



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5285

Introduced 2/3/2010, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

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 Illinois Vehicle Code, the Clerks of Courts Act, and the Unified Code of Corrections. Provides that any person who is convicted of or pleads guilty to a serious traffic violation, as defined in the Illinois Vehicle Code, shall pay an additional fee of \$40 (rather than \$20). Provides that \$15 (rather than \$7.50) of the fee shall be deposited into the Fire Prevention Fund in the State treasury, \$15 (rather than \$7.50) shall be deposited into the Fire Truck Revolving Loan Fund in the State treasury, and \$10 (rather than \$5) shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court. Makes technical changes. Effective 60 days after becoming law.

LRB096 15817 AJT 31058 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

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

6 (625 ILCS 5/16-104d)

7 Sec. 16-104d. Additional fee; serious traffic violation.
8 Any person who is convicted of, pleads guilty to, or is placed
9 on supervision for a serious traffic violation, as defined in
10 Section 1-187.001 of this Code, a violation of Section 11-501
11 of this Code, or a violation of a similar provision of a local
12 ordinance shall pay an additional fee of \$40 ~~\$20~~. Of that fee,
13 \$15 ~~\$7.50~~ shall be deposited into the Fire Prevention Fund in
14 the State treasury, \$15 ~~\$7.50~~ shall be deposited into the Fire
15 Truck Revolving Loan Fund in the State treasury, and \$10 ~~\$5~~
16 shall be deposited into the Circuit Court Clerk Operation and
17 Administrative Fund created by the Clerk of the Circuit Court.

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

21 (Source: P.A. 95-154, eff. 10-13-07; 96-286, eff. 8-11-09.)

22 Section 10. The Clerks of Courts Act is amended by changing

1 Sections 27.5 and 27.6 as follows:

2 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

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

1 Treasurer, 1/6 shall be deposited by the State Treasurer into
2 the Violent Crime Victims Assistance Fund, 1/2 shall be
3 deposited into the Traffic and Criminal Conviction Surcharge
4 Fund, and 1/3 shall be deposited into the Drivers Education
5 Fund. For fiscal years 1992 and 1993, amounts deposited into
6 the Violent Crime Victims Assistance Fund, the Traffic and
7 Criminal Conviction Surcharge Fund, or the Drivers Education
8 Fund shall not exceed 110% of the amounts deposited into those
9 funds in fiscal year 1991. Any amount that exceeds the 110%
10 limit shall be distributed as follows: 50% shall be disbursed
11 to the county's general corporate fund and 50% shall be
12 disbursed to the entity authorized by law to receive the fine
13 imposed in the case. 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 Section during the
16 preceding year based upon independent verification of fines and
17 fees. All counties shall be subject to this Section, except
18 that counties with a population under 2,000,000 may, by
19 ordinance, elect not to be subject to this Section. For
20 offenses subject to this Section, judges shall impose one total
21 sum of money payable for violations. The circuit clerk may add
22 on no additional amounts except for amounts that are required
23 by Sections 27.3a and 27.3c of this Act, Section 16-104c of the
24 Illinois Vehicle Code, and subsection (a) of Section 5-1101 of
25 the Counties Code, 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. Unless a court ordered payment
5 schedule is implemented or fee requirements are waived pursuant
6 to a court order, the circuit clerk may add to any unpaid fees
7 and costs a delinquency amount equal to 5% of the unpaid fees
8 that remain unpaid after 30 days, 10% of the unpaid fees that
9 remain unpaid after 60 days, and 15% of the unpaid fees that
10 remain unpaid after 90 days. Notice to those parties may be
11 made by signage posting or publication. The additional
12 delinquency amounts collected under this Section shall be
13 deposited in the Circuit Court Clerk Operation and
14 Administrative Fund to be used to defray administrative costs
15 incurred by the circuit clerk in performing the duties required
16 to collect and disburse funds. This Section is a denial and
17 limitation of home rule powers and functions under subsection
18 (h) of Section 6 of Article VII of the Illinois Constitution.

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

21 (1) 50% of the amounts collected for felony offenses
22 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
23 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
24 Animals Act and Section 26-5 of the Criminal Code of 1961;

25 (2) 20% of the amounts collected for Class A and Class
26 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,

1 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
2 for Animals Act and Section 26-5 of the Criminal Code of
3 1961; and

4 (3) 50% of the amounts collected for Class C
5 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
6 for Animals Act and Section 26-5 of the Criminal Code of
7 1961.

