

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 1. This Act is dedicated to the memory of
5 Lieutenant Scott Gillen, Trooper Brooke Jones-Story, Trooper
6 Christopher Lambert, and all others who paid the ultimate
7 sacrifice while serving in the line of duty.

8 Section 5. The State Finance Act is amended by adding
9 Section 5.891 as follows:

10 (30 ILCS 105/5.891 new)

11 Sec. 5.891. The Scott's Law Fund.

12 Section 10. The Illinois Vehicle Code is amended by
13 changing Sections 11-709, 11-907, and 11-907.5 as follows:

14 (625 ILCS 5/11-709) (from Ch. 95 1/2, par. 11-709)

15 Sec. 11-709. Driving on roadways laned for traffic.
16 Whenever any roadway has been divided into 2 or more clearly
17 marked lanes for traffic the following rules in addition to all
18 others consistent herewith shall apply.

19 (a) A vehicle shall be driven as nearly as practicable
20 entirely within a single lane and shall not be moved from such

1 lane until the driver has first ascertained that such movement
2 can be made with safety.

3 (b) Upon a roadway which is divided into 3 lanes and
4 provides for two-way movement of traffic, a vehicle shall not
5 be driven in the center lane except when overtaking and passing
6 another vehicle traveling in the same direction when such
7 center lane is clear of traffic within a safe distance, or in
8 preparation for making a left turn or where such center lane is
9 at the time allocated exclusively to traffic moving in the same
10 direction that the vehicle is proceeding and such allocation is
11 designated by official traffic control devices.

12 (c) Official traffic control devices may be erected
13 directing specific traffic to use a designated lane or
14 designating those lanes to be used by traffic moving in a
15 particular direction regardless of the center of the roadway
16 and drivers of vehicles shall obey the directions of every such
17 device. On multi-lane controlled access highways with 3 or more
18 lanes in one direction or on any multi-laned highway with 2 or
19 more lanes in one direction, the Department may designate lanes
20 of traffic to be used by different types of motor vehicles.
21 Drivers must obey lane designation signing except when it is
22 necessary to use a different lane to make a turning maneuver.

23 (d) Official traffic control devices may be installed
24 prohibiting the changing of lanes on sections of roadway and
25 drivers of vehicles shall obey the directions of every such
26 device.

1 (e) A person is not in violation of this Section if he or
2 she is complying with Section 11-907, 11-907.5, or 11-908.

3 (Source: P.A. 84-1311.)

4 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

5 Sec. 11-907. Operation of vehicles and streetcars on
6 approach of authorized emergency vehicles.

7 (a) Upon the immediate approach of an authorized emergency
8 vehicle making use of audible and visual signals meeting the
9 requirements of this Code or a police vehicle properly and
10 lawfully making use of an audible or visual signal:

11 (1) the driver of every other vehicle shall yield the
12 right-of-way and shall immediately drive to a position
13 parallel to, and as close as possible to, the right-hand
14 edge or curb of the highway clear of any intersection and
15 shall, if necessary to permit the safe passage of the
16 emergency vehicle, stop and remain in such position until
17 the authorized emergency vehicle has passed, unless
18 otherwise directed by a police officer; and

19 (2) the operator of every streetcar shall immediately
20 stop such car clear of any intersection and keep it in such
21 position until the authorized emergency vehicle has
22 passed, unless otherwise directed by a police officer.

23 (b) This Section shall not operate to relieve the driver of
24 an authorized emergency vehicle from the duty to drive with due
25 regard for the safety of all persons using the highway.

1 (c) Upon approaching a stationary authorized emergency
2 vehicle, when the authorized emergency vehicle is giving a
3 signal by displaying alternately flashing red, red and white,
4 blue, or red and blue lights or amber or yellow warning lights,
5 a person who drives an approaching vehicle shall:

6 (1) proceeding with due caution, yield the
7 right-of-way by making a lane change into a lane not
8 adjacent to that of the authorized emergency vehicle, if
9 possible with due regard to safety and traffic conditions,
10 if on a highway having at least 4 lanes with not less than
11 2 lanes proceeding in the same direction as the approaching
12 vehicle; or

13 (2) if changing lanes would be impossible or unsafe,
14 proceeding with due caution, reduce the speed of the
15 vehicle, maintaining a safe speed for road conditions and
16 leaving a safe distance until safely past the stationary
17 vehicles ~~, if changing lanes would be impossible or unsafe.~~

18 As used in this subsection (c), "authorized emergency
19 vehicle" includes any vehicle authorized by law to be equipped
20 with oscillating, rotating, or flashing lights under Section
21 12-215 of this Code, while the owner or operator of the vehicle
22 is engaged in his or her official duties.

23 (d) A person who violates subsection (c) of this Section
24 commits a business offense punishable by a fine of not less
25 than \$250 or more than \$10,000 for a first violation, and a
26 fine of not less than \$750 or more than \$10,000 for a second or

1 ~~subsequent violation not less than \$100 or more than \$10,000.~~

2 It is a factor in aggravation if the person committed the
3 offense while in violation of Section 11-501 of this Code.
4 Imposition of the penalties authorized by this subsection (d)
5 for a violation of subsection (c) of this Section that results
6 in the death of another person does not preclude imposition of
7 appropriate additional civil or criminal penalties. A person
8 who violates subsection (c) and the violation results in damage
9 to another vehicle commits a Class A misdemeanor. A person who
10 violates subsection (c) and the violation results in the injury
11 or death of another person commits a Class 4 felony.

12 (e) If a violation of subsection (c) of this Section
13 results in damage to the property of another person, in
14 addition to any other penalty imposed, the person's driving
15 privileges shall be suspended for a fixed period of not less
16 than 90 days and not more than one year.

17 (f) If a violation of subsection (c) of this Section
18 results in injury to another person, in addition to any other
19 penalty imposed, the person's driving privileges shall be
20 suspended for a fixed period of not less than 180 days and not
21 more than 2 years.

22 (g) If a violation of subsection (c) of this Section
23 results in the death of another person, in addition to any
24 other penalty imposed, the person's driving privileges shall be
25 suspended for 2 years.

26 (h) The Secretary of State shall, upon receiving a record

1 of a judgment entered against a person under subsection (c) of
2 this Section:

3 (1) suspend the person's driving privileges for the
4 mandatory period; or

5 (2) extend the period of an existing suspension by the
6 appropriate mandatory period.

7 (i) The Scott's Law Fund shall be a special fund in the
8 State treasury. Subject to appropriation by the General
9 Assembly and approval by the Director, the Director of the
10 State Police shall use all moneys in the Scott's Law Fund in
11 the Department's discretion to fund the production of materials
12 to educate drivers on approaching stationary authorized
13 emergency vehicles, to hire off-duty Department of State Police
14 for enforcement of this Section, and for other law enforcement
15 purposes the Director deems necessary in these efforts.

16 (j) For violations of this Section issued by a county or
17 municipal police officer, the assessment shall be deposited
18 into the county's or municipality's Transportation Safety
19 Highway Hire-back Fund. The county shall use the moneys in its
20 Transportation Safety Highway Hire-back Fund to hire off-duty
21 county police officers to monitor construction or maintenance
22 zones in that county on highways other than interstate
23 highways. The county, in its discretion, may also use a portion
24 of the moneys in its Transportation Safety Highway Hire-back
25 Fund to purchase equipment for county law enforcement and fund
26 the production of materials to educate drivers on construction

1 zone safe driving habits and approaching stationary authorized
2 emergency vehicles.

3 (Source: P.A. 100-201, eff. 8-18-17.)

