



Rep. Mary E. Flowers

Filed: 4/9/2021

10200HB0182ham001

LRB102 03782 KMF 25009 a

1 AMENDMENT TO HOUSE BILL 182

2 AMENDMENT NO. _____. Amend House Bill 182 on page 1,
3 immediately below line 3, by inserting:

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

6 (625 ILCS 5/6-308)

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

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

1 governed by the bail provisions of the Illinois Supreme Court
2 Rules when it is not practical or feasible to take the person
3 before a judge to have bail set or to avoid undue delay because
4 of the hour or circumstances.

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

1 deemed resolved if the person has appeared in court and the
2 court entered any final disposition, including: (i) a final
3 order regarding the person's guilt or innocence; or (ii) an
4 order granting a request by the State or local governmental
5 body that initiated the charges for permission not to
6 prosecute the charges.

7 (c) Illinois Supreme Court Rules shall govern bail and
8 appearance procedures when a person who is a resident of
9 another state that is not a member of the Nonresident Violator
10 Compact of 1977 is cited for violating this Code or a similar
11 provision of a local ordinance.

12 (Source: P.A. 100-674, eff. 1-1-19.); and

13 on page 1, line 4, by replacing "5" with "10"; and

14 on page 2 by replacing line 6 through line 8 with the
15 following:

16 "(b) If ~~Unless~~ the prosecutor ~~offender~~ shows that ~~the~~
17 default was ~~not~~ due to the offender's ~~his~~ intentional refusal
18 to pay, and ~~or not~~ due to a failure on the offender's ~~his~~ part
19 to make a good faith effort to pay, the court may"; and

20 on page 4, immediately below line 4, by inserting the
21 following:

22 "Section 99. Effective date. This Act takes effect upon

1 becoming law.".