8 (c) Any person who receives a disposition of court
9 supervision for a violation of the Illinois Vehicle Code or a
10 similar provision of a local ordinance shall, in addition to
11 any other fines, fees, and court costs, pay an additional fee
12 of \$29, to be disbursed as provided in Section 16-104c of the
13 Illinois Vehicle Code. In addition to the fee of \$29, the
14 person shall also pay a fee of \$6, if not waived by the court.
15 If this \$6 fee is collected, \$5.50 of the fee shall be
16 deposited into the Circuit Court Clerk Operation and
17 Administrative Fund created by the Clerk of the Circuit Court
18 and 50 cents of the fee shall be deposited into the Prisoner
19 Review Board Vehicle and Equipment Fund in the State treasury.

20 (d) Any person convicted of, pleading guilty to, or placed
21 on supervision for a serious traffic violation, as defined in
22 Section 1-187.001 of the Illinois Vehicle Code, a violation of
23 Section 11-501 of the Illinois Vehicle Code, or a violation of
24 a similar provision of a local ordinance shall pay an
25 additional fee of \$40 ~~\$20~~, to be disbursed as provided in
26 Section 16-104d of that Code.

1 Subsection (d) becomes inoperative 7 years after the
2 effective date of Public Act 95-154.

3 (e) In all counties having a population of 3,000,000 or
4 more inhabitants:7

5 (1) ~~(e-1)~~ A person who is found guilty of or pleads
6 guilty to violating subsection (a) of Section 11-501 of the
7 Illinois Vehicle Code, including any person placed on court
8 supervision for violating subsection (a), shall be fined
9 \$500 as provided for by subsection (f) of Section 11-501.01
10 of the Illinois Vehicle Code, payable to the circuit clerk,
11 who shall distribute the money pursuant to subsection (f)
12 of Section 11-501.01 of the Illinois Vehicle Code.

13 (2) ~~(e-2)~~ When a crime laboratory DUI analysis fee of
14 \$150, provided for by Section 5-9-1.9 of the Unified Code
15 of Corrections is assessed, it shall be disbursed by the
16 circuit clerk as provided by subsection (f) of Section
17 5-9-1.9 of the Unified Code of Corrections.

18 (3) ~~(e-3)~~ When a fine for a violation of subsection (a)
19 of Section 11-605 of the Illinois Vehicle Code is \$150 or
20 greater, the additional \$50 which is charged as provided
21 for by subsection (f) of Section 11-605 of the Illinois
22 Vehicle Code shall be disbursed by the circuit clerk to a
23 school district or districts for school safety purposes as
24 provided by subsection (f) of Section 11-605.

25 (4) ~~(e-3.5)~~ When a fine for a violation of subsection
26 (a) of Section 11-1002.5 of the Illinois Vehicle Code is

1 \$150 or greater, the additional \$50 which is charged as
2 provided for by subsection (c) of Section 11-1002.5 of the
3 Illinois Vehicle Code shall be disbursed by the circuit
4 clerk to a school district or districts for school safety
5 purposes as provided by subsection (c) of Section 11-1002.5
6 of the Illinois Vehicle Code.

7 (5) ~~(e-4)~~ When a mandatory drug court fee of up to \$5
8 is assessed as provided in subsection (f) of Section 5-1101
9 of the Counties Code, it shall be disbursed by the circuit
10 clerk as provided in subsection (f) of Section 5-1101 of
11 the Counties Code.

12 (6) ~~(e-5)~~ When a mandatory teen court, peer jury, youth
13 court, or other youth diversion program fee is assessed as
14 provided in subsection (e) of Section 5-1101 of the
15 Counties Code, it shall be disbursed by the circuit clerk
16 as provided in subsection (e) of Section 5-1101 of the
17 Counties Code.

18 (7) ~~(e-6)~~ When a Children's Advocacy Center fee is
19 assessed pursuant to subsection (f-5) of Section 5-1101 of
20 the Counties Code, it shall be disbursed by the circuit
21 clerk as provided in subsection (f-5) of Section 5-1101 of
22 the Counties Code.