4 (625 ILCS 5/11-907.5)

5 Sec. 11-907.5. Approaching disabled vehicles.

6 (a) Upon approaching a disabled vehicle with lighted hazard
7 lights on a highway having at least 4 lanes, of which at least
8 2 are proceeding in the same direction, a driver of a vehicle
9 shall:

10 (1) proceeding with due caution, yield the
11 right-of-way by making a lane change into a lane not
12 adjacent to that of the disabled vehicle, if possible with
13 due regard to safety and traffic conditions ~~make a lane~~
14 ~~change into a lane not adjacent to that disabled vehicle,~~
15 ~~if possible with due regard to safety and traffic~~
16 ~~conditions; or~~

17 (2) if changing lanes would be impossible or unsafe
18 proceeding with due caution, reduce the speed of the
19 vehicle, maintaining a safe speed for road conditions and
20 leaving a safe distance until safely past the stationary
21 vehicles ~~proceeding with due caution, reduce the speed of~~
22 ~~the vehicle, maintaining a safe speed for road conditions,~~
23 ~~if changing lanes would be impossible or unsafe.~~

24 (b) A person who violates subsection (a) of this Section
25 commits a petty offense.

1 (Source: P.A. 99-681, eff. 1-1-17.)

2 Section 15. The Criminal and Traffic Assessment Act is
3 amended by changing Section 15-70 as follows:

4 (705 ILCS 135/15-70)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 15-70. Conditional assessments. In addition to
9 payments under one of the Schedule of Assessments 1 through 13
10 of this Act, the court shall also order payment of any of the
11 following conditional assessment amounts for each sentenced
12 violation in the case to which a conditional assessment is
13 applicable, which shall be collected and remitted by the Clerk
14 of the Circuit Court as provided in this Section:

15 (1) arson, residential arson, or aggravated arson,
16 \$500 per conviction to the State Treasurer for deposit into
17 the Fire Prevention Fund;

18 (2) child pornography under Section 11-20.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, \$500
20 per conviction, unless more than one agency is responsible
21 for the arrest in which case the amount shall be remitted
22 to each unit of government equally:

23 (A) if the arresting agency is an agency of a unit
24 of local government, \$500 to the treasurer of the unit

1 of local government for deposit into the unit of local
2 government's General Fund, except that if the
3 Department of State Police provides digital or
4 electronic forensic examination assistance, or both,
5 to the arresting agency then \$100 to the State
6 Treasurer for deposit into the State Crime Laboratory
7 Fund; or

8 (B) if the arresting agency is the Department of
9 State Police, \$500 to the State Treasurer for deposit
10 into the State Crime Laboratory Fund;

11 (3) crime laboratory drug analysis for a drug-related
12 offense involving possession or delivery of cannabis or
13 possession or delivery of a controlled substance as defined
14 in the Cannabis Control Act, the Illinois Controlled
15 Substances Act, or the Methamphetamine Control and
16 Community Protection Act, \$100 reimbursement for
17 laboratory analysis, as set forth in subsection (f) of
18 Section 5-9-1.4 of the Unified Code of Corrections;

19 (4) DNA analysis, \$250 on each conviction in which it
20 was used to the State Treasurer for deposit into the State
21 Offender DNA Identification System Fund as set forth in
22 Section 5-4-3 of the Unified Code of Corrections;

23 (5) DUI analysis, \$150 on each sentenced violation in
24 which it was used as set forth in subsection (f) of Section
25 5-9-1.9 of the Unified Code of Corrections;

26 (6) drug-related offense involving possession or

1 delivery of cannabis or possession or delivery of a
2 controlled substance, other than methamphetamine, as
3 defined in the Cannabis Control Act or the Illinois
4 Controlled Substances Act, an amount not less than the full
5 street value of the cannabis or controlled substance seized
6 for each conviction to be disbursed as follows:

7 (A) 12.5% of the street value assessment shall be
8 paid into the Youth Drug Abuse Prevention Fund, to be
9 used by the Department of Human Services for the
10 funding of programs and services for drug-abuse
11 treatment, and prevention and education services;

12 (B) 37.5% to the county in which the charge was
13 prosecuted, to be deposited into the county General
14 Fund;

15 (C) 50% to the treasurer of the arresting law
16 enforcement agency of the municipality or county, or to
17 the State Treasurer if the arresting agency was a state
18 agency;

19 (D) if the arrest was made in combination with
20 multiple law enforcement agencies, the clerk shall
21 equitably allocate the portion in subparagraph (C) of
22 this paragraph (6) among the law enforcement agencies
23 involved in the arrest;

24 (6.5) Kane County or Will County, in felony,
25 misdemeanor, local or county ordinance, traffic, or
26 conservation cases, up to \$30 as set by the county board

1 under Section 5-1101.3 of the Counties Code upon the entry
2 of a judgment of conviction, an order of supervision, or a
3 sentence of probation without entry of judgment under
4 Section 10 of the Cannabis Control Act, Section 410 of the
5 Illinois Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act,
7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 Section 10-102 of the Illinois Alcoholism and Other Drug
10 Dependency Act, or Section 10 of the Steroid Control Act;
11 except in local or county ordinance, traffic, and
12 conservation cases, if fines are paid in full without a
13 court appearance, then the assessment shall not be imposed
14 or collected. Distribution of assessments collected under
15 this paragraph (6.5) shall be as provided in Section
16 5-1101.3 of the Counties Code;

17 (7) methamphetamine-related offense involving
18 possession or delivery of methamphetamine or any salt of an
19 optical isomer of methamphetamine or possession of a
20 methamphetamine manufacturing material as set forth in
21 Section 10 of the Methamphetamine Control and Community
22 Protection Act with the intent to manufacture a substance
23 containing methamphetamine or salt of an optical isomer of
24 methamphetamine, an amount not less than the full street
25 value of the methamphetamine or salt of an optical isomer
26 of methamphetamine or methamphetamine manufacturing

1 materials seized for each conviction to be disbursed as
2 follows:

3 (A) 12.5% of the street value assessment shall be
4 paid into the Youth Drug Abuse Prevention Fund, to be
5 used by the Department of Human Services for the
6 funding of programs and services for drug-abuse
7 treatment, and prevention and education services;

8 (B) 37.5% to the county in which the charge was
9 prosecuted, to be deposited into the county General
10 Fund;

11 (C) 50% to the treasurer of the arresting law
12 enforcement agency of the municipality or county, or to
13 the State Treasurer if the arresting agency was a state
14 agency;

15 (D) if the arrest was made in combination with
16 multiple law enforcement agencies, the clerk shall
17 equitably allocate the portion in subparagraph (C) of
18 this paragraph (6) among the law enforcement agencies
19 involved in the arrest;

20 (8) order of protection violation under Section 12-3.4
21 of the Criminal Code of 2012, \$200 for each conviction to
22 the county treasurer for deposit into the Probation and
23 Court Services Fund for implementation of a domestic
24 violence surveillance program and any other assessments or
25 fees imposed under Section 5-9-1.16 of the Unified Code of
26 Corrections;

1 (9) order of protection violation, \$25 for each
2 violation to the State Treasurer, for deposit into the
3 Domestic Violence Abuser Services Fund;

4 (10) prosecution by the State's Attorney of a:

5 (A) petty or business offense, \$4 to the county
6 treasurer of which \$2 deposited into the State's
7 Attorney Records Automation Fund and \$2 into the Public
8 Defender Records Automation Fund;

9 (B) conservation or traffic offense, \$2 to the
10 county treasurer for deposit into the State's Attorney
11 Records Automation Fund;

12 (11) speeding in a construction zone violation, \$250 to
13 the State Treasurer for deposit into the Transportation
14 Safety Highway Hire-back Fund, unless (i) the violation
15 occurred on a highway other than an interstate highway and
16 (ii) a county police officer wrote the ticket for the
17 violation, in which case to the county treasurer for
18 deposit into that county's Transportation Safety Highway
19 Hire-back Fund;

