

1 AN ACT regarding vehicles. 59

2 Be it enacted by the People of the State of Illinois, 63  
3 represented in the General Assembly: 64

4 Section 5. The Illinois Vehicle Code is amended by 67  
5 changing Sections 2-118.1, 5-103, 6-117, 6-118, 6-204, 6-206, 68  
6 6-208, and 7-604 as follows: 69

7 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1) 72

8 Sec. 2-118.1. Opportunity for hearing; statutory summary 74  
9 alcohol or other drug related suspension. 75

10 (a) A statutory summary suspension of driving privileges 77  
11 under Section 11-501.1 shall not become effective until the 78  
12 person is notified in writing of the impending suspension and 79  
13 informed that he may request a hearing in the circuit court 80  
14 of venue under paragraph (b) of this Section and the 81  
15 statutory summary suspension shall become effective as 81  
16 provided in Section 11-501.1.

17 (b) Within 90 days after the notice of statutory summary 83  
18 suspension served under Section 11-501.1, the person may make 85  
19 a written request for a judicial hearing in the circuit court 86  
20 of venue. The request to the circuit court shall state the 87  
21 grounds upon which the person seeks to have the statutory 88  
22 summary suspension rescinded. Within 30 days after receipt of 88  
23 the written request or the first appearance date on the 89  
24 Uniform Traffic Ticket issued pursuant to a violation of 90  
25 Section 11-501, or a similar provision of a local ordinance, 91  
26 the hearing shall be conducted by the circuit court having 92  
27 jurisdiction. This judicial hearing, request, or process 92  
28 shall not stay or delay the statutory summary suspension. The 93  
29 hearings shall proceed in the court in the same manner as in 94  
30 other civil proceedings.

31 The hearing may be conducted upon a review of the law 96

Clerk of the House

Originated in the House of Representatives

PUBLIC ACT 92-458

1 enforcement officer's own official reports; provided however, 97  
2 that the person may subpoena the officer. Failure of the 98  
3 officer to answer the subpoena shall be considered grounds 99  
4 for a continuance if in the court's discretion the  
5 continuance is appropriate. 100  
6 The scope of the hearing shall be limited to the issues 102  
7 of:

- 8 1. Whether the person was placed under arrest for 104  
9 an offense as defined in Section 11-501, or a similar 105  
10 provision of a local ordinance, as evidenced by the 106  
11 issuance of a Uniform Traffic Ticket, or issued a Uniform  
12 Traffic Ticket out of state as provided in subsection (a) 107  
13 of Section 11-501.1; and
- 14 2. Whether the officer had reasonable grounds to 109  
15 believe that the person was driving or in actual physical 110  
16 control of a motor vehicle upon a highway while under the 111  
17 influence of alcohol, other drug, or combination of both; 112  
18 and
- 19 3. Whether the person, after being advised by the 114  
20 officer that the privilege to operate a motor vehicle 115  
21 would be suspended if the person refused to submit to and 116  
22 complete the test or tests, did refuse to submit to or 117  
23 complete the test or tests to determine the person's  
24 alcohol or drug concentration; or 118
- 25 4. Whether the person, after being advised by the 120  
26 officer that the privilege to operate a motor vehicle 121  
27 would be suspended if the person submits to a chemical 122  
28 test, or tests, and the test discloses an alcohol  
29 concentration of 0.08 or more, or any amount of a drug, 123  
30 substance, or compound in the person's blood or urine 125  
31 resulting from the unlawful use or consumption of 126  
32 cannabis listed in the Cannabis Control Act, or a 127  
33 controlled substance listed in the Illinois Controlled 128  
34 Substances Act, or an intoxicating compound as listed in 129

*myin*  
*JPP*



1 structural damage or missing essential parts, excluding 165  
2 wheels, damage to the steering column, and radios provided 166  
3 the owner:

4 (1) Submits the vehicle to a franchised dealer for 168  
5 a complete inspection, including fluids, frame, essential 169  
6 parts, and other items deemed by the manufacturer as 170  
7 essential for verification of the condition of the  
8 vehicle at the time of recovery. 171

9 (2) Submits a copy of the police recovery report to 173  
10 the inspecting dealer.