23 (8) ~~(e-7)~~ When a victim impact panel fee is assessed
24 pursuant to subsection (b) of Section 11-501.01 of the
25 Illinois Vehicle Code, it shall be disbursed by the circuit
26 clerk to the victim impact panel to be attended by the

1 defendant.

2 (9) ~~(e-8)~~ When a new fee collected in traffic cases is
3 enacted after January 1, 2010 (the effective date of Public
4 Act 96-735) ~~this amendatory Act of the 96th General~~
5 ~~Assembly~~, it shall be excluded from the percentage
6 disbursement provisions of this Section unless otherwise
7 indicated by law.

8 (f) ~~(e)~~ Any person who receives a disposition of court
9 supervision for a violation of Section 11-501 of the Illinois
10 Vehicle Code shall, in addition to any other fines, fees, and
11 court costs, pay an additional fee of \$50, which shall be
12 collected by the circuit clerk and then remitted to the State
13 Treasurer for deposit into the Roadside Memorial Fund, a
14 special fund in the State treasury. However, the court may
15 waive the fee if full restitution is complied with. Subject to
16 appropriation, all moneys in the Roadside Memorial Fund shall
17 be used by the Department of Transportation to pay fees imposed
18 under subsection (f) of Section 20 of the Roadside Memorial
19 Act. The fee shall be remitted by the circuit clerk within one
20 month after receipt to the State Treasurer for deposit into the
21 Roadside Memorial Fund.

22 (g) ~~(e)~~ For any conviction or disposition of court
23 supervision for a violation of Section 11-1429 of the Illinois
24 Vehicle Code, the circuit clerk shall distribute the fines paid
25 by the person as specified by subsection (h) of Section 11-1429
26 of the Illinois Vehicle Code.

1 (Source: P.A. 95-154, eff. 10-13-07; 95-428, eff. 8-24-07;
2 95-876, eff. 8-21-08; 96-286, eff. 8-11-09; 96-576, eff.
3 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735,
4 eff. 1-1-10; revised 11-5-09.)

5 (705 ILCS 105/27.6)

6 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
7 and 96-667)

8 Sec. 27.6. (a) All fees, fines, costs, additional
9 penalties, bail balances assessed or forfeited, and any other
10 amount paid by a person to the circuit clerk equalling an
11 amount of \$55 or more, except the fine imposed by Section
12 5-9-1.15 of the Unified Code of Corrections, the additional fee
13 required by subsections (b) and (c), restitution under Section
14 5-5-6 of the Unified Code of Corrections, contributions to a
15 local anti-crime program ordered pursuant to Section
16 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
17 Corrections, reimbursement for the costs of an emergency
18 response as provided under Section 11-501 of the Illinois
19 Vehicle Code, any fees collected for attending a traffic safety
20 program under paragraph (c) of Supreme Court Rule 529, any fee
21 collected on behalf of a State's Attorney under Section 4-2002
22 of the Counties Code or a sheriff under Section 4-5001 of the
23 Counties Code, or any cost imposed under Section 124A-5 of the
24 Code of Criminal Procedure of 1963, for convictions, orders of
25 supervision, or any other disposition for a violation of

1 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
2 similar provision of a local ordinance, and any violation of
3 the Child Passenger Protection Act, or a similar provision of a
4 local ordinance, and except as otherwise provided in this
5 Section ~~subsections (d) and (g)~~ shall be disbursed within 60
6 days after receipt by the circuit clerk as follows: 44.5% shall
7 be disbursed to the entity authorized by law to receive the
8 fine imposed in the case; 16.825% shall be disbursed to the
9 State Treasurer; and 38.675% shall be disbursed to the county's
10 general corporate fund. Of the 16.825% disbursed to the State
11 Treasurer, 2/17 shall be deposited by the State Treasurer into
12 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
13 deposited into the Traffic and Criminal Conviction Surcharge
14 Fund, 3/17 shall be deposited into the Drivers Education Fund,
15 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
16 the 6.948/17 deposited into the Trauma Center Fund from the
17 16.825% disbursed to the State Treasurer, 50% shall be
18 disbursed to the Department of Public Health and 50% shall be
19 disbursed to the Department of Healthcare and Family Services.
20 For fiscal year 1993, amounts deposited into the Violent Crime
21 Victims Assistance Fund, the Traffic and Criminal Conviction
22 Surcharge Fund, or the Drivers Education Fund shall not exceed
23 110% of the amounts deposited into those funds in fiscal year
24 1991. Any amount that exceeds the 110% limit shall be
25 distributed as follows: 50% shall be disbursed to the county's
26 general corporate fund and 50% shall be disbursed to the entity