20 (12) supervision disposition on an offense under the
21 Illinois Vehicle Code or similar provision of a local
22 ordinance, 50 cents, unless waived by the court, into the
23 Prisoner Review Board Vehicle and Equipment Fund;

24 (13) victim and offender are family or household
25 members as defined in Section 103 of the Illinois Domestic
26 Violence Act of 1986 and offender pleads guilty or no

1 contest to or is convicted of murder, voluntary
2 manslaughter, involuntary manslaughter, burglary,
3 residential burglary, criminal trespass to residence,
4 criminal trespass to vehicle, criminal trespass to land,
5 criminal damage to property, telephone harassment,
6 kidnapping, aggravated kidnaping, unlawful restraint,
7 forcible detention, child abduction, indecent solicitation
8 of a child, sexual relations between siblings,
9 exploitation of a child, child pornography, assault,
10 aggravated assault, battery, aggravated battery, heinous
11 battery, aggravated battery of a child, domestic battery,
12 reckless conduct, intimidation, criminal sexual assault,
13 predatory criminal sexual assault of a child, aggravated
14 criminal sexual assault, criminal sexual abuse, aggravated
15 criminal sexual abuse, violation of an order of protection,
16 disorderly conduct, endangering the life or health of a
17 child, child abandonment, contributing to dependency or
18 neglect of child, or cruelty to children and others, \$200
19 for each sentenced violation to the State Treasurer for
20 deposit as follows: (i) for sexual assault, as defined in
21 Section 5-9-1.7 of the Unified Code of Corrections, when
22 the offender and victim are family members, one-half to the
23 Domestic Violence Shelter and Service Fund, and one-half to
24 the Sexual Assault Services Fund; (ii) for the remaining
25 offenses to the Domestic Violence Shelter and Service Fund;
26 (14) violation of Section 11-501 of the Illinois

1 Vehicle Code, Section 5-7 of the Snowmobile Registration
2 and Safety Act, Section 5-16 of the Boat Registration and
3 Safety Act, or a similar provision, whose operation of a
4 motor vehicle, snowmobile, or watercraft while in
5 violation of Section 11-501, Section 5-7 of the Snowmobile
6 Registration and Safety Act, Section 5-16 of the Boat
7 Registration and Safety Act, or a similar provision
8 proximately caused an incident resulting in an appropriate
9 emergency response, \$1,000 maximum to the public agency
10 that provided an emergency response related to the person's
11 violation, and if more than one agency responded, the
12 amount payable to public agencies shall be shared equally;

13 (15) violation of Section 401, 407, or 407.2 of the
14 Illinois Controlled Substances Act that proximately caused
15 any incident resulting in an appropriate drug-related
16 emergency response, \$1,000 as reimbursement for the
17 emergency response to the law enforcement agency that made
18 the arrest, and if more than one agency is responsible for
19 the arrest, the amount payable to law enforcement agencies
20 shall be shared equally;

21 (16) violation of reckless driving, aggravated
22 reckless driving, or driving 26 miles per hour or more in
23 excess of the speed limit that triggered an emergency
24 response, \$1,000 maximum reimbursement for the emergency
25 response to be distributed in its entirety to a public
26 agency that provided an emergency response related to the

1 person's violation, and if more than one agency responded,
2 the amount payable to public agencies shall be shared
3 equally;

4 (17) violation based upon each plea of guilty,
5 stipulation of facts, or finding of guilt resulting in a
6 judgment of conviction or order of supervision for an
7 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
8 the Criminal Code of 2012 that results in the imposition of
9 a fine, to be distributed as follows:

10 (A) \$50 to the county treasurer for deposit into
11 the Circuit Court Clerk Operation and Administrative
12 Fund to cover the costs in administering this paragraph
13 (17);

14 (B) \$300 to the State Treasurer who shall deposit
15 the portion as follows:

16 (i) if the arresting or investigating agency
17 is the Department of State Police, into the State
18 Police Law Enforcement Administration Fund;

19 (ii) if the arresting or investigating agency
20 is the Department of Natural Resources, into the
21 Conservation Police Operations Assistance Fund;

22 (iii) if the arresting or investigating agency
23 is the Secretary of State, into the Secretary of
24 State Police Services Fund;

25 (iv) if the arresting or investigating agency
26 is the Illinois Commerce Commission, into the

1 Public Utility Fund; or

2 (v) if more than one of the State agencies in
3 this subparagraph (B) is the arresting or
4 investigating agency, then equal shares with the
5 shares deposited as provided in the applicable
6 items (i) through (iv) of this subparagraph (B);
7 and

8 (C) the remainder for deposit into the Specialized
9 Services for Survivors of Human Trafficking Fund; ~~and~~

10 (18) weapons violation under Section 24-1.1, 24-1.2,
11 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
12 of 2012, \$100 for each conviction to the State Treasurer
13 for deposit into the Trauma Center Fund; and -

14 (19) violation of subsection (c) of Section 11-907 of
15 the Illinois Vehicle Code, \$250 to the State Treasurer for
16 deposit into the Scott's Law Fund, unless a county or
17 municipal police officer wrote the ticket for the
18 violation, in which case to the county treasurer for
19 deposit into that county's or municipality's
20 Transportation Safety Highway Hire-back Fund to be used as
21 provided in subsection (j) of Section 11-907 of the
22 Illinois Vehicle Code.

23 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

24 Section 20. The Criminal Code of 2012 is amended by
25 changing Section 9-3 as follows:

1 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

2 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

3 (a) A person who unintentionally kills an individual
4 without lawful justification commits involuntary manslaughter
5 if his acts whether lawful or unlawful which cause the death
6 are such as are likely to cause death or great bodily harm to
7 some individual, and he performs them recklessly, except in
8 cases in which the cause of the death consists of the driving
9 of a motor vehicle or operating a snowmobile, all-terrain
10 vehicle, or watercraft, in which case the person commits
11 reckless homicide. A person commits reckless homicide if he or
12 she unintentionally kills an individual while driving a vehicle
13 and using an incline in a roadway, such as a railroad crossing,
14 bridge approach, or hill, to cause the vehicle to become
15 airborne.

16 (b) (Blank).

17 (c) (Blank).

18 (d) Sentence.

19 (1) Involuntary manslaughter is a Class 3 felony.

20 (2) Reckless homicide is a Class 3 felony.

21 (e) (Blank).

22 (e-2) Except as provided in subsection (e-3), in cases
23 involving reckless homicide in which the offense is committed
24 upon a public thoroughfare where children pass going to and
25 from school when a school crossing guard is performing official

1 duties, the penalty is a Class 2 felony, for which a person, if
2 sentenced to a term of imprisonment, shall be sentenced to a
3 term of not less than 3 years and not more than 14 years.

4 (e-3) In cases involving reckless homicide in which (i) the
5 offense is committed upon a public thoroughfare where children
6 pass going to and from school when a school crossing guard is
7 performing official duties and (ii) the defendant causes the
8 deaths of 2 or more persons as part of a single course of
9 conduct, the penalty is a Class 2 felony, for which a person,
10 if sentenced to a term of imprisonment, shall be sentenced to a
11 term of not less than 6 years and not more than 28 years.

12 (e-5) (Blank).

13 (e-7) Except as otherwise provided in subsection (e-8), in
14 cases involving reckless homicide in which the defendant: (1)
15 was driving in a construction or maintenance zone, as defined
16 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was
17 operating a vehicle while failing or refusing to comply with
18 any lawful order or direction of any authorized police officer
19 or traffic control aide engaged in traffic control, the penalty
20 is a Class 2 felony, for which a person, if sentenced to a term
21 of imprisonment, shall be sentenced to a term of not less than
22 3 years and not more than 14 years.