11 (3) Paid the inspection fee charged by the 175  
12 franchised dealer.

13 The manufacturer shall reinstate the original 177  
14 manufacturer's warranty if a vehicle is certified by a 178  
15 franchised dealer as having complied with the provisions of 179  
16 this Section. The manufacturer shall, in addition to  
17 reinstating the warranty, provide the owner with a written 181  
18 statement indicating that the original manufacturer's 182  
19 warranty has been reinstated.

20 ~~(c) Any licensed vehicle dealer that offers, provides or 184~~  
21 ~~sells in-house and or self-insured extended warranties or 187~~  
22 ~~service contracts, other than those of the vehicle~~  
23 ~~manufacturer, shall retain adequate reserves or insurance for 188~~  
24 ~~the protection of the purchasing consumer. The Secretary of 189~~  
25 ~~State shall provide by rule and regulation for the 190~~  
26 ~~implementation of this requirement.~~

27 Nothing in this Section shall affect a cause of action a 192  
28 buyer may have against a dealer or manufacturer under present 193  
29 applicable statutory or case law. 194

30 (Source: P.A. 89-189, eff. 1-1-96.) 196

31 (625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117) 199  
32 Sec. 6-117. Records to be kept by the Secretary of 201  
33 State.

*nm*  
*gpp*

1 (a) The Secretary of State shall file every application 203  
2 for a license or permit accepted under this Chapter, and 204  
3 shall maintain suitable indexes thereof. The records of the 205  
4 Secretary of State shall indicate the action taken with 206  
5 respect to such applications.

6 (b) The Secretary of State shall maintain appropriate 208  
7 records of all licenses and permits refused, cancelled, 209  
8 revoked or suspended and of the revocation and suspension of 210  
9 driving privileges of persons not licensed under this 211  
10 Chapter, and such records shall note the reasons for such  
11 action. 212

12 (c) The Secretary of State shall maintain appropriate 214  
13 records of convictions reported under this Chapter. Records 215  
14 of conviction may be maintained in a computer processible 216  
15 medium.

16 (d) The Secretary of State may also maintain appropriate 218  
17 records of any accident reports received. 219

18 (e) The Secretary of State shall also maintain 221  
19 appropriate records of any disposition of supervision or 222  
20 records relative to a driver's referral to a driver remedial 224  
21 or rehabilitative program, as required by the Secretary of 225  
22 State or the courts. Such records shall only be available 226  
23 for use by the Secretary, law enforcement agencies, the  
24 courts, and the affected driver or, upon proper verification, 227  
25 such affected driver's attorney. 228

26 (f) The Secretary of State shall also maintain or 230  
27 contract to maintain appropriate records of all photographs 231  
28 and signatures obtained in the process of issuing any 232  
29 driver's license, permit, or identification card. The record  
30 shall be confidential and shall not be disclosed except to 233  
31 those entities listed under Section 6-110.1 of this Code. 234  
32 (Source: P.A. 90-191, eff. 1-1-98.) 236

