

1 AN ACT concerning vehicles.

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  
5 adding Section 2-128 as follows:

6 (625 ILCS 5/2-128 new)

7 Sec. 2-128. Ignition interlock devices.

8 (a) The Secretary of State shall promulgate rules for  
9 the certification of installers of ignition interlock  
10 devices, as defined in Section 1-129.1 of this Code. Any  
11 person certified by the Secretary of State as an installer of  
12 ignition interlock devices shall be required to periodically  
13 download data from an ignition interlock device and transfer  
14 that data to the Secretary of State.

15 (b) In cases where a person is required to have an  
16 ignition installation device installed as a condition of  
17 court supervision for a violation of Section 11-501, the  
18 Secretary of State, upon receiving data downloaded by an  
19 installer of the ignition interlock device, shall transfer  
20 that data to the Probation Office of the county in which the  
21 person was placed on Court Supervision.

22 (c) The Secretary shall compile and distribute to each  
23 Probation Office and State's Attorney's Office in the State a  
24 list of persons certified to install ignition interlock  
25 devices.

26 (d) The Secretary of State shall be required to conduct  
27 seminars to inform and train judges and State's Attorneys in  
28 the use of ignition interlock devices for persons placed on  
29 court supervision for a violation of Section 11-501 in each  
30 judicial circuit and in each district of the Cook County  
31 Court system.

1       (e) The Secretary shall establish a fee schedule to be  
2       assessed to persons required to have ignition interlock  
3       devices installed as a condition of court supervision for a  
4       violation of Section 11-501. The installer of the ignition  
5       interlock device shall be required to collect these fees and  
6       forward them to the Secretary of State.

7       Section 10. The Unified Code of Corrections is amended  
8       by changing Section 5-6-3.1 as follows:

9       (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

10      Sec. 5-6-3.1. Incidents and Conditions of Supervision.

11      (a) When a defendant is placed on supervision, the court  
12      shall enter an order for supervision specifying the period of  
13      such supervision, and shall defer further proceedings in the  
14      case until the conclusion of the period.

15      (b) The period of supervision shall be reasonable under  
16      all of the circumstances of the case, but may not be longer  
17      than 2 years, unless the defendant has failed to pay the  
18      assessment required by Section 10.3 of the Cannabis Control  
19      Act or Section 411.2 of the Illinois Controlled Substances  
20      Act, in which case the court may extend supervision beyond 2  
21      years. Additionally, the court shall order the defendant to  
22      perform no less than 30 hours of community service and not  
23      more than 120 hours of community service, if community  
24      service is available in the jurisdiction and is funded and  
25      approved by the county board where the offense was committed,  
26      when the offense (1) was related to or in furtherance of the  
27      criminal activities of an organized gang or was motivated by  
28      the defendant's membership in or allegiance to an organized  
29      gang; or (2) is a violation of any Section of Article 24 of  
30      the Criminal Code of 1961 where a disposition of supervision  
31      is not prohibited by Section 5-6-1 of this Code. The  
32      community service shall include, but not be limited to, the

1 cleanup and repair of any damage caused by violation of  
2 Section 21-1.3 of the Criminal Code of 1961 and similar  
3 damages to property located within the municipality or county  
4 in which the violation occurred. Where possible and  
5 reasonable, the community service should be performed in the  
6 offender's neighborhood.

7 For the purposes of this Section, "organized gang" has  
8 the meaning ascribed to it in Section 10 of the Illinois  
9 Streetgang Terrorism Omnibus Prevention Act.

10 (c) The court may in addition to other reasonable  
11 conditions relating to the nature of the offense or the  
12 rehabilitation of the defendant as determined for each  
13 defendant in the proper discretion of the court require that  
14 the person:

15 (1) make a report to and appear in person before or  
16 participate with the court or such courts, person, or  
17 social service agency as directed by the court in the  
18 order of supervision;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational  
21 training;

22 (4) undergo medical, psychological or psychiatric  
23 treatment; or treatment for drug addiction or alcoholism;

24 (5) attend or reside in a facility established for  
25 the instruction or residence of defendants on probation;

26 (6) support his dependents;

27 (7) refrain from possessing a firearm or other  
28 dangerous weapon;

29 (8) and in addition, if a minor:

30 (i) reside with his parents or in a foster  
31 home;

32 (ii) attend school;

33 (iii) attend a non-residential program for  
34 youth;

1           (iv) contribute to his own support at home or  
2           in a foster home; and

3           (9) make restitution or reparation in an amount not  
4           to exceed actual loss or damage to property and pecuniary  
5           loss or make restitution under Section 5-5-6 to a  
6           domestic violence shelter. The court shall determine the  
7           amount and conditions of payment;

8           (10) perform some reasonable public or community  
9           service;