23 (e-8) In cases involving reckless homicide in which the
24 defendant caused the deaths of 2 or more persons as part of a
25 single course of conduct and: (1) was driving in a construction
26 or maintenance zone, as defined in Section 11-605.1 of the

1 Illinois Vehicle Code, or (2) was operating a vehicle while
2 failing or refusing to comply with any lawful order or
3 direction of any authorized police officer or traffic control
4 aide engaged in traffic control, the penalty is a Class 2
5 felony, for which a person, if sentenced to a term of
6 imprisonment, shall be sentenced to a term of not less than 6
7 years and not more than 28 years.

8 (e-9) In cases involving reckless homicide in which the
9 defendant drove a vehicle and used an incline in a roadway,
10 such as a railroad crossing, bridge approach, or hill, to cause
11 the vehicle to become airborne, and caused the deaths of 2 or
12 more persons as part of a single course of conduct, the penalty
13 is a Class 2 felony.

14 (e-10) In cases involving involuntary manslaughter or
15 reckless homicide resulting in the death of a peace officer
16 killed in the performance of his or her duties as a peace
17 officer, the penalty is a Class 2 felony.

18 (e-11) In cases involving reckless homicide in which the
19 defendant unintentionally kills an individual while driving in
20 a posted school zone, as defined in Section 11-605 of the
21 Illinois Vehicle Code, while children are present or in a
22 construction or maintenance zone, as defined in Section
23 11-605.1 of the Illinois Vehicle Code, when construction or
24 maintenance workers are present the trier of fact may infer
25 that the defendant's actions were performed recklessly where he
26 or she was also either driving at a speed of more than 20 miles

1 per hour in excess of the posted speed limit or violating
2 Section 11-501 of the Illinois Vehicle Code.

3 (e-12) Except as otherwise provided in subsection (e-13),
4 in cases involving reckless homicide in which the offense was
5 committed as result of a violation of subsection (c) of Section
6 11-907 of the Illinois Vehicle Code, the penalty is a Class 2
7 felony, for which a person, if sentenced to a term of
8 imprisonment, shall be sentenced to a term of not less than 3
9 years and not more than 14 years.

10 (e-13) In cases involving reckless homicide in which the
11 offense was committed as result of a violation of subsection
12 (c) of Section 11-907 of the Illinois Vehicle Code and the
13 defendant caused the deaths of 2 or more persons as part of a
14 single course of conduct, the penalty is a Class 2 felony, for
15 which a person, if sentenced to a term of imprisonment, shall
16 be sentenced to a term of not less than 6 years and not more
17 than 28 years.

18 (e-14) In cases involving reckless homicide in which the
19 defendant unintentionally kills an individual, the trier of
20 fact may infer that the defendant's actions were performed
21 recklessly where he or she was also violating subsection (c) of
22 Section 11-907 of the Illinois Vehicle Code. The penalty for a
23 reckless homicide in which the driver also violated subsection
24 (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2
25 felony, for which a person, if sentenced to a term of
26 imprisonment, shall be sentenced to a term of not less than 3

1 years and not more than 14 years.

2 (e-15) In cases involving reckless homicide in which the
3 defendant was operating a vehicle while failing or refusing to
4 comply with subsection (c) of Section 11-907 of the Illinois
5 Vehicle Code resulting in the death of a firefighter or
6 emergency medical services personnel in the performance of his
7 or her official duties, the penalty is a Class 2 felony.

8 (f) In cases involving involuntary manslaughter in which
9 the victim was a family or household member as defined in
10 paragraph (3) of Section 112A-3 of the Code of Criminal
11 Procedure of 1963, the penalty shall be a Class 2 felony, for
12 which a person if sentenced to a term of imprisonment, shall be
13 sentenced to a term of not less than 3 years and not more than
14 14 years.

15 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,
16 eff. 6-1-08; 95-591, eff. 9-10-07; 95-803, eff. 1-1-09; 95-876,
17 eff. 8-21-08; 95-884, eff. 1-1-09; 96-328, eff. 8-11-09.)

18 Section 25. The Unified Code of Corrections is amended by
19 changing Sections 5-5-3.2 and 5-6-1 as follows:

20 (730 ILCS 5/5-5-3.2)

21 Sec. 5-5-3.2. Factors in aggravation and extended-term
22 sentencing.

23 (a) The following factors shall be accorded weight in favor
24 of imposing a term of imprisonment or may be considered by the

1 court as reasons to impose a more severe sentence under Section
2 5-8-1 or Article 4.5 of Chapter V:

3 (1) the defendant's conduct caused or threatened
4 serious harm;

5 (2) the defendant received compensation for committing
6 the offense;

7 (3) the defendant has a history of prior delinquency or
8 criminal activity;

9 (4) the defendant, by the duties of his office or by
10 his position, was obliged to prevent the particular offense
11 committed or to bring the offenders committing it to
12 justice;

13 (5) the defendant held public office at the time of the
14 offense, and the offense related to the conduct of that
15 office;

16 (6) the defendant utilized his professional reputation
17 or position in the community to commit the offense, or to
18 afford him an easier means of committing it;

19 (7) the sentence is necessary to deter others from
20 committing the same crime;

21 (8) the defendant committed the offense against a
22 person 60 years of age or older or such person's property;

23 (9) the defendant committed the offense against a
24 person who has a physical disability or such person's
25 property;

26 (10) by reason of another individual's actual or

1 perceived race, color, creed, religion, ancestry, gender,
2 sexual orientation, physical or mental disability, or
3 national origin, the defendant committed the offense
4 against (i) the person or property of that individual; (ii)
5 the person or property of a person who has an association
6 with, is married to, or has a friendship with the other
7 individual; or (iii) the person or property of a relative
8 (by blood or marriage) of a person described in clause (i)
9 or (ii). For the purposes of this Section, "sexual
10 orientation" has the meaning ascribed to it in paragraph
11 (O-1) of Section 1-103 of the Illinois Human Rights Act;

12 (11) the offense took place in a place of worship or on
13 the grounds of a place of worship, immediately prior to,
14 during or immediately following worship services. For
15 purposes of this subparagraph, "place of worship" shall
16 mean any church, synagogue or other building, structure or
17 place used primarily for religious worship;

18 (12) the defendant was convicted of a felony committed
19 while he was released on bail or his own recognizance
20 pending trial for a prior felony and was convicted of such
21 prior felony, or the defendant was convicted of a felony
22 committed while he was serving a period of probation,
23 conditional discharge, or mandatory supervised release
24 under subsection (d) of Section 5-8-1 for a prior felony;

25 (13) the defendant committed or attempted to commit a
26 felony while he was wearing a bulletproof vest. For the

1 purposes of this paragraph (13), a bulletproof vest is any
2 device which is designed for the purpose of protecting the
3 wearer from bullets, shot or other lethal projectiles;

4 (14) the defendant held a position of trust or
5 supervision such as, but not limited to, family member as
6 defined in Section 11-0.1 of the Criminal Code of 2012,
7 teacher, scout leader, baby sitter, or day care worker, in
8 relation to a victim under 18 years of age, and the
9 defendant committed an offense in violation of Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
11 11-14.4 except for an offense that involves keeping a place
12 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
13 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
14 or 12-16 of the Criminal Code of 1961 or the Criminal Code
15 of 2012 against that victim;

16 (15) the defendant committed an offense related to the
17 activities of an organized gang. For the purposes of this
18 factor, "organized gang" has the meaning ascribed to it in
19 Section 10 of the Streetgang Terrorism Omnibus Prevention
20 Act;