33 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118) 239

*nm*  
*JPP*

1	Sec. 6-118. Fees.	241
2	(a) The fee for licenses and permits under this Article	244
3	is as follows:	
4	Original driver's license.....\$10	246
5	Original or renewal driver's license	248
6	issued to 18, 19 and 20 year olds.....5	250
7	All driver's licenses for persons	252
8	age 69 through age 80.....5	254
9	All driver's licenses for persons	256
10	age 81 through age 86.....2	258
11	All driver's licenses for persons	260
12	age 87 or older.....0	262
13	Renewal driver's license (except for	264
14	applicants ages 18, 19 and 20 or	266
15	age 69 and older).....10	268
16	Original instruction permit issued to	270
17	persons (except those age 69 and older)	272
18	who do not hold or have not previously	274
19	held an Illinois instruction permit or	276
20	driver's license.....20	278
21	Instruction permit issued to any person	280
22	holding an Illinois driver's license	282
23	who wishes a change in classifications,	284
24	other than at the time of renewal.....5	286
25	Any instruction permit issued to a person	288
26	age 69 and older.....5	290
27	Instruction permit issued to any person,	292
28	under age 69, not currently holding a	294
29	valid Illinois driver's license or	296
30	instruction permit but who has	298
31	previously been issued either document	300
32	in Illinois.....10	302
33	Restricted driving permit.....8	304
34	Duplicate or corrected driver's license	306

*njm*  
*gpp*

1	or permit.....5	308
2	Duplicate or corrected restricted	310
3	driving permit.....5	312
4	Original or renewal M or L endorsement.....5	314
5	<b>SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE</b>	316
6	The fees for commercial driver licenses and permits	318
7	under Article V shall be as follows:	319
8	Commercial driver's license:	321
9	\$6 for the CDLIS/AAMVANet Fund	323
10	(Commercial Driver's License Information	325
11	System/American Association of Motor Vehicle	327
12	Administrators network Trust Fund);	329
13	\$20 for the Motor Carrier Safety Inspection Fund;	331
14	\$10 for the driver's license;	333
15	and \$24 for the CDL:.....\$60	335
16	Renewal commercial driver's license:	337
17	\$6 for the CDLIS/AAMVANet Trust Fund;	339
18	\$20 for the Motor Carrier Safety Inspection Fund;	341
19	\$10 for the driver's license; and	343
20	\$24 for the CDL:.....\$60	345
21	Commercial driver instruction permit	347
22	issued to any person holding a valid	349
23	Illinois driver's license for the	351
24	purpose of changing to a	353
25	CDL classification: \$6 for the	355
26	CDLIS/AAMVANet Trust Fund;	357
27	\$20 for the Motor Carrier	359
28	Safety Inspection Fund; and	361
29	\$24 for the CDL classification.....\$50	363
30	Commercial driver instruction permit	365
31	issued to any person holding a valid	367
32	Illinois CDL for the purpose of	369
33	making a change in a classification,	371
34	endorsement or restriction.....\$5	373

*Njm*  
*JPP*

1 CDL duplicate or corrected license.....\$5 375

2 In order to ensure the proper implementation of the 377

3 Uniform Commercial Driver License Act, Article V of this 378

4 Chapter, the Secretary of State is empowered to pro-rate the 379

5 \$24 fee for the commercial driver's license proportionate to 380

6 the expiration date of the applicant's Illinois driver's

7 license.

8 The fee for any duplicate license or permit shall be 382

9 waived for any person age 60 or older who presents the 383

10 Secretary of State's office with a police report showing that 384

11 his license or permit was stolen.

