaluation, or the  
3 defendant suffers from a mental illness based upon a  
4 mental health assessment;

5 (D) the defendant demonstrates a willingness to  
6 participate in a treatment program; and

7 (E) the defendant has not been convicted of a crime  
8 of violence within the past 10 years excluding time  
9 spent in incarceration.

10 If drug court or mental health court is available in the  
11 jurisdiction, a defendant may be sentenced to a combination  
12 sentence under this subsection (d) only upon the agreement of  
13 the State's Attorney and the defendant and the court. In  
14 sentencing the defendant on a combination sentence, the court:

15 (1) must require the defendant to execute a written  
16 agreement as to his or her agreement to all of the terms  
17 and conditions of the sentence, including but not limited  
18 to the possibility of sanctions or incarceration for  
19 failing to abide or comply with the terms of the sentence;

20 (2) must, in addition to any conditions authorized  
21 under the Pretrial Services Act and Section 5-6-3 of the  
22 Unified Code of Corrections, order the defendant to  
23 complete any indicated treatment for substance abuse or  
24 mental illness in an outpatient, inpatient, residential,  
25 or jail-based custodial treatment program. Any period of  
26 time a defendant shall serve in a jail-based treatment

1 program may not be reduced by the accumulation of good time  
2 or other credits;

3 (3) must include a regimen of graduated requirements  
4 and rewards and sanctions, including but not limited to:  
5 finances, fees, costs, restitution, additional incarceration,  
6 individual and group therapy, drug testing, close  
7 monitoring by the court at a minimum of once every 30 days  
8 and supervision of progress, educational or vocational  
9 counseling as appropriate, and other requirements  
10 necessary to fulfill the sentence; and

11 (4) may impose as a term of service-intensive probation  
12 any condition reasonably related to treatment,  
13 rehabilitation, and community protection, including, but  
14 not be limited to, requiring the defendant to serve  
15 additional time in custody for probation violations if the  
16 total time served by the defendant does not exceed the  
17 maximum term of imprisonment for the sentencing offense.

18 If drug court or mental health court is not available in  
19 the jurisdiction, the court may consider any objection from the  
20 State's Attorney to sentencing the defendant under this  
21 subsection (d). If the court elects to sentence a defendant to  
22 a combination sentence under this subsection, the court:

23 (1) must require the defendant to execute a written  
24 agreement as to his or her agreement to all of the terms  
25 and conditions of the sentence, including but not limited  
26 to the possibility of sanctions or incarceration for

1 failing to abide or comply with the terms of the sentence;

2 (2) must, in addition to any conditions authorized  
3 under the Pretrial Services Act and Section 5-6-3 of the  
4 Unified Code of Corrections, order the defendant to  
5 complete any indicated treatment for substance abuse or  
6 mental illness in an outpatient, inpatient, residential,  
7 or jail-based custodial treatment program. Any period of  
8 time a defendant shall serve in a jail-based treatment  
9 program may not be reduced by the accumulation of good time  
10 or other credits;

11 (3) if available in the jurisdiction, must include a  
12 regimen of graduated requirements and rewards and  
13 sanctions, including but not limited to: fines, fees,  
14 costs, restitution, additional incarceration, individual  
15 and group therapy, drug testing, close monitoring by the  
16 court at a minimum of once every 30 days and supervision of  
17 progress, educational or vocational counseling as  
18 appropriate, and other requirements necessary to fulfill  
19 the sentence; and

20 (4) may impose as a term of service-intensive probation  
21 any condition reasonably related to treatment,  
22 rehabilitation, and community protection, including, but  
23 not be limited to, requiring the defendant to serve  
24 additional time in custody for probation violations if the  
25 total time served by the defendant does not exceed the  
26 maximum term of imprisonment for the sentencing offense.

1       The court may structure the combination sentence without  
2 regard to any mandatory minimum imprisonment requirements if  
3 the combination of imprisonment and the term of probation  
4 imposed equals or exceeds the mandatory minimum sentence for  
5 the offense.

6       The court shall inform the defendant that if the defendant  
7 fails to meet or violates any condition of the sentence the  
8 sentence may be revoked and the defendant shall be re-sentenced  
9 as provided in this Code for the offense charged.

10       If the defendant is sentenced to a term of incarceration in  
11 the Department of Corrections under the combination sentence,  
12 then upon his or her release the period of service-intensive  
13 probation shall run concurrently with the period of mandatory  
14 supervised release; however, any condition of the  
15 service-intensive probation which is the same or similar to a  
16 condition of mandatory supervised release shall supersede the  
17 condition under mandatory supervised release, and satisfactory  
18 completion of any condition of the service-intensive probation  
19 which is the same or similar to a condition of mandatory  
20 supervised release shall satisfy that condition under  
21 mandatory supervised release.

22       In this Section, "crime of violence" means first degree  
23 murder, second degree murder, armed violence, predatory  
24 criminal sexual assault of a child, aggravated criminal sexual  
25 assault, criminal sexual assault, armed robbery, home  
26 invasion, aggravated arson, arson, aggravated kidnaping,

1 kidnapping, aggravated battery resulting in great bodily harm  
2 or permanent disability, stalking, aggravated stalking, or any  
3 offense involving the discharge of a firearm.

4 (Source: P.A. 95-1052, eff. 7-1-09; incorporates P.A. 96-400,  
5 eff. 8-13-09; 96-1000, eff. 7-2-10.)