21 (16) the defendant committed an offense in violation of
22 one of the following Sections while in a school, regardless
23 of the time of day or time of year; on any conveyance
24 owned, leased, or contracted by a school to transport
25 students to or from school or a school related activity; on
26 the real property of a school; or on a public way within

1 1,000 feet of the real property comprising any school:
2 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
3 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
6 18-2, or 33A-2, or Section 12-3.05 except for subdivision
7 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
8 Criminal Code of 2012;

9 (16.5) the defendant committed an offense in violation
10 of one of the following Sections while in a day care
11 center, regardless of the time of day or time of year; on
12 the real property of a day care center, regardless of the
13 time of day or time of year; or on a public way within
14 1,000 feet of the real property comprising any day care
15 center, regardless of the time of day or time of year:
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision
21 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
22 Criminal Code of 2012;

23 (17) the defendant committed the offense by reason of
24 any person's activity as a community policing volunteer or
25 to prevent any person from engaging in activity as a
26 community policing volunteer. For the purpose of this

1 Section, "community policing volunteer" has the meaning
2 ascribed to it in Section 2-3.5 of the Criminal Code of
3 2012;

4 (18) the defendant committed the offense in a nursing
5 home or on the real property comprising a nursing home. For
6 the purposes of this paragraph (18), "nursing home" means a
7 skilled nursing or intermediate long term care facility
8 that is subject to license by the Illinois Department of
9 Public Health under the Nursing Home Care Act, the
10 Specialized Mental Health Rehabilitation Act of 2013, the
11 ID/DD Community Care Act, or the MC/DD Act;

12 (19) the defendant was a federally licensed firearm
13 dealer and was previously convicted of a violation of
14 subsection (a) of Section 3 of the Firearm Owners
15 Identification Card Act and has now committed either a
16 felony violation of the Firearm Owners Identification Card
17 Act or an act of armed violence while armed with a firearm;

18 (20) the defendant (i) committed the offense of
19 reckless homicide under Section 9-3 of the Criminal Code of
20 1961 or the Criminal Code of 2012 or the offense of driving
21 under the influence of alcohol, other drug or drugs,
22 intoxicating compound or compounds or any combination
23 thereof under Section 11-501 of the Illinois Vehicle Code
24 or a similar provision of a local ordinance and (ii) was
25 operating a motor vehicle in excess of 20 miles per hour
26 over the posted speed limit as provided in Article VI of

1 Chapter 11 of the Illinois Vehicle Code;

2 (21) the defendant (i) committed the offense of
3 reckless driving or aggravated reckless driving under
4 Section 11-503 of the Illinois Vehicle Code and (ii) was
5 operating a motor vehicle in excess of 20 miles per hour
6 over the posted speed limit as provided in Article VI of
7 Chapter 11 of the Illinois Vehicle Code;

8 (22) the defendant committed the offense against a
9 person that the defendant knew, or reasonably should have
10 known, was a member of the Armed Forces of the United
11 States serving on active duty. For purposes of this clause
12 (22), the term "Armed Forces" means any of the Armed Forces
13 of the United States, including a member of any reserve
14 component thereof or National Guard unit called to active
15 duty;

16 (23) the defendant committed the offense against a
17 person who was elderly or infirm or who was a person with a
18 disability by taking advantage of a family or fiduciary
19 relationship with the elderly or infirm person or person
20 with a disability;

21 (24) the defendant committed any offense under Section
22 11-20.1 of the Criminal Code of 1961 or the Criminal Code
23 of 2012 and possessed 100 or more images;

24 (25) the defendant committed the offense while the
25 defendant or the victim was in a train, bus, or other
26 vehicle used for public transportation;

1 (26) the defendant committed the offense of child
2 pornography or aggravated child pornography, specifically
3 including paragraph (1), (2), (3), (4), (5), or (7) of
4 subsection (a) of Section 11-20.1 of the Criminal Code of
5 1961 or the Criminal Code of 2012 where a child engaged in,
6 solicited for, depicted in, or posed in any act of sexual
7 penetration or bound, fettered, or subject to sadistic,
8 masochistic, or sadomasochistic abuse in a sexual context
9 and specifically including paragraph (1), (2), (3), (4),
10 (5), or (7) of subsection (a) of Section 11-20.1B or
11 Section 11-20.3 of the Criminal Code of 1961 where a child
12 engaged in, solicited for, depicted in, or posed in any act
13 of sexual penetration or bound, fettered, or subject to
14 sadistic, masochistic, or sadomasochistic abuse in a
15 sexual context;

16 (27) the defendant committed the offense of first
17 degree murder, assault, aggravated assault, battery,
18 aggravated battery, robbery, armed robbery, or aggravated
19 robbery against a person who was a veteran and the
20 defendant knew, or reasonably should have known, that the
21 person was a veteran performing duties as a representative
22 of a veterans' organization. For the purposes of this
23 paragraph (27), "veteran" means an Illinois resident who
24 has served as a member of the United States Armed Forces, a
25 member of the Illinois National Guard, or a member of the
26 United States Reserve Forces; and "veterans' organization"

1 means an organization comprised of members of which
2 substantially all are individuals who are veterans or
3 spouses, widows, or widowers of veterans, the primary
4 purpose of which is to promote the welfare of its members
5 and to provide assistance to the general public in such a
6 way as to confer a public benefit;

7 (28) the defendant committed the offense of assault,
8 aggravated assault, battery, aggravated battery, robbery,
9 armed robbery, or aggravated robbery against a person that
10 the defendant knew or reasonably should have known was a
11 letter carrier or postal worker while that person was
12 performing his or her duties delivering mail for the United
13 States Postal Service;

14 (29) the defendant committed the offense of criminal
15 sexual assault, aggravated criminal sexual assault,
16 criminal sexual abuse, or aggravated criminal sexual abuse
17 against a victim with an intellectual disability, and the
18 defendant holds a position of trust, authority, or
19 supervision in relation to the victim;

20 (30) the defendant committed the offense of promoting
21 juvenile prostitution, patronizing a prostitute, or
22 patronizing a minor engaged in prostitution and at the time
23 of the commission of the offense knew that the prostitute
24 or minor engaged in prostitution was in the custody or
25 guardianship of the Department of Children and Family
26 Services; ~~or~~

1 (31) the defendant (i) committed the offense of driving
2 while under the influence of alcohol, other drug or drugs,
3 intoxicating compound or compounds or any combination
4 thereof in violation of Section 11-501 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance
6 and (ii) the defendant during the commission of the offense
7 was driving his or her vehicle upon a roadway designated
8 for one-way traffic in the opposite direction of the
9 direction indicated by official traffic control devices;
10 or -

11 (32) the defendant committed the offense of reckless
12 homicide while committing a violation of Section 11-907 of
13 the Illinois Vehicle Code.

14 For the purposes of this Section:

15 "School" is defined as a public or private elementary or
16 secondary school, community college, college, or university.

17 "Day care center" means a public or private State certified
18 and licensed day care center as defined in Section 2.09 of the
19 Child Care Act of 1969 that displays a sign in plain view
20 stating that the property is a day care center.

21 "Intellectual disability" means significantly subaverage
22 intellectual functioning which exists concurrently with
23 impairment in adaptive behavior.

24 "Public transportation" means the transportation or
25 conveyance of persons by means available to the general public,
26 and includes paratransit services.

1 "Traffic control devices" means all signs, signals,
2 markings, and devices that conform to the Illinois Manual on
3 Uniform Traffic Control Devices, placed or erected by authority
4 of a public body or official having jurisdiction, for the
5 purpose of regulating, warning, or guiding traffic.