1 authorized by law to receive the fine imposed in the case. 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 Section during the preceding year based upon
5 independent verification of fines and fees. All counties shall
6 be subject to this Section, except that counties with a
7 population under 2,000,000 may, by ordinance, elect not to be
8 subject to this Section. For offenses subject to this Section,
9 judges shall impose one total sum of money payable for
10 violations. The circuit clerk may add on no additional amounts
11 except for amounts that are required by Sections 27.3a and
12 27.3c of this Act, unless those amounts are specifically waived
13 by the judge. With respect to money collected by the circuit
14 clerk as a result of forfeiture of bail, ex parte judgment or
15 guilty plea pursuant to Supreme Court Rule 529, the circuit
16 clerk shall first deduct and pay amounts required by Sections
17 27.3a and 27.3c of this Act. This Section is a denial and
18 limitation of home rule powers and functions under subsection
19 (h) of Section 6 of Article VII of the Illinois Constitution.

20 (b) In addition to any other fines and court costs assessed
21 by the courts, any person convicted or receiving an order of
22 supervision for driving under the influence of alcohol or drugs
23 shall pay an additional fee of \$100 to the clerk of the circuit
24 court. This amount, less 2 1/2% that shall be used to defray
25 administrative costs incurred by the clerk, shall be remitted
26 by the clerk to the Treasurer within 60 days after receipt for

1 deposit into the Trauma Center Fund. This additional fee of
2 \$100 shall not be considered a part of the fine for purposes of
3 any reduction in the fine for time served either before or
4 after sentencing. Not later than March 1 of each year the
5 Circuit Clerk shall submit a report of the amount of funds
6 remitted to the State Treasurer under this subsection during
7 the preceding calendar year.

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

22 (c) In addition to any other fines and court costs assessed
23 by the courts, any person convicted for a violation of Sections
24 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
25 person sentenced for a violation of the Cannabis Control Act,
26 the Illinois Controlled Substances Act, or the Methamphetamine

1 Control and Community Protection Act shall pay an additional
2 fee of \$100 to the clerk of the circuit court. This amount,
3 less 2 1/2% that shall be used to defray administrative costs
4 incurred by the clerk, shall be remitted by the clerk to the
5 Treasurer within 60 days after receipt for deposit into the
6 Trauma Center Fund. This additional fee of \$100 shall not be
7 considered a part of the fine for purposes of any reduction in
8 the fine for time served either before or after sentencing. Not
9 later than March 1 of each year the Circuit Clerk shall submit
10 a report of the amount of funds remitted to the State Treasurer
11 under this subsection during the preceding calendar year.

12 (c-1) In addition to any other fines and court costs
13 assessed by the courts, any person sentenced for a violation of
14 the Cannabis Control Act, the Illinois Controlled Substances
15 Act, or the Methamphetamine Control and Community Protection
16 Act shall pay an additional fee of \$5 to the clerk of the
17 circuit court. This amount, less 2 1/2% that shall be used to
18 defray administrative costs incurred by the clerk, shall be
19 remitted by the clerk to the Treasurer within 60 days after
20 receipt for deposit into the Spinal Cord Injury Paralysis Cure
21 Research Trust Fund. This additional fee of \$5 shall not be
22 considered a part of the fine for purposes of any reduction in
23 the fine for time served either before or after sentencing. Not
24 later than March 1 of each year the Circuit Clerk shall submit
25 a report of the amount of funds remitted to the State Treasurer
26 under this subsection during the preceding calendar year.

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

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

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

12 (3) 50% of the amounts collected for Class C
13 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
14 for Animals Act and Section 26-5 of the Criminal Code of
15 1961.

