



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0441

Introduced 2/8/2007, by Sen. Randall "Randy" M. Hultgren

SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-120	from Ch. 95 1/2, par. 2-120
625 ILCS 5/11-1002.5 new	
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Amends the Illinois Vehicle Code and the Unified Code of Corrections. Creates the offense of failure to stop for or yield the right-of-way to a pedestrian in a crosswalk in a school zone. Provides that a first violation is a petty offense with a minimum fine of \$150. Provides that a second or subsequent violation is a petty offense with a minimum fine of \$300. Provides for the assessment of additional fees. Provides that certain provisions allowing for the imposition of court supervision do not apply to the new offense. Effective January 1, 2008.

LRB095 10756 DRH 30998 b

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 5. The Illinois Vehicle Code is amended by changing
5 Section 2-120 and adding Section 11-1002.5 as follows:

6 (625 ILCS 5/2-120) (from Ch. 95 1/2, par. 2-120)

7 Sec. 2-120. Disposition of fines and forfeitures.

8 (a) Except as provided in subsection (f) of Section 11-605
9 and subsection (c) of Section 11-1002.5 of this Code, fines and
10 penalties recovered under the provisions of this Act
11 administered by the Secretary of State, except those fines and
12 penalties subject to disbursement by the circuit clerk under
13 Section 27.5 of the Clerks of Courts Act, shall be paid over
14 and used as follows:

15 1. For violations of this Act committed within the
16 limits of an incorporated city or village, to the treasurer
17 of the particular city or village, if arrested by the
18 authorities of the city or village and reasonably
19 prosecuted for all fines and penalties under this Act by
20 the police officers and officials of the city or village.

21 2. For violations of this Act committed outside the
22 limits of an incorporated city or village to the county
23 treasurer of the court where the offense was committed.

1 3. For the purposes of this Act an offense for
2 violation of any provision of this Act not committed upon
3 the highway shall be deemed to be committed where the
4 violator resides or where he has a place of business
5 requiring some registration, permit or license to operate
6 such business under this Act.

7 (b) Failure, refusal or neglect on the part of any judicial
8 or other officer or employee receiving or having custody of any
9 such fine or forfeiture either before or after a deposit with
10 the proper official as defined in paragraph (a) of this
11 Section, shall constitute misconduct in office and shall be
12 grounds for removal therefrom.

13 (Source: P.A. 91-531, eff. 1-1-00.)

14 (625 ILCS 5/11-1002.5 new)

15 Sec. 11-1002.5. Pedestrians' right-of-way at crosswalks;
16 school zones.

17 (a) For the purpose of this Section, "school" has the
18 meaning ascribed to that term in Section 11-605.

19 On a school day when school children are present and so
20 close thereto that a potential hazard exists because of the
21 close proximity of the motorized traffic and when traffic
22 control signals are not in place or not in operation, the
23 driver of a vehicle shall yield the right-of-way, slowing down
24 or stopping if need be to so yield, to a pedestrian crossing
25 the roadway within a crosswalk when the pedestrian is upon the

1 half of the roadway upon which the vehicle is traveling, or
2 when the pedestrian is approaching so closely from the opposite
3 half of the roadway as to be in danger.

4 For the purpose of this Section, a school day shall begin
5 at seven ante meridian and shall conclude at four post
6 meridian.

7 This Section shall not be applicable unless appropriate
8 signs are posted in accordance with Section 11-605.

9 (b) A first violation of this Section is a petty offense
10 with a minimum fine of \$150. A second or subsequent violation
11 of this Section is a petty offense with a minimum fine of \$300.

12 (c) When a fine for a violation of subsection (a) is \$150
13 or greater, the person who violates subsection (a) shall be
14 charged an additional \$50 to be paid to the unit school
15 district where the violation occurred for school safety
16 purposes. If the violation occurred in a dual school district,
17 \$25 of the surcharge shall be paid to the elementary school
18 district for school safety purposes and \$25 of the surcharge
19 shall be paid to the high school district for school safety
20 purposes. Notwithstanding any other provision of law, the
21 entire \$50 surcharge shall be paid to the appropriate school
22 district or districts.

23 For purposes of this subsection (c), "school safety
24 purposes" has the meaning ascribed to that term in Section
25 11-605.

1 Section 10. The Unified Code of Corrections is amended by
2 changing Section 5-6-1 as follows:

3 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

4 Sec. 5-6-1. Sentences of Probation and of Conditional
5 Discharge and Disposition of Supervision. The General Assembly
6 finds that in order to protect the public, the criminal justice
7 system must compel compliance with the conditions of probation
8 by responding to violations with swift, certain and fair
9 punishments and intermediate sanctions. The Chief Judge of each
10 circuit shall adopt a system of structured, intermediate
11 sanctions for violations of the terms and conditions of a
12 sentence of probation, conditional discharge or disposition of
13 supervision.