6 (b) The following factors, related to all felonies, may be
7 considered by the court as reasons to impose an extended term
8 sentence under Section 5-8-2 upon any offender:

9 (1) When a defendant is convicted of any felony, after
10 having been previously convicted in Illinois or any other
11 jurisdiction of the same or similar class felony or greater
12 class felony, when such conviction has occurred within 10
13 years after the previous conviction, excluding time spent
14 in custody, and such charges are separately brought and
15 tried and arise out of different series of acts; or

16 (2) When a defendant is convicted of any felony and the
17 court finds that the offense was accompanied by
18 exceptionally brutal or heinous behavior indicative of
19 wanton cruelty; or

20 (3) When a defendant is convicted of any felony
21 committed against:

22 (i) a person under 12 years of age at the time of
23 the offense or such person's property;

24 (ii) a person 60 years of age or older at the time
25 of the offense or such person's property; or

26 (iii) a person who had a physical disability at the

1 time of the offense or such person's property; or

2 (4) When a defendant is convicted of any felony and the
3 offense involved any of the following types of specific
4 misconduct committed as part of a ceremony, rite,
5 initiation, observance, performance, practice or activity
6 of any actual or ostensible religious, fraternal, or social
7 group:

8 (i) the brutalizing or torturing of humans or
9 animals;

10 (ii) the theft of human corpses;

11 (iii) the kidnapping of humans;

12 (iv) the desecration of any cemetery, religious,
13 fraternal, business, governmental, educational, or
14 other building or property; or

15 (v) ritualized abuse of a child; or

16 (5) When a defendant is convicted of a felony other
17 than conspiracy and the court finds that the felony was
18 committed under an agreement with 2 or more other persons
19 to commit that offense and the defendant, with respect to
20 the other individuals, occupied a position of organizer,
21 supervisor, financier, or any other position of management
22 or leadership, and the court further finds that the felony
23 committed was related to or in furtherance of the criminal
24 activities of an organized gang or was motivated by the
25 defendant's leadership in an organized gang; or

26 (6) When a defendant is convicted of an offense

1 committed while using a firearm with a laser sight attached
2 to it. For purposes of this paragraph, "laser sight" has
3 the meaning ascribed to it in Section 26-7 of the Criminal
4 Code of 2012; or

5 (7) When a defendant who was at least 17 years of age
6 at the time of the commission of the offense is convicted
7 of a felony and has been previously adjudicated a
8 delinquent minor under the Juvenile Court Act of 1987 for
9 an act that if committed by an adult would be a Class X or
10 Class 1 felony when the conviction has occurred within 10
11 years after the previous adjudication, excluding time
12 spent in custody; or

13 (8) When a defendant commits any felony and the
14 defendant used, possessed, exercised control over, or
15 otherwise directed an animal to assault a law enforcement
16 officer engaged in the execution of his or her official
17 duties or in furtherance of the criminal activities of an
18 organized gang in which the defendant is engaged; or

19 (9) When a defendant commits any felony and the
20 defendant knowingly video or audio records the offense with
21 the intent to disseminate the recording.

22 (c) The following factors may be considered by the court as
23 reasons to impose an extended term sentence under Section 5-8-2
24 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

25 (1) When a defendant is convicted of first degree
26 murder, after having been previously convicted in Illinois

1 of any offense listed under paragraph (c)(2) of Section
2 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
3 within 10 years after the previous conviction, excluding
4 time spent in custody, and the charges are separately
5 brought and tried and arise out of different series of
6 acts.

7 (1.5) When a defendant is convicted of first degree
8 murder, after having been previously convicted of domestic
9 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
10 (720 ILCS 5/12-3.3) committed on the same victim or after
11 having been previously convicted of violation of an order
12 of protection (720 ILCS 5/12-30) in which the same victim
13 was the protected person.

14 (2) When a defendant is convicted of voluntary
15 manslaughter, second degree murder, involuntary
16 manslaughter, or reckless homicide in which the defendant
17 has been convicted of causing the death of more than one
18 individual.

19 (3) When a defendant is convicted of aggravated
20 criminal sexual assault or criminal sexual assault, when
21 there is a finding that aggravated criminal sexual assault
22 or criminal sexual assault was also committed on the same
23 victim by one or more other individuals, and the defendant
24 voluntarily participated in the crime with the knowledge of
25 the participation of the others in the crime, and the
26 commission of the crime was part of a single course of

1 conduct during which there was no substantial change in the
2 nature of the criminal objective.

3 (4) If the victim was under 18 years of age at the time
4 of the commission of the offense, when a defendant is
5 convicted of aggravated criminal sexual assault or
6 predatory criminal sexual assault of a child under
7 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
8 of Section 12-14.1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

10 (5) When a defendant is convicted of a felony violation
11 of Section 24-1 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
13 finding that the defendant is a member of an organized
14 gang.

15 (6) When a defendant was convicted of unlawful use of
16 weapons under Section 24-1 of the Criminal Code of 1961 or
17 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
18 a weapon that is not readily distinguishable as one of the
19 weapons enumerated in Section 24-1 of the Criminal Code of
20 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

21 (7) When a defendant is convicted of an offense
22 involving the illegal manufacture of a controlled
23 substance under Section 401 of the Illinois Controlled
24 Substances Act (720 ILCS 570/401), the illegal manufacture
25 of methamphetamine under Section 25 of the Methamphetamine
26 Control and Community Protection Act (720 ILCS 646/25), or

1 the illegal possession of explosives and an emergency
2 response officer in the performance of his or her duties is
3 killed or injured at the scene of the offense while
4 responding to the emergency caused by the commission of the
5 offense. In this paragraph, "emergency" means a situation
6 in which a person's life, health, or safety is in jeopardy;
7 and "emergency response officer" means a peace officer,
8 community policing volunteer, fireman, emergency medical
9 technician-ambulance, emergency medical
10 technician-intermediate, emergency medical
11 technician-paramedic, ambulance driver, other medical
12 assistance or first aid personnel, or hospital emergency
13 room personnel.

14 (8) When the defendant is convicted of attempted mob
15 action, solicitation to commit mob action, or conspiracy to
16 commit mob action under Section 8-1, 8-2, or 8-4 of the
17 Criminal Code of 2012, where the criminal object is a
18 violation of Section 25-1 of the Criminal Code of 2012, and
19 an electronic communication is used in the commission of
20 the offense. For the purposes of this paragraph (8),
21 "electronic communication" shall have the meaning provided
22 in Section 26.5-0.1 of the Criminal Code of 2012.

23 (d) For the purposes of this Section, "organized gang" has
24 the meaning ascribed to it in Section 10 of the Illinois
25 Streetgang Terrorism Omnibus Prevention Act.

26 (e) The court may impose an extended term sentence under

1 Article 4.5 of Chapter V upon an offender who has been
2 convicted of a felony violation of Section 11-1.20, 11-1.30,
3 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
4 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
5 when the victim of the offense is under 18 years of age at the
6 time of the commission of the offense and, during the
7 commission of the offense, the victim was under the influence
8 of alcohol, regardless of whether or not the alcohol was
9 supplied by the offender; and the offender, at the time of the
10 commission of the offense, knew or should have known that the
11 victim had consumed alcohol.

12 (Source: P.A. 99-77, eff. 1-1-16; 99-143, eff. 7-27-15; 99-180,
13 eff. 7-29-15; 99-283, eff. 1-1-16; 99-347, eff. 1-1-16; 99-642,
14 eff. 7-28-16; 100-1053, eff. 1-1-19.)

15 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

16 (Text of Section before amendment by P.A. 100-987)

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

1 supervision.

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

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

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

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

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

25 (b) The court may impose a sentence of conditional
26 discharge for an offense if the court is of the opinion that

1 neither a sentence of imprisonment nor of periodic imprisonment
2 nor of probation supervision is appropriate.