16 (e) Any person who receives a disposition of court
17 supervision for a violation of the Illinois Vehicle Code or a
18 similar provision of a local ordinance shall, in addition to
19 any other fines, fees, and court costs, pay an additional fee
20 of \$29, to be disbursed as provided in Section 16-104c of the
21 Illinois Vehicle Code. In addition to the fee of \$29, the
22 person shall also pay a fee of \$6, if not waived by the court.
23 If this \$6 fee is collected, \$5.50 of the fee shall be
24 deposited into the Circuit Court Clerk Operation and
25 Administrative Fund created by the Clerk of the Circuit Court
26 and 50 cents of the fee shall be deposited into the Prisoner

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

2 (f) This Section does not apply to the additional child
3 pornography fines assessed and collected under Section
4 5-9-1.14 of the Unified Code of Corrections.

5 (g) (Blank).

6 (h) (Blank).

7 (i) ~~(g)~~ Of the amounts collected as fines under subsection
8 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
9 deposited into the Illinois Military Family Relief Fund and 1%
10 shall be deposited into the Circuit Court Clerk Operation and
11 Administrative Fund created by the Clerk of the Circuit Court
12 to be used to offset the costs incurred by the Circuit Court
13 Clerk in performing the additional duties required to collect
14 and disburse funds to entities of State and local government as
15 provided by law.

16 (j) ~~(h)~~ Any person convicted of, pleading guilty to, or
17 placed on supervision for a serious traffic violation, as
18 defined in Section 1-187.001 of the Illinois Vehicle Code, a
19 violation of Section 11-501 of the Illinois Vehicle Code, or a
20 violation of a similar provision of a local ordinance shall pay
21 an additional fee of \$40 ~~\$20~~, to be disbursed as provided in
22 Section 16-104d of that Code.

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

25 (k) ~~(h)~~ For any conviction or disposition of court
26 supervision for a violation of Section 11-1429 of the Illinois

1 Vehicle Code, the circuit clerk shall distribute the fines paid
2 by the person as specified by subsection (h) of Section 11-1429
3 of the Illinois Vehicle Code.

4 (l) ~~(h)~~ Any person who receives a disposition of court
5 supervision for a violation of Section 11-501 of the Illinois
6 Vehicle Code or a similar provision of a local ordinance shall,
7 in addition to any other fines, fees, and court costs, pay an
8 additional fee of \$50, which shall be collected by the circuit
9 clerk and then remitted to the State Treasurer for deposit into
10 the Roadside Memorial Fund, a special fund in the State
11 treasury. However, the court may waive the fee if full
12 restitution is complied with. Subject to appropriation, all
13 moneys in the Roadside Memorial Fund shall be used by the
14 Department of Transportation to pay fees imposed under
15 subsection (f) of Section 20 of the Roadside Memorial Act. The
16 fee shall be remitted by the circuit clerk within one month
17 after receipt to the State Treasurer for deposit into the
18 Roadside Memorial Fund.

19 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
20 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
21 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
22 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; revised
23 12-29-09.)

24 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
25 and 96-735)

1 Sec. 27.6. (a) All fees, fines, costs, additional
2 penalties, bail balances assessed or forfeited, and any other
3 amount paid by a person to the circuit clerk equalling an
4 amount of \$55 or more, except the fine imposed by Section
5 5-9-1.15 of the Unified Code of Corrections, the additional fee
6 required by subsections (b) and (c), restitution under Section
7 5-5-6 of the Unified Code of Corrections, contributions to a
8 local anti-crime program ordered pursuant to Section
9 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
10 Corrections, reimbursement for the costs of an emergency
11 response as provided under Section 11-501 of the Illinois
12 Vehicle Code, any fees collected for attending a traffic safety
13 program under paragraph (c) of Supreme Court Rule 529, any fee
14 collected on behalf of a State's Attorney under Section 4-2002
15 of the Counties Code or a sheriff under Section 4-5001 of the
16 Counties Code, or any cost imposed under Section 124A-5 of the
17 Code of Criminal Procedure of 1963, for convictions, orders of
18 supervision, or any other disposition for a violation of
19 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
20 similar provision of a local ordinance, and any violation of
21 the Child Passenger Protection Act, or a similar provision of a
22 local ordinance, and except as otherwise provided in this
23 Section ~~subsections (b) through (h)~~ shall be disbursed within
24 60 days after receipt by the circuit clerk as follows: 44.5%
25 shall be disbursed to the entity authorized by law to receive
26 the fine imposed in the case; 16.825% shall be disbursed to the

