



Sen. Ram Villivalam

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10400SB0852sam001

LRB104 07226 LNS 26182 a

1 AMENDMENT TO SENATE BILL 852

2 AMENDMENT NO. _____. Amend Senate Bill 852 by replacing
3 everything after the enacting clause with the following:

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

6 (625 ILCS 5/6-308)

7 (Text of Section before amendment by P.A. 103-789)

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

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

1 provisions of local ordinances shall be governed by the
2 pretrial release provisions of the Illinois Supreme Court
3 Rules when it is not practical or feasible to take the person
4 before a judge to have conditions of pretrial release set or to
5 avoid undue delay because of the hour or circumstances.

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

1 violation.

2 (c) Illinois Supreme Court Rules shall govern pretrial
3 release and appearance procedures when a person who is a
4 resident of another state that is not a member of the
5 Nonresident Violator Compact of 1977 is cited for violating
6 this Code or a similar provision of a local ordinance.

7 (Source: P.A. 100-674, eff. 1-1-19; 101-652, eff. 1-1-23.)

8 (Text of Section after amendment by P.A. 103-789)

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
16 Code, shall not be required to sign the citation for his or her
17 release. All other provisions of this Code or similar
18 provisions of local ordinances shall be governed by the
19 pretrial release provisions of the Illinois Supreme Court
20 Rules when it is not practical or feasible to take the person
21 before a judge to have conditions of pretrial release set or to
22 avoid undue delay because of the hour or circumstances.

23 (b) Whenever a person fails to appear in court, the court
24 may continue the case for a minimum of 30 days and the clerk of
25 the court shall send notice of the continued court date to the

1 person's last known address and, if the clerk of the court
2 elects to establish a system to send text, email, and
3 telephone notifications, may also send notifications to an
4 email address and may send a text message to the person's last
5 known cellular telephone number. If the person does not have a
6 cellular telephone number, the clerk of the court may reach
7 the person by calling the person's last known landline
8 telephone number regarding continued court dates. The notice
9 shall include a statement that a subsequent failure to appear
10 in court could result in a warrant for the defendant's arrest
11 and other significant consequences affecting their driving
12 privileges. If the person does not (i) appear in court on or
13 before the continued court date, (ii) satisfy the charge
14 without a court appearance if allowed by Illinois Supreme
15 Court Rule, or (iii) satisfy the court that the person's
16 appearance in and surrender to the court is impossible for no
17 fault of the person, the court shall: (1) for those offenses
18 under this Code that are punishable by fine only, enter an ex
19 parte judgment of conviction imposing a single assessment,
20 specified in the applicable assessment Schedule 10 or 7 10.5~~7~~
21 ~~or 11~~ for the charged offense, as provided in the Criminal and
22 Traffic Assessment Act, plus a fine allowed by statute and the
23 clerk of the court shall notify the Secretary of State, in a
24 manner and form prescribed by the Secretary, of the court's
25 order, or (2) for those offenses under this Code that are
26 punishable by a sentence of imprisonment, enter an order of

1 failure to appear. The clerk of the court shall notify the
2 Secretary of State, on a report prescribed by the Secretary,
3 of the court's order. The Secretary, when notified by the
4 clerk of the court that an order of failure to appear has been
5 entered, shall immediately suspend the person's driver's
6 license, which shall be designated by the Secretary as a
7 failure to appear suspension. The Secretary shall not remove
8 the suspension, nor issue any permit or privileges to the
9 person whose license has been suspended, until the Secretary
10 is notified by the ordering court that the person has appeared
11 and resolved the violation or failure to appear order. Upon
12 compliance, the clerk of the court shall present the person
13 with a notice of compliance containing the seal of the court
14 and shall notify the Secretary that the person has appeared
15 and resolved the violation or failure to appear order.~~The~~
16 ~~clerk of the court shall notify the Secretary of State, in a~~
17 ~~form and manner prescribed by the Secretary, of the court's~~
18 ~~order.~~

19 (c) Illinois Supreme Court Rules shall govern pretrial
20 release and appearance procedures when a person who is a
21 resident of another state that is not a member of the
22 Nonresident Violator Compact of 1977 is cited for violating
23 this Code or a similar provision of a local ordinance. The
24 changes made to this Section by Public Act 103-0789 do not
25 apply to suspensions entered pursuant to the Nonresident
26 Violator Compact of 1977.

1 (d) The changes made to this Section by Public Act 103-789
2 apply to each individual whose license was suspended pursuant
3 to this Section from January 1, 2020 through June 30, 2025 for
4 an offense under this Code that is punishable only by fine and
5 did not involve the death of another person. No later than
6 October 1, 2025, the clerk of the court shall notify the
7 Secretary of State in a manner and form prescribed by the
8 Secretary, of each failure to appear notification previously
9 sent to the Secretary by the clerk of the court resulting from
10 an offense that is punishable only by fine and did not involve
11 the death of another person for which a notice of compliance
12 had not been sent to the Secretary. No later than January 1,
13 2026, the Secretary shall rescind the suspension of each
14 driver identified by the clerk of the court under this
15 subsection (d) without further action by the person whose
16 driver's license is suspended pursuant to this Section ~~and~~
17 ~~the suspension shall be lifted by the Secretary of State~~
18 ~~without further action by any court.~~

19 (Source: P.A. 103-789, eff. 7-1-25 (see Section 55 of P.A.
20 103-1059 for the effective date of P.A. 103-789); 103-1059,
21 eff. 12-20-24.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect July 1,
5 2025.".