3 (b-1) Subsections (a) and (b) of this Section do not apply
4 to a defendant charged with a misdemeanor or felony under the
5 Illinois Vehicle Code or reckless homicide under Section 9-3 of
6 the Criminal Code of 1961 or the Criminal Code of 2012 if the
7 defendant within the past 12 months has been convicted of or
8 pleaded guilty to a misdemeanor or felony under the Illinois
9 Vehicle Code or reckless homicide under Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 (c) The court may, upon a plea of guilty or a stipulation
12 by the defendant of the facts supporting the charge or a
13 finding of guilt, defer further proceedings and the imposition
14 of a sentence, and enter an order for supervision of the
15 defendant, if the defendant is not charged with: (i) a Class A
16 misdemeanor, as defined by the following provisions of the
17 Criminal Code of 1961 or the Criminal Code of 2012: Sections
18 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
19 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
20 paragraph (1) through (5), (8), (10), and (11) of subsection
21 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
22 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
23 Act; or (iii) a felony. If the defendant is not barred from
24 receiving an order for supervision as provided in this
25 subsection, the court may enter an order for supervision after
26 considering the circumstances of the offense, and the history,

1 character and condition of the offender, if the court is of the
2 opinion that:

3 (1) the offender is not likely to commit further
4 crimes;

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

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

10 (c-5) Subsections (a), (b), and (c) of this Section do not
11 apply to a defendant charged with a second or subsequent
12 violation of Section 6-303 of the Illinois Vehicle Code
13 committed while his or her driver's license, permit or
14 privileges were revoked because of a violation of Section 9-3
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 relating to the offense of reckless homicide, or a similar
17 provision of a law of another state.

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

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

26 (2) assigned supervision for a violation of Section

1 11-501 of the Illinois Vehicle Code or a similar provision
2 of a local ordinance or any similar law or ordinance of
3 another state; or

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

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

13 (e) The provisions of paragraph (c) shall not apply to a
14 defendant charged with violating Section 16-25 or 16A-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 if said
16 defendant has within the last 5 years been:

17 (1) convicted for a violation of Section 16-25 or 16A-3
18 of the Criminal Code of 1961 or the Criminal Code of 2012;
19 or

20 (2) assigned supervision for a violation of Section
21 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
22 Code of 2012.

23 The court shall consider the statement of the prosecuting
24 authority with regard to the standards set forth in this
25 Section.

26 (f) The provisions of paragraph (c) shall not apply to a

1 defendant charged with: (1) violating Sections 15-111, 15-112,
2 15-301, paragraph (b) of Section 6-104, Section 11-605,
3 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or
4 Section 11-1414 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance; or (2) committing a Class A
6 misdemeanor under subsection (c) of Section 11-907 of the
7 Illinois Vehicle Code or a similar provision of a local
8 ordinance.

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

15 (1) convicted for a violation of Section 3-707, 3-708,
16 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance; or

18 (2) assigned supervision for a violation of Section
19 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
20 Code or a similar provision of a local ordinance.

21 The court shall consider the statement of the prosecuting
22 authority with regard to the standards set forth in this
23 Section.

24 (h) The provisions of paragraph (c) shall not apply to a
25 defendant under the age of 21 years charged with violating a
26 serious traffic offense as defined in Section 1-187.001 of the

1 Illinois Vehicle Code:

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

14 (2) if the defendant has previously been sentenced
15 under the provisions of paragraph (c) on or after January
16 1, 1998 for any serious traffic offense as defined in
17 Section 1-187.001 of the Illinois Vehicle Code.

18 (h-1) The provisions of paragraph (c) shall not apply to a
19 defendant under the age of 21 years charged with an offense
20 against traffic regulations governing the movement of vehicles
21 or any violation of Section 6-107 or Section 12-603.1 of the
22 Illinois Vehicle Code, unless the defendant, upon payment of
23 the fines, penalties, and costs provided by law, agrees to
24 attend and successfully complete a traffic safety program
25 approved by the court under standards set by the Conference of
26 Chief Circuit Judges. The accused shall be responsible for

1 payment of any traffic safety program fees. If the accused
2 fails to file a certificate of successful completion on or
3 before the termination date of the supervision order, the
4 supervision shall be summarily revoked and conviction entered.
5 The provisions of Supreme Court Rule 402 relating to pleas of
6 guilty do not apply in cases when a defendant enters a guilty
7 plea under this provision.

8 (i) The provisions of paragraph (c) shall not apply to a
9 defendant charged with violating Section 3-707 of the Illinois
10 Vehicle Code or a similar provision of a local ordinance if the
11 defendant has been assigned supervision for a violation of
12 Section 3-707 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance.

14 (j) The provisions of paragraph (c) shall not apply to a
15 defendant charged with violating Section 6-303 of the Illinois
16 Vehicle Code or a similar provision of a local ordinance when
17 the revocation or suspension was for a violation of Section
18 11-501 or a similar provision of a local ordinance or a
19 violation of Section 11-501.1 or paragraph (b) of Section
20 11-401 of the Illinois Vehicle Code if the defendant has within
21 the last 10 years been:

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

25 (2) assigned supervision for a violation of Section
26 6-303 of the Illinois Vehicle Code or a similar provision

1 of a local ordinance.

2 (k) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating any provision of the Illinois
4 Vehicle Code or a similar provision of a local ordinance that
5 governs the movement of vehicles if, within the 12 months
6 preceding the date of the defendant's arrest, the defendant has
7 been assigned court supervision on 2 occasions for a violation
8 that governs the movement of vehicles under the Illinois
9 Vehicle Code or a similar provision of a local ordinance. The
10 provisions of this paragraph (k) do not apply to a defendant
11 charged with violating Section 11-501 of the Illinois Vehicle
12 Code or a similar provision of a local ordinance.

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

1 and Equipment Fund in the State treasury.

2 (m) Any person convicted of, pleading guilty to, or placed
3 on supervision for a serious traffic violation, as defined in
4 Section 1-187.001 of the Illinois Vehicle Code, a violation of
5 Section 11-501 of the Illinois Vehicle Code, or a violation of
6 a similar provision of a local ordinance shall pay an
7 additional fee of \$35, to be disbursed as provided in Section
8 16-104d of that Code.

9 This subsection (m) becomes inoperative on January 1, 2020.

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

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

24 (1) at the time of the violation of Section 11-501.1 of
25 the Illinois Vehicle Code, the defendant was a first
26 offender pursuant to Section 11-500 of the Illinois Vehicle

1 Code and the defendant failed to obtain a monitoring device
2 driving permit; or

3 (2) at the time of the violation of Section 11-501.1 of
4 the Illinois Vehicle Code, the defendant was a first
5 offender pursuant to Section 11-500 of the Illinois Vehicle
6 Code, had subsequently obtained a monitoring device
7 driving permit, but was driving a vehicle not equipped with
8 a breath alcohol ignition interlock device as defined in
9 Section 1-129.1 of the Illinois Vehicle Code.

10 (p) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 11-601.5 of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance when the defendant has previously been:

14 (1) convicted for a violation of Section 11-601.5 of
15 the Illinois Vehicle Code or a similar provision of a local
16 ordinance or any similar law or ordinance of another state;
17 or

18 (2) assigned supervision for a violation of Section
19 11-601.5 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance or any similar law or
21 ordinance of another state.

22 (q) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating subsection (b) of Section
24 11-601 or Section 11-601.5 of the Illinois Vehicle Code when
25 the defendant was operating a vehicle, in an urban district, at
26 a speed that is 26 miles per hour or more in excess of the

1 applicable maximum speed limit established under Chapter 11 of
2 the Illinois Vehicle Code.