10          (11) comply with the terms and conditions of an  
11          order of protection issued by the court pursuant to the  
12          Illinois Domestic Violence Act of 1986 or an order of  
13          protection issued by the court of another state, tribe,  
14          or United States territory. If the court has ordered the  
15          defendant to make a report and appear in person under  
16          paragraph (1) of this subsection, a copy of the order of  
17          protection shall be transmitted to the person or agency  
18          so designated by the court;

19          (12) reimburse any "local anti-crime program" as  
20          defined in Section 7 of the Anti-Crime Advisory Council  
21          Act for any reasonable expenses incurred by the program  
22          on the offender's case, not to exceed the maximum amount  
23          of the fine authorized for the offense for which the  
24          defendant was sentenced;

25          (13) contribute a reasonable sum of money, not to  
26          exceed the maximum amount of the fine authorized for the  
27          offense for which the defendant was sentenced, to a  
28          "local anti-crime program", as defined in Section 7 of  
29          the Anti-Crime Advisory Council Act;

30          (14) refrain from entering into a designated  
31          geographic area except upon such terms as the court finds  
32          appropriate. Such terms may include consideration of the  
33          purpose of the entry, the time of day, other persons  
34          accompanying the defendant, and advance approval by a

1 probation officer;

2 (15) refrain from having any contact, directly or  
3 indirectly, with certain specified persons or particular  
4 types of person, including but not limited to members of  
5 street gangs and drug users or dealers;

6 (16) refrain from having in his or her body the  
7 presence of any illicit drug prohibited by the Cannabis  
8 Control Act or the Illinois Controlled Substances Act,  
9 unless prescribed by a physician, and submit samples of  
10 his or her blood or urine or both for tests to determine  
11 the presence of any illicit drug;

12 (17) refrain from operating any motor vehicle not  
13 equipped with an ignition interlock device as defined in  
14 Section 1-129.1 of the Illinois Vehicle Code that is  
15 certified by the National Highway Traffic Safety  
16 Administration and installed by an installer who is  
17 certified by the Secretary of State. Under this  
18 condition the court may allow a defendant who is not  
19 self-employed to operate a vehicle owned by the  
20 defendant's employer that is not equipped with an  
21 ignition interlock device in the course and scope of the  
22 defendant's employment;

23 (18) if ordered to refrain from operating a motor  
24 vehicle not equipped with an ignition interlock device  
25 pursuant to paragraph (17), return to the installer not  
26 less than once every 2 months after installation to allow  
27 the installer to download from the ignition interlock  
28 device data concerning any attempts to start the vehicle,  
29 the defendant's blood alcohol level, and any other data  
30 yielded from the ignition interlock device.

31 (d) The court shall defer entering any judgment on the  
32 charges until the conclusion of the supervision.

33 (e) At the conclusion of the period of supervision, if  
34 the court determines that the defendant has successfully

1 complied with all of the conditions of supervision, the court  
2 shall discharge the defendant and enter a judgment dismissing  
3 the charges.

4 (f) Discharge and dismissal upon a successful conclusion  
5 of a disposition of supervision shall be deemed without  
6 adjudication of guilt and shall not be termed a conviction  
7 for purposes of disqualification or disabilities imposed by  
8 law upon conviction of a crime. Two years after the  
9 discharge and dismissal under this Section, unless the  
10 disposition of supervision was for a violation of Sections  
11 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance, or  
13 for a violation of Sections 12-3.2 or 16A-3 of the Criminal  
14 Code of 1961, in which case it shall be 5 years after  
15 discharge and dismissal, a person may have his record of  
16 arrest sealed or expunged as may be provided by law.  
17 However, any defendant placed on supervision before January  
18 1, 1980, may move for sealing or expungement of his arrest  
19 record, as provided by law, at any time after discharge and  
20 dismissal under this Section. A person placed on supervision  
21 for a sexual offense committed against a minor as defined in  
22 subsection (g) of Section 5 of the Criminal Identification  
23 Act or for a violation of Section 11-501 of the Illinois  
24 Vehicle Code or a similar provision of a local ordinance  
25 shall not have his or her record of arrest sealed or  
26 expunged.

27 (g) A defendant placed on supervision and who during the  
28 period of supervision undergoes mandatory drug or alcohol  
29 testing, or both, or is assigned to be placed on an approved  
30 electronic monitoring device, shall be ordered to pay the  
31 costs incidental to such mandatory drug or alcohol testing,  
32 or both, and costs incidental to such approved electronic  
33 monitoring in accordance with the defendant's ability to pay  
34 those costs. The county board with the concurrence of the

1 Chief Judge of the judicial circuit in which the county is  
2 located shall establish reasonable fees for the cost of  
3 maintenance, testing, and incidental expenses related to the  
4 mandatory drug or alcohol testing, or both, and all costs  
5 incidental to approved electronic monitoring, of all  
6 defendants placed on supervision. The concurrence of the  
7 Chief Judge shall be in the form of an administrative order.  
8 The fees shall be collected by the clerk of the circuit  
9 court. The clerk of the circuit court shall pay all moneys  
10 collected from these fees to the county treasurer who shall  
11 use the moneys collected to defray the costs of drug testing,  
12 alcohol testing, and electronic monitoring. The county  
13 treasurer shall deposit the fees collected in the county  
14 working cash fund under Section 6-27001 or Section 6-29002 of  
15 the Counties Code, as the case may be.

