

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

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

7 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

1 necessary for the protection of the public; or

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

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

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

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

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

1 under Section 9-3 of the Criminal Code of 1961.

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: Sections 11-9.1; 12-3.2; 11-1.50 or  
9 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of  
10 Section 21-1; paragraph (1) through (5), (8), (10), and (11) of  
11 subsection (a) of Section 24-1; (ii) a Class A misdemeanor  
12 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care  
13 for Animals Act; or (iii) a felony. If the defendant is not  
14 barred from receiving an order for supervision as provided in  
15 this subsection, the court may enter an order for supervision  
16 after considering the circumstances of the offense, and the  
17 history, character and condition of the offender, if the court  
18 is of the opinion that:

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

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

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

26 (c-5) Subsections (a), (b), and (c) of this Section do not

1 apply to a defendant charged with a second or subsequent  
2 violation of Section 6-303 of the Illinois Vehicle Code  
3 committed while his or her driver's license, permit or  
4 privileges were revoked because of a violation of Section 9-3  
5 of the Criminal Code of 1961, relating to the offense of  
6 reckless homicide, or a similar provision of a law of another  
7 state.

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

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

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

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

26 The court shall consider the statement of the prosecuting

1 authority with regard to the standards set forth in this  
2 Section.

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

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

9 (2) assigned supervision for a violation of Section  
10 16-25 or 16A-3 of the Criminal Code of 1961.

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

14 (f) The provisions of paragraph (c) shall not apply to a  
15 defendant charged with violating Sections 15-111, 15-112,  
16 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
17 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance.

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

25 (1) convicted for a violation of Section 3-707, 3-708,  
26 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance; or

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

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

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

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

24 (2) if the defendant has previously been sentenced  
25 under the provisions of paragraph (c) on or after January  
26 1, 1998 for any serious traffic offense as defined in

1 Section 1-187.001 of the Illinois Vehicle Code.

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

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

24 (j) The provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 6-303 of the Illinois  
26 Vehicle Code or a similar provision of a local ordinance when

1 the revocation or suspension was for a violation of Section  
2 11-501 or a similar provision of a local ordinance or a  
3 violation of Section 11-501.1 or paragraph (b) of Section  
4 11-401 of the Illinois Vehicle Code if the defendant has within  
5 the last 10 years been:

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

9 (2) assigned supervision for a violation of Section  
10 6-303 of the Illinois Vehicle Code or a similar provision  
11 of a local ordinance.

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

23 (l) A defendant charged with violating any provision of the  
24 Illinois Vehicle Code or a similar provision of a local  
25 ordinance who receives a disposition of supervision under  
26 subsection (c) shall pay an additional fee of \$29, to be

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

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

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

21 (n) The provisions of paragraph (c) shall not apply to any  
22 person under the age of 18 who commits an offense against  
23 traffic regulations governing the movement of vehicles or any  
24 violation of Section 6-107 or Section 12-603.1 of the Illinois  
25 Vehicle Code, except upon personal appearance of the defendant  
26 in court and upon the written consent of the defendant's parent

1 or legal guardian, executed before the presiding judge. The  
2 presiding judge shall have the authority to waive this  
3 requirement upon the showing of good cause by the defendant.

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

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

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

21 (p) The provisions of paragraph (c) shall not apply to a  
22 defendant charged with violating ~~subsection (b) of~~ Section  
23 11-601.5 of the Illinois Vehicle Code or a similar provision of  
24 a local ordinance.

25 (q) The provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating subsection (b) of Section

1 11-601 of the Illinois Vehicle Code when the defendant was  
2 operating a vehicle, in an urban district, at a speed in excess  
3 of 25 miles per hour over the posted speed limit.

4 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;  
5 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.  
6 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,  
7 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12.)

8 Section 99. Effective date. This Act takes effect July 1,  
9 2013.