3 (r) The provisions of paragraph (c) shall not apply to a
4 defendant charged with violating any provision of the Illinois
5 Vehicle Code or a similar provision of a local ordinance if the
6 violation was the proximate cause of the death of another and
7 the defendant's driving abstract contains a prior conviction or
8 disposition of court supervision for any violation of the
9 Illinois Vehicle Code, other than an equipment violation, or a
10 suspension, revocation, or cancellation of the driver's
11 license.

12 (s) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating subsection (i) of Section 70
14 of the Firearm Concealed Carry Act.

15 (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14;
16 98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff.
17 1-1-16.)

18 (Text of Section after amendment by P.A. 100-987)

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

1 sanctions for violations of the terms and conditions of a
2 sentence of probation, conditional discharge or disposition of
3 supervision.

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

10 (1) his imprisonment or periodic imprisonment is
11 necessary for the protection of the public; or

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

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

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

1 (b) The court may impose a sentence of conditional
2 discharge for an offense if the court is of the opinion that
3 neither a sentence of imprisonment nor of periodic imprisonment
4 nor of probation supervision is appropriate.

5 (b-1) Subsections (a) and (b) of this Section do not apply
6 to a defendant charged with a misdemeanor or felony under the
7 Illinois Vehicle Code or reckless homicide under Section 9-3 of
8 the Criminal Code of 1961 or the Criminal Code of 2012 if the
9 defendant within the past 12 months has been convicted of or
10 pleaded guilty to a misdemeanor or felony under the Illinois
11 Vehicle Code or reckless homicide under Section 9-3 of the
12 Criminal Code of 1961 or the Criminal Code of 2012.

13 (c) The court may, upon a plea of guilty or a stipulation
14 by the defendant of the facts supporting the charge or a
15 finding of guilt, defer further proceedings and the imposition
16 of a sentence, and enter an order for supervision of the
17 defendant, if the defendant is not charged with: (i) a Class A
18 misdemeanor, as defined by the following provisions of the
19 Criminal Code of 1961 or the Criminal Code of 2012: Sections
20 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
21 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
22 paragraph (1) through (5), (8), (10), and (11) of subsection
23 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
24 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
25 Act; or (iii) a felony. If the defendant is not barred from
26 receiving an order for supervision as provided in this

1 subsection, the court may enter an order for supervision after
2 considering the circumstances of the offense, and the history,
3 character and condition of the offender, if the court is of the
4 opinion that:

5 (1) the offender is not likely to commit further
6 crimes;

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

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

12 (c-5) Subsections (a), (b), and (c) of this Section do not
13 apply to a defendant charged with a second or subsequent
14 violation of Section 6-303 of the Illinois Vehicle Code
15 committed while his or her driver's license, permit or
16 privileges were revoked because of a violation of Section 9-3
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 relating to the offense of reckless homicide, or a similar
19 provision of a law of another state.

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

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

1 or

2 (2) assigned supervision for a violation of Section
3 11-501 of the Illinois Vehicle Code or a similar provision
4 of a local ordinance or any similar law or ordinance of
5 another state; or

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

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

15 (e) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 16-25 or 16A-3 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 if said
18 defendant has within the last 5 years been:

19 (1) convicted for a violation of Section 16-25 or 16A-3
20 of the Criminal Code of 1961 or the Criminal Code of 2012;
21 or

22 (2) assigned supervision for a violation of Section
23 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
24 Code of 2012.

25 The court shall consider the statement of the prosecuting
26 authority with regard to the standards set forth in this

1 Section.

2 (f) The provisions of paragraph (c) shall not apply to a
3 defendant charged with: (1) violating Sections 15-111, 15-112,
4 15-301, paragraph (b) of Section 6-104, Section 11-605,
5 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or
6 Section 11-1414 of the Illinois Vehicle Code or a similar
7 provision of a local ordinance; or (2) committing a Class A
8 misdemeanor under subsection (c) of Section 11-907 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance.

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

17 (1) convicted for a violation of Section 3-707, 3-708,
18 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
19 provision of a local ordinance; or

20 (2) assigned supervision for a violation of Section
21 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
22 Code or a similar provision of a local ordinance.

23 The court shall consider the statement of the prosecuting
24 authority with regard to the standards set forth in this
25 Section.

26 (h) The provisions of paragraph (c) shall not apply to a

1 defendant under the age of 21 years charged with violating a
2 serious traffic offense as defined in Section 1-187.001 of the
3 Illinois Vehicle Code:

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

16 (2) if the defendant has previously been sentenced
17 under the provisions of paragraph (c) on or after January
18 1, 1998 for any serious traffic offense as defined in
19 Section 1-187.001 of the Illinois Vehicle Code.

20 (h-1) The provisions of paragraph (c) shall not apply to a
21 defendant under the age of 21 years charged with an offense
22 against traffic regulations governing the movement of vehicles
23 or any violation of Section 6-107 or Section 12-603.1 of the
24 Illinois Vehicle Code, unless the defendant, upon payment of
25 the fines, penalties, and costs provided by law, agrees to
26 attend and successfully complete a traffic safety program

1 approved by the court under standards set by the Conference of
2 Chief Circuit Judges. The accused shall be responsible for
3 payment of any traffic safety program fees. If the accused
4 fails to file a certificate of successful completion on or
5 before the termination date of the supervision order, the
6 supervision shall be summarily revoked and conviction entered.
7 The provisions of Supreme Court Rule 402 relating to pleas of
8 guilty do not apply in cases when a defendant enters a guilty
9 plea under this provision.

10 (i) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 3-707 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance if the
13 defendant has been assigned supervision for a violation of
14 Section 3-707 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance.

16 (j) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 6-303 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance when
19 the revocation or suspension was for a violation of Section
20 11-501 or a similar provision of a local ordinance or a
21 violation of Section 11-501.1 or paragraph (b) of Section
22 11-401 of the Illinois Vehicle Code if the defendant has within
23 the last 10 years been:

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

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

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

15 (l) (Blank).

16 (m) (Blank).

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

26 (o) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 6-303 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance when
3 the suspension was for a violation of Section 11-501.1 of the
4 Illinois Vehicle Code and when:

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

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

17 (p) The provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Section 11-601.5 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance when the defendant has previously been:

21 (1) convicted for a violation of Section 11-601.5 of
22 the Illinois Vehicle Code or a similar provision of a local
23 ordinance or any similar law or ordinance of another state;
24 or

25 (2) assigned supervision for a violation of Section
26 11-601.5 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance or any similar law or
2 ordinance of another state.

3 (q) The provisions of paragraph (c) shall not apply to a
4 defendant charged with violating subsection (b) of Section
5 11-601 or Section 11-601.5 of the Illinois Vehicle Code when
6 the defendant was operating a vehicle, in an urban district, at
7 a speed that is 26 miles per hour or more in excess of the
8 applicable maximum speed limit established under Chapter 11 of
9 the Illinois Vehicle Code.

10 (r) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating any provision of the Illinois
12 Vehicle Code or a similar provision of a local ordinance if the
13 violation was the proximate cause of the death of another and
14 the defendant's driving abstract contains a prior conviction or
15 disposition of court supervision for any violation of the
16 Illinois Vehicle Code, other than an equipment violation, or a
17 suspension, revocation, or cancellation of the driver's
18 license.

19 (s) The provisions of paragraph (c) shall not apply to a
20 defendant charged with violating subsection (i) of Section 70
21 of the Firearm Concealed Carry Act.

22 (Source: P.A. 99-78, eff. 7-20-15; 99-212, eff. 1-1-16;
23 100-987, eff. 7-1-19.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.