1 State Treasurer; and 38.675% shall be disbursed to the county's
2 general corporate fund. Of the 16.825% disbursed to the State
3 Treasurer, 2/17 shall be deposited by the State Treasurer into
4 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
5 deposited into the Traffic and Criminal Conviction Surcharge
6 Fund, 3/17 shall be deposited into the Drivers Education Fund,
7 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
8 the 6.948/17 deposited into the Trauma Center Fund from the
9 16.825% disbursed to the State Treasurer, 50% shall be
10 disbursed to the Department of Public Health and 50% shall be
11 disbursed to the Department of Healthcare and Family Services.
12 For fiscal year 1993, amounts deposited into the Violent Crime
13 Victims Assistance Fund, the Traffic and Criminal Conviction
14 Surcharge Fund, or the Drivers Education Fund shall not exceed
15 110% of the amounts deposited into those funds in fiscal year
16 1991. Any amount that exceeds the 110% limit shall be
17 distributed as follows: 50% shall be disbursed to the county's
18 general corporate fund and 50% shall be disbursed to the entity
19 authorized by law to receive the fine imposed in the case. Not
20 later than March 1 of each year the circuit clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this Section during the preceding year based upon
23 independent verification of fines and fees. All counties shall
24 be subject to this Section, except that counties with a
25 population under 2,000,000 may, by ordinance, elect not to be
26 subject to this Section. For offenses subject to this Section,

1 judges shall impose one total sum of money payable for
2 violations. The circuit clerk may add on no additional amounts
3 except for amounts that are required by Sections 27.3a and
4 27.3c of this Act, Section 16-104c of the Illinois Vehicle
5 Code, and subsection (a) of Section 5-1101 of the Counties
6 Code, unless those amounts are specifically waived by the
7 judge. With respect to money collected by the circuit clerk as
8 a result of forfeiture of bail, ex parte judgment or guilty
9 plea pursuant to Supreme Court Rule 529, the circuit clerk
10 shall first deduct and pay amounts required by Sections 27.3a
11 and 27.3c of this Act. Unless a court ordered payment schedule
12 is implemented or fee requirements are waived pursuant to court
13 order, the clerk of the court may add to any unpaid fees and
14 costs a delinquency amount equal to 5% of the unpaid fees that
15 remain unpaid after 30 days, 10% of the unpaid fees that remain
16 unpaid after 60 days, and 15% of the unpaid fees that remain
17 unpaid after 90 days. Notice to those parties may be made by
18 signage posting or publication. The additional delinquency
19 amounts collected under this Section shall be deposited in the
20 Circuit Court Clerk Operation and Administrative Fund to be
21 used to defray administrative costs incurred by the circuit
22 clerk in performing the duties required to collect and disburse
23 funds. This Section is a denial and limitation of home rule
24 powers and functions under subsection (h) of Section 6 of
25 Article VII of the Illinois Constitution.

26 (b) In addition to any other fines and court costs assessed

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

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

1 under this subsection during the preceding calendar year.

2 (c) In addition to any other fines and court costs assessed
3 by the courts, any person convicted for a violation of Sections
4 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
5 person sentenced for a violation of the Cannabis Control Act,
6 the Illinois Controlled Substances Act, or the Methamphetamine
7 Control and Community Protection Act shall pay an additional
8 fee of \$100 to the clerk of the circuit court. This amount,
9 less 2 1/2% that shall be used to defray administrative costs
10 incurred by the clerk, shall be remitted by the clerk to the
11 Treasurer within 60 days after receipt for deposit into the
12 Trauma Center Fund. This additional fee of \$100 shall not be
13 considered a part of the fine for purposes of any reduction in
14 the fine for time served either before or after sentencing. 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 subsection during the preceding calendar year.