14 (a) Except where specifically prohibited by other
15 provisions of this Code, the court shall impose a sentence of
16 probation or conditional discharge upon an offender unless,
17 having regard to the nature and circumstance of the offense,
18 and to the history, character and condition of the offender,
19 the court is of the opinion that:

20 (1) his imprisonment or periodic imprisonment is
21 necessary for the protection of the public; or

22 (2) probation or conditional discharge would deprecate
23 the seriousness of the offender's conduct and would be
24 inconsistent with the ends of justice; or

25 (3) a combination of imprisonment with concurrent or

1 consecutive probation when an offender has been admitted
2 into a drug court program under Section 20 of the Drug
3 Court Treatment Act is necessary for the protection of the
4 public and for the rehabilitation of the offender.

5 The court shall impose as a condition of a sentence of
6 probation, conditional discharge, or supervision, that the
7 probation agency may invoke any sanction from the list of
8 intermediate sanctions adopted by the chief judge of the
9 circuit court for violations of the terms and conditions of the
10 sentence of probation, conditional discharge, or supervision,
11 subject to the provisions of Section 5-6-4 of this Act.

12 (b) The court may impose a sentence of conditional
13 discharge for an offense if the court is of the opinion that
14 neither a sentence of imprisonment nor of periodic imprisonment
15 nor of probation supervision is appropriate.

16 (b-1) Subsections (a) and (b) of this Section do not apply
17 to a defendant charged with a misdemeanor or felony under the
18 Illinois Vehicle Code or reckless homicide under Section 9-3 of
19 the Criminal Code of 1961 if the defendant within the past 12
20 months has been convicted of or pleaded guilty to a misdemeanor
21 or felony under the Illinois Vehicle Code or reckless homicide
22 under Section 9-3 of the Criminal Code of 1961.

23 (c) The court may, upon a plea of guilty or a stipulation
24 by the defendant of the facts supporting the charge or a
25 finding of guilt, defer further proceedings and the imposition
26 of a sentence, and enter an order for supervision of the

1 defendant, if the defendant is not charged with: (i) a Class A
2 misdemeanor, as defined by the following provisions of the
3 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
4 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
5 paragraph (1) through (5), (8), (10), and (11) of subsection
6 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
7 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
8 Act; or (iii) felony. If the defendant is not barred from
9 receiving an order for supervision as provided in this
10 subsection, the court may enter an order for supervision after
11 considering the circumstances of the offense, and the history,
12 character and condition of the offender, if the court is of the
13 opinion that:

14 (1) the offender is not likely to commit further
15 crimes;

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

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

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

25 (1) convicted for a violation of Section 11-501 of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance or any similar law or ordinance of another state;

2 or

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

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

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

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

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

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

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

1 (f) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Sections 15-111, 15-112,
3 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
4 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance.

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

12 (1) convicted for a violation of Section 3-707, 3-708,
13 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
14 provision of a local ordinance; or

15 (2) assigned supervision for a violation of Section
16 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
17 Code or a similar provision of a local ordinance.

18 The court shall consider the statement of the prosecuting
19 authority with regard to the standards set forth in this
20 Section.

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

25 (1) unless the defendant, upon payment of the fines,
26 penalties, and costs provided by law, agrees to attend and

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

11 (2) if the defendant has previously been sentenced
12 under the provisions of paragraph (c) on or after January
13 1, 1998 for any serious traffic offense as defined in
14 Section 1-187.001 of the Illinois Vehicle Code.

15 (i) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 3-707 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance if the
18 defendant has been assigned supervision for a violation of
19 Section 3-707 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance.

21 (j) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 6-303 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance when
24 the revocation or suspension was for a violation of Section
25 11-501 or a similar provision of a local ordinance, a violation
26 of Section 11-501.1 or paragraph (b) of Section 11-401 of the

1 Illinois Vehicle Code, or a violation of Section 9-3 of the
2 Criminal Code of 1961 if the defendant has within the last 10
3 years been:

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

7 (2) assigned supervision for a violation of Section
8 6-303 of the Illinois Vehicle Code or a similar provision
9 of a local ordinance.

10 (k) 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 that
13 governs the movement of vehicles if, within the 12 months
14 preceding the date of the defendant's arrest, the defendant has
15 been assigned court supervision on 2 occasions for a violation
16 that governs the movement of vehicles under the Illinois
17 Vehicle Code or a similar provision of a local ordinance.

18 (l) A defendant charged with violating any provision of the
19 Illinois Vehicle Code who, after a court appearance in the same
20 matter, receives a disposition of supervision under subsection
21 (c) shall pay an additional fee of \$20, to be collected as
22 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
23 In addition to the \$20 fee, the person shall also pay a fee of
24 \$5, which, if not waived by the court, shall be collected as
25 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
26 The \$20 fee shall be disbursed as provided in Section 16-104c

1 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
2 of the fee shall be deposited into the Circuit Court Clerk
3 Operation and Administrative Fund created by the Clerk of the
4 Circuit Court and 50 cents of the fee shall be deposited into
5 the Prisoner Review Board Vehicle and Equipment Fund in the
6 State treasury.

7 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
8 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
9 94-1009, eff. 1-1-07.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2008.