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

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

17 (a) Except where specifically prohibited by other  
18 provisions of this Code, the court shall impose a sentence of  
19 probation or conditional discharge upon an offender unless,  
20 having regard to the nature and circumstance of the offense,  
21 and to the history, character and condition of the offender,  
22 the court is of the opinion that:

23 (1) his imprisonment or periodic imprisonment is  
24 necessary for the protection of the public; or

25 (2) probation or conditional discharge would deprecate

1 the seriousness of the offender's conduct and would be  
2 inconsistent with the ends of justice; or

3 (3) a combination of imprisonment with concurrent or  
4 consecutive service-intensive probation when the court  
5 finds that a combination sentence ~~an offender has been~~  
6 ~~admitted into a drug court program under Section 20 of the~~  
7 ~~Drug Court Treatment Act~~ is necessary for the protection of  
8 the public and for the rehabilitation of the offender.

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

16 (b) The court may impose a sentence of conditional  
17 discharge for an offense if the court is of the opinion that  
18 neither a sentence of imprisonment nor of periodic imprisonment  
19 nor of probation supervision is appropriate.

20 (b-1) Subsections (a) and (b) of this Section do not apply  
21 to a defendant charged with a misdemeanor or felony under the  
22 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
23 the Criminal Code of 1961 or the Criminal Code of 2012 if the  
24 defendant within the past 12 months has been convicted of or  
25 pleaded guilty to a misdemeanor or felony under the Illinois  
26 Vehicle Code or reckless homicide under Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 (c) The court may, upon a plea of guilty or a stipulation  
3 by the defendant of the facts supporting the charge or a  
4 finding of guilt, defer further proceedings and the imposition  
5 of a sentence, and enter an order for supervision of the  
6 defendant, if the defendant is not charged with: (i) a Class A  
7 misdemeanor, as defined by the following provisions of the  
8 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
9 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
10 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
11 paragraph (1) through (5), (8), (10), and (11) of subsection  
12 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
13 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
14 Act; or (iii) a felony. If the defendant is not barred from  
15 receiving an order for supervision as provided in this  
16 subsection, the court may enter an order for supervision after  
17 considering the circumstances of the offense, and the history,  
18 character and condition of the offender, if the court is of the  
19 opinion that:

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

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

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



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

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

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

17 (2) assigned supervision for a violation of Section  
18 11-501 of the Illinois Vehicle Code or a similar provision  
19 of a local ordinance or any similar law or ordinance of  
20 another state; or

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

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

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

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

10          or

11           (2) assigned supervision for a violation of Section  
12 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012.

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

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

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

1 years been:

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

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

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

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

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

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

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

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

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

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

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

15           (k) The provisions of paragraph (c) shall not apply to a  
16 defendant charged with violating any provision of the Illinois  
17 Vehicle Code or a similar provision of a local ordinance that  
18 governs the movement of vehicles if, within the 12 months  
19 preceding the date of the defendant's arrest, the defendant has  
20 been assigned court supervision on 2 occasions for a violation  
21 that governs the movement of vehicles under the Illinois  
22 Vehicle Code or a similar provision of a local ordinance. The  
23 provisions of this paragraph (k) do not apply to a defendant  
24 charged with violating Section 11-501 of the Illinois Vehicle  
25 Code or a similar provision of a local ordinance.

26           (1) A defendant charged with violating any provision of the

1 Illinois Vehicle Code or a similar provision of a local  
2 ordinance who receives a disposition of supervision under  
3 subsection (c) shall pay an additional fee of \$29, to be  
4 collected as provided in Sections 27.5 and 27.6 of the Clerks  
5 of Courts Act. In addition to the \$29 fee, the person shall  
6 also pay a fee of \$6, which, if not waived by the court, shall  
7 be collected as provided in Sections 27.5 and 27.6 of the  
8 Clerks of Courts Act. The \$29 fee shall be disbursed as  
9 provided in Section 16-104c of the Illinois Vehicle Code. If  
10 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
11 into the Circuit Court Clerk Operation and Administrative Fund  
12 created by the Clerk of the Circuit Court and 50 cents of the  
13 fee shall be deposited into the Prisoner Review Board Vehicle  
14 and Equipment Fund in the State treasury.

15 (m) Any person convicted of, pleading guilty to, or placed  
16 on supervision for a serious traffic violation, as defined in  
17 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
18 Section 11-501 of the Illinois Vehicle Code, or a violation of  
19 a similar provision of a local ordinance shall pay an  
20 additional fee of \$35, to be disbursed as provided in Section  
21 16-104d of that Code.

22 This subsection (m) becomes inoperative on January 1, 2020.

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

1           (q) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating subsection (b) of Section  
3 11-601 of the Illinois Vehicle Code when the defendant was  
4 operating a vehicle, in an urban district, at a speed in excess  
5 of 25 miles per hour over the posted speed limit.

6           (r) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating any provision of the Illinois  
8 Vehicle Code or a similar provision of a local ordinance if the  
9 violation was the proximate cause of the death of another and  
10 the defendant's driving abstract contains a prior conviction or  
11 disposition of court supervision for any violation of the  
12 Illinois Vehicle Code, other than an equipment violation, or a  
13 suspension, revocation, or cancellation of the driver's  
14 license.

15           (s) The provisions of paragraph (c) shall not apply to a  
16 defendant charged with violating subsection (i) of Section 70  
17 of the Firearm Concealed Carry Act.

18           (Source: P.A. 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;  
19 97-831, eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff.  
20 1-25-13; 98-169, eff. 1-1-14; 98-658, eff. 6-23-14; 98-899,  
21 eff. 8-15-14; revised 10-1-14.)



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Statutes amended in order of appearance

3

55 ILCS 5/5-1101

from Ch. 34, par. 5-1101

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730 ILCS 5/5-4.5-15

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730 ILCS 5/5-6-1

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