18 (c-1) In addition to any other fines and court costs
19 assessed by the courts, any person sentenced for a violation of
20 the Cannabis Control Act, the Illinois Controlled Substances
21 Act, or the Methamphetamine Control and Community Protection
22 Act shall pay an additional fee of \$5 to the clerk of the
23 circuit court. This amount, less 2 1/2% that shall be used to
24 defray administrative costs incurred by the clerk, shall be
25 remitted by the clerk to the Treasurer within 60 days after
26 receipt for deposit into the Spinal Cord Injury Paralysis Cure

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

7 (d) 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 (e) 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 \$29, to be disbursed as provided in Section 16-104c of the

1 Illinois Vehicle Code. In addition to the fee of \$29, the
2 person shall also pay a fee of \$6, if not waived by the court.
3 If this \$6 fee is collected, \$5.50 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 (f) This Section does not apply to the additional child
9 pornography fines assessed and collected under Section
10 5-9-1.14 of the Unified Code of Corrections.

11 (g) Any person convicted of or pleading guilty to a serious
12 traffic violation, as defined in Section 1-187.001 of the
13 Illinois Vehicle Code, shall pay an additional fee of \$40 ~~\$20~~,
14 to be disbursed as provided in Section 16-104d of that Code.
15 This subsection (g) becomes inoperative 7 years after the
16 effective date of Public Act 95-154.

17 (h) In all counties having a population of 3,000,000 or
18 more inhabitants,

19 (1) ~~(h-1)~~ A person who is found guilty of or pleads
20 guilty to violating subsection (a) of Section 11-501 of the
21 Illinois Vehicle Code, including any person placed on court
22 supervision for violating subsection (a), shall be fined
23 \$500 as provided for by subsection (f) of Section 11-501.01
24 of the Illinois Vehicle Code, payable to the circuit clerk,
25 who shall distribute the money pursuant to subsection (f)
26 of Section 11-501.01 of the Illinois Vehicle Code.

1 (2) ~~(h-2)~~ When a crime laboratory DUI analysis fee of
2 \$150, provided for by Section 5-9-1.9 of the Unified Code
3 of Corrections is assessed, it shall be disbursed by the
4 circuit clerk as provided by subsection (f) of Section
5 5-9-1.9 of the Unified Code of Corrections.

6 (3) ~~(h-3)~~ When a fine for a violation of Section
7 11-605.1 of the Illinois Vehicle Code is \$250 or greater,
8 the person who violated that Section shall be charged an
9 additional \$125 as provided for by subsection (e) of
10 Section 11-605.1 of the Illinois Vehicle Code, which shall
11 be disbursed by the circuit clerk to a State or county
12 Transportation Safety Highway Hire-back Fund as provided
13 by subsection (e) of Section 11-605.1 of the Illinois
14 Vehicle Code.

15 (4) ~~(h-4)~~ When a fine for a violation of subsection (a)
16 of Section 11-605 of the Illinois Vehicle Code is \$150 or
17 greater, the additional \$50 which is charged as provided
18 for by subsection (f) of Section 11-605 of the Illinois
19 Vehicle Code shall be disbursed by the circuit clerk to a
20 school district or districts for school safety purposes as
21 provided by subsection (f) of Section 11-605.

22 (5) ~~(h-4.5)~~ When a fine for a violation of subsection
23 (a) of Section 11-1002.5 of the Illinois Vehicle Code is
24 \$150 or greater, the additional \$50 which is charged as
25 provided for by subsection (c) of Section 11-1002.5 of the
26 Illinois Vehicle Code shall be disbursed by the circuit

1 clerk to a school district or districts for school safety
2 purposes as provided by subsection (c) of Section 11-1002.5
3 of the Illinois Vehicle Code.

4 (6) ~~(h-5)~~ When a mandatory drug court fee of up to \$5
5 is assessed as provided in subsection (f) of Section 5-1101
6 of the Counties Code, it shall be disbursed by the circuit
7 clerk as provided in subsection (f) of Section 5-1101 of
8 the Counties Code.

9 (7) ~~(h-6)~~ When a mandatory teen court, peer jury, youth
10 court, or other youth diversion program fee is assessed as
11 provided in subsection (e) of Section 5-1101 of the
12 Counties Code, it shall be disbursed by the circuit clerk
13 as provided in subsection (e) of Section 5-1101 of the
14 Counties Code.

15 (8) ~~(h-7)~~ When a Children's Advocacy Center fee is
16 assessed pursuant to subsection (f-5) of Section 5-1101 of
17 the Counties Code, it shall be disbursed by the circuit
18 clerk as provided in subsection (f-5) of Section 5-1101 of
19 the Counties Code.

