



Rep. John D'Amico

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09800SB3509ham001

LRB098 16345 MRW 62026 a

1 AMENDMENT TO SENATE BILL 3509

2 AMENDMENT NO. _____. Amend Senate Bill 3509 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-308 and 6-601 as follows:

6 (625 ILCS 5/6-308)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 6-308. Procedures for traffic violations.

10 (a) Any person cited for violating this Code or a similar
11 provision of a local ordinance for which a violation is a petty
12 offense as defined by Section 5-1-17 of the Unified Code of
13 Corrections, excluding business offenses as defined by Section
14 5-1-2 of the Unified Code of Corrections or a violation of
15 Section 15-111 or subsection (d) of Section 3-401 of this Code,
16 shall not be required to post bond to secure bail for his or

1 her release. When required by Illinois Supreme Court Rule, the
2 person shall sign the citation. All other provisions of this
3 Code or similar provisions of local ordinances shall be
4 governed by the bail provisions of the Illinois Supreme Court
5 Rules when it is not practical or feasible to take the person
6 before a judge to have bail set or to avoid undue delay because
7 of the hour or circumstances.

8 (b) Whenever a person fails to appear in court, the court
9 may continue the case for a minimum of 30 days and the clerk of
10 the court shall send notice of the continued court date to the
11 person's last known address. If the person does not appear in
12 court on or before the continued court date or satisfy the
13 court that the person's appearance in and surrender to the
14 court is impossible for no fault of the person, the court shall
15 enter an order of failure to appear. The clerk of the court
16 shall notify the Secretary of State, on a report prescribed by
17 the Secretary, of the court's order. The Secretary, when
18 notified by the clerk of the court that an order of failure to
19 appear has been entered, shall immediately suspend the person's
20 driver's license, which shall be designated by the Secretary as
21 a Failure to Appear suspension. The Secretary shall not remove
22 the suspension, nor issue any permit or privileges to the
23 person whose license has been suspended, until notified by the
24 ordering court that the person has appeared and resolved the
25 violation. Upon compliance, the clerk of the court shall
26 present the person with a notice of compliance containing the

1 seal of the court, and shall notify the Secretary that the
2 person has appeared and resolved the violation.

3 (Source: P.A. 98-870, eff. 1-1-15.)

4 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

5 (Text of Section after amendment by P.A. 98-870)

6 Sec. 6-601. Penalties.

7 (a) It is a petty offense for any person to violate any of
8 the provisions of this Chapter unless such violation is by this
9 Code or other law of this State declared to be a misdemeanor or
10 a felony.

11 (b) General penalties. Unless another penalty is in this
12 Code or other laws of this State, every person convicted of a
13 petty offense for the violation of any provision of this
14 Chapter shall be punished by a fine of not more than \$500.

15 (c) Unlicensed driving. Except as hereinafter provided a
16 violation of Section 6-101 shall be:

17 1. A Class A misdemeanor if the person failed to obtain
18 a driver's license or permit after expiration of a period
19 of revocation.

20 2. A Class B misdemeanor if the person has been issued
21 a driver's license or permit, which has expired, and if the
22 period of expiration is greater than one year; or if the
23 person has never been issued a driver's license or permit,
24 or is not qualified to obtain a driver's license or permit
25 because of his age.

1 3. A petty offense if the person has been issued a
2 temporary visitor's driver's license or permit and is
3 unable to provide proof of liability insurance as provided
4 in subsection (d-5) of Section 6-105.1.

5 If a licensee under this Code is convicted of violating
6 Section 6-303 for operating a motor vehicle during a time when
7 such licensee's driver's license was suspended under the
8 provisions of Section 6-306.3 or 6-308, then such act shall be
9 a petty offense (provided the licensee has answered the charge
10 which was the basis of the suspension under Section 6-306.3 or
11 6-308), and there shall be imposed no additional like period of
12 suspension as provided in paragraph (b) of Section 6-303.

13 (d) For violations of this Code or a similar provision of a
14 local ordinance for which a violation is a petty offense as
15 defined by Section 5-1-17 of the Unified Code of Corrections,
16 excluding business offenses as defined by Section 5-1-2 of the
17 Unified Code of Corrections or a violation of Section 15-111 or
18 subsection (d) of Section 3-401 of this Code, if the violation
19 may be satisfied without a court appearance, the violator may,
20 pursuant to Supreme Court Rule, satisfy the case with a written
21 plea of guilty and payment of fines, penalties, and costs equal
22 to the bail amount established by the Supreme Court for the
23 offense.

24 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15.)

25 Section 10. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 110-15 as follows:

2 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

3 (Text of Section after amendment by P.A. 98-870)

4 Sec. 110-15. Applicability of provisions for giving and
5 taking bail. The provisions of Sections 110-7 and 110-8 of this
6 Code are exclusive of other provisions of law for the giving,
7 taking, or enforcement of bail. In all cases where a person is
8 admitted to bail the provisions of Sections 110-7 and 110-8 of
9 this Code shall be applicable.

10 However, the Supreme Court may, by rule or order, prescribe
11 a uniform schedule of amounts of bail in all but felony
12 offenses. The uniform schedule shall not require a person cited
13 for violating the Illinois Vehicle Code or a similar provision
14 of a local ordinance for which a violation is a petty offense
15 as defined by Section 5-1-17 of the Unified Code of
16 Corrections, excluding business offenses as defined by Section
17 5-1-2 of the Unified Code of Corrections or a violation of
18 Section 15-111 or subsection (d) of Section 3-401 of the
19 Illinois Vehicle Code, to post bond to secure bail for his or
20 her release. No bail amounts shall be required for petty
21 offenses. Such uniform schedule may provide that the cash
22 deposit provisions of Section 110-7 shall not apply to bail
23 amounts established for alleged violations punishable by fine
24 alone, and the schedule may further provide that in specified
25 traffic cases a valid Illinois chauffeur's or operator's

1 license must be deposited, in addition to 10% of the amount of
2 the bail specified in the schedule.

3 (Source: P.A. 98-870, eff. 1-1-15.)

4 Section 99. Effective date. This Act takes effect January
5 1, 2015.".