16 (h) A disposition of supervision is a final order for  
17 the purposes of appeal.

18 (i) The court shall impose upon a defendant placed on  
19 supervision after January 1, 1992, as a condition of  
20 supervision, a fee of \$25 for each month of supervision  
21 ordered by the court, unless after determining the inability  
22 of the person placed on supervision to pay the fee, the court  
23 assesses a lesser fee. The court may not impose the fee on a  
24 minor who is made a ward of the State under the Juvenile  
25 Court Act of 1987 while the minor is in placement. The fee  
26 shall be imposed only upon a defendant who is actively  
27 supervised by the probation and court services department.  
28 The fee shall be collected by the clerk of the circuit court.  
29 The clerk of the circuit court shall pay all monies collected  
30 from this fee to the county treasurer for deposit in the  
31 probation and court services fund pursuant to Section 15.1 of  
32 the Probation and Probation Officers Act.

33 (j) All fines and costs imposed under this Section for  
34 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance,  
2 and any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, shall be collected  
4 and disbursed by the circuit clerk as provided under Section  
5 27.5 of the Clerks of Courts Act.

6 (k) A defendant at least 17 years of age who is placed  
7 on supervision for a misdemeanor in a county of 3,000,000 or  
8 more inhabitants and who has not been previously convicted of  
9 a misdemeanor or felony may as a condition of his or her  
10 supervision be required by the court to attend educational  
11 courses designed to prepare the defendant for a high school  
12 diploma and to work toward a high school diploma or to work  
13 toward passing the high school level Test of General  
14 Educational Development (GED) or to work toward completing a  
15 vocational training program approved by the court. The  
16 defendant placed on supervision must attend a public  
17 institution of education to obtain the educational or  
18 vocational training required by this subsection (k). The  
19 defendant placed on supervision shall be required to pay for  
20 the cost of the educational courses or GED test, if a fee is  
21 charged for those courses or test. The court shall revoke  
22 the supervision of a person who wilfully fails to comply with  
23 this subsection (k). The court shall resentence the  
24 defendant upon revocation of supervision as provided in  
25 Section 5-6-4. This subsection (k) does not apply to a  
26 defendant who has a high school diploma or has successfully  
27 passed the GED test. This subsection (k) does not apply to a  
28 defendant who is determined by the court to be  
29 developmentally disabled or otherwise mentally incapable of  
30 completing the educational or vocational program.

31 (l) The court shall require a defendant placed on  
32 supervision for possession of a substance prohibited by the  
33 Cannabis Control Act or Illinois Controlled Substances Act  
34 after a previous conviction or disposition of supervision for



1 possession of a substance prohibited by the Cannabis Control  
 2 Act or Illinois Controlled Substances Act or a sentence of  
 3 probation under Section 10 of the Cannabis Control Act or  
 4 Section 410 of the Illinois Controlled Substances Act and  
 5 after a finding by the court that the person is addicted, to  
 6 undergo treatment at a substance abuse program approved by  
 7 the court.

8 (m) The court shall require a defendant placed on  
 9 supervision for a violation of Section 3-707 of the Illinois  
 10 Vehicle Code or a similar provision of a local ordinance, as  
 11 a condition of supervision, to give proof of his or her  
 12 financial responsibility as defined in Section 7-315 of the  
 13 Illinois Vehicle Code. The proof shall be maintained by the  
 14 defendant in a manner satisfactory to the Secretary of State  
 15 for a minimum period of one year after the date the proof is  
 16 first filed. The Secretary of State shall suspend the  
 17 driver's license of any person determined by the Secretary to  
 18 be in violation of this subsection.

19 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;  
 20 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff.  
 21 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903,  
 22 eff. 1-1-01.)

23 Section 15. The Probation and Probation Officers Act is  
 24 amended by adding Section 12.5 as follows:

25 (730 ILCS 110/12.5 new)

26 Sec. 12.5. Report results from ignition interlock  
 27 device. In cases where a person is placed on court  
 28 supervision for a violation of Section 11-501 of the Illinois  
 29 Vehicle Code, the probation office is required to receive and  
 30 monitor data received from an installer of ignition interlock  
 31 devices. The probation office must notify the State's  
 32 Attorney's Office when that data indicates that an attempt to

1 start the vehicle was made at a time when the defendant's  
2 blood alcohol level was 0.03 or higher.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law, except that Sections 10 and 15 take effect six  
5 months after the effective date of this amendatory Act of the  
6 92nd General Assembly.