20 (9) ~~(h-8)~~ When a victim impact panel fee is assessed
21 pursuant to subsection (b) of Section 11-501.01 of the
22 Vehicle Code, it shall be disbursed by the circuit clerk to
23 the victim impact panel to be attended by the defendant.

24 (10) ~~(h-9)~~ When a new fee collected in traffic cases is
25 enacted after the effective date of this subsection (h), it
26 shall be excluded from the percentage disbursement

1 provisions of this Section unless otherwise indicated by
2 law.

3 (i) ~~(g)~~ Of the amounts collected as fines under subsection
4 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
5 deposited into the Illinois Military Family Relief Fund and 1%
6 shall be deposited into the Circuit Court Clerk Operation and
7 Administrative Fund created by the Clerk of the Circuit Court
8 to be used to offset the costs incurred by the Circuit Court
9 Clerk in performing the additional duties required to collect
10 and disburse funds to entities of State and local government as
11 provided by law.

12 (j) (Blank).

13 (k) ~~(h)~~ For any conviction or disposition of court
14 supervision for a violation of Section 11-1429 of the Illinois
15 Vehicle Code, the circuit clerk shall distribute the fines paid
16 by the person as specified by subsection (h) of Section 11-1429
17 of the Illinois Vehicle Code.

18 (l) ~~(h)~~ Any person who receives a disposition of court
19 supervision for a violation of Section 11-501 of the Illinois
20 Vehicle Code or a similar provision of a local ordinance shall,
21 in addition to any other fines, fees, and court costs, pay an
22 additional fee of \$50, which shall be collected by the circuit
23 clerk and then remitted to the State Treasurer for deposit into
24 the Roadside Memorial Fund, a special fund in the State
25 treasury. However, the court may waive the fee if full
26 restitution is complied with. Subject to appropriation, all

1 moneys in the Roadside Memorial Fund shall be used by the
2 Department of Transportation to pay fees imposed under
3 subsection (f) of Section 20 of the Roadside Memorial Act. The
4 fee shall be remitted by the circuit clerk within one month
5 after receipt to the State Treasurer for deposit into the
6 Roadside Memorial Fund.

7 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
8 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
9 96-576, eff. 8-18-09; 96-578, eff. 8-18-09; 96-625, eff.
10 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10; revised
11 12-29-09.)

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

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

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

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

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

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

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

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

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

1 nor of probation supervision is appropriate.

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

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

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

1 crimes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (1) unless the defendant, upon payment of the fines,
20 penalties, and costs provided by law, agrees to attend and
21 successfully complete a traffic safety program approved by
22 the court under standards set by the Conference of Chief
23 Circuit Judges. The accused shall be responsible for
24 payment of any traffic safety program fees. If the accused
25 fails to file a certificate of successful completion on or
26 before the termination date of the supervision order, the

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

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

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

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

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

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

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

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

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

1 provisions of this paragraph (k) do not apply to a defendant
2 charged with violating Section 11-501 of the Illinois Vehicle
3 Code or a similar provision of a local ordinance.

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

19 (m) Any person convicted of, pleading guilty to, or placed
20 on supervision for a serious traffic violation, as defined in
21 Section 1-187.001 of the Illinois Vehicle Code, a violation of
22 Section 11-501 of the Illinois Vehicle Code, or a violation of
23 a similar provision of a local ordinance shall pay an
24 additional fee of \$40 ~~\$20~~, to be disbursed as provided in
25 Section 16-104d of that Code.

26 This subsection (m) becomes inoperative 7 years after

1 October 13, 2007 (the effective date of Public Act 95-154).

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

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

16 (1) 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 and the defendant failed to obtain a monitoring device
20 driving permit; or

21 (2) 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, had subsequently obtained a monitoring device
25 driving permit, but was driving a vehicle not equipped with
26 a breath alcohol ignition interlock device as defined in

1 Section 1-129.1 of the Illinois Vehicle Code.
2 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;
3 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;
4 95-428, 8-24-07; 95-876, eff. 8-21-08; 96-253, eff. 8-11-09;
5 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625, eff.
6 1-1-10; revised 10-1-09.)

7 Section 99. Effective date. This Act takes effect 60 days
8 after becoming law.