12 No additional fee shall be charged for a driver's 386

13 license, or for a commercial driver's license, when issued to 388

14 the holder of an instruction permit for the same

15 classification or type of license who becomes eligible for 389

16 such license. 390

17 (b) Any person whose license or privilege to operate a 392

18 motor vehicle in this State has been suspended or revoked 393

19 under any provision of Chapter 6, Chapter 11, or Section 395

20 7-702 of the Family Financial Responsibility Law of this 396

21 Code, shall in addition to any other fees required by this 397

22 Code, pay a reinstatement fee as follows:

23 Summary suspension under Section 11-501.1.....\$60 399

24 Other suspension.....\$30 400

25 Revocation.....\$60 402

26 However, any person whose license or privilege to operate 404

27 a motor vehicle in this State has been suspended or revoked 405

28 for a second or subsequent time for a violation of Section 406

29 11-501 or 11-501.1 of this Code or a similar provision of a 407

30 local ordinance or a similar out-of-state offense or Section 409

31 9-3 of the Criminal Code of 1961 and each suspension or 410

32 revocation was for a violation of Section 11-501 or 11-501.1 411

33 of this Code or a similar provision of a local ordinance or a 412

34 similar out-of-state offense or Section 9-3 of the Criminal 414

*myin*  
*JPP*



1 Code of 1961 shall pay, in addition to any other fees 416  
2 required by this Code, a reinstatement fee as follows: 418  
3 Summary suspension under Section 11-501.1.....\$250 420  
4 Revocation.....\$250 422  
5 (c) All fees collected under the provisions of this 424  
6 Chapter 6 shall be paid into the Road Fund in the State 425  
7 Treasury except as follows:  
8 1. The following amounts shall be paid into the 427  
9 Driver Education Fund:  
10 (A) \$16 of the \$20 fee for an original 430  
11 driver's instruction permit;  
12 (B) \$5 of the \$10 fee for an original driver's 432  
13 license;  
14 (C) \$5 of the \$10 fee for a 4 year renewal 434  
15 driver's license; and  
16 (D) \$4 of the \$8 fee for a restricted driving 436  
17 permit.  
18 2. \$30 of the \$60 fee for reinstatement of a license 439  
19 summarily suspended under Section 11-501.1 shall be 440  
20 deposited into the Drunk and Drugged Driving Prevention 441  
21 Fund. However, for a person whose license or privilege 442  
22 to operate a motor vehicle in this State has been 443  
23 suspended or revoked for a second or subsequent time for  
24 a violation of Section 11-501 or 11-501.1 of this Code or 444  
25 Section 9-3 of the Criminal Code of 1961, \$190 of the 446  
26 \$250 fee for reinstatement of a license summarily  
27 suspended under Section 11-501.1, and \$190 of the \$250 448  
28 fee for reinstatement of a revoked license shall be 449  
29 deposited into the Drunk and Drugged Driving Prevention  
30 Fund.  
31 3. \$6 of such original or renewal fee for a 451  
32 commercial driver's license and \$6 of the commercial 452  
33 driver instruction permit fee when such permit is issued 453  
34 to any person holding a valid Illinois driver's license,

*myin  
JPP*

1 shall be paid into the CDLIS/AAMVAnet Trust Fund. 454

2 4. The fee for reinstatement of a license suspended 456

3 under the Family Financial Responsibility Law shall be 458

4 paid into the Family Responsibility Fund. 459

5 5. The \$5 fee for each original or renewal M or L 461

6 endorsement shall be deposited into the Cycle Rider 462

7 Safety Training Fund.

8 6. \$20 of any original or renewal fee for a 464

9 commercial driver's license or commercial driver 465

10 instruction permit shall be paid into the Motor Carrier 466

11 Safety Inspection Fund.

12 (Source: P.A. 90-622, eff. 3-1-99; 90-738, eff. 1-1-99; 468

13 91-357, eff. 7-29-99; 91-537, eff. 8-13-99.) 469

14 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204) 472

15 Sec. 6-204. When Court to forward License and Reports. 474

16 (a) For the purpose of providing to the Secretary of 476

17 State the records essential to the performance of the 477

18 Secretary's duties under this Code to cancel, revoke or 478

19 suspend the driver's license and privilege to drive motor 479

20 vehicles of certain minors adjudicated truant minors in need 481

21 of supervision, addicted, or delinquent and of persons found 482

22 guilty of the criminal offenses or traffic violations which 482

23 this Code recognizes as evidence relating to unfitness to

24 safely operate motor vehicles, the following duties are 483

25 imposed upon public officials:

26 (1) Whenever any person is convicted of any offense 485

27 for which this Code makes mandatory the cancellation or 487

28 revocation of the driver's license or permit of such 488

29 person by the Secretary of State, the judge of the court 489

30 in which such conviction is had shall require the

31 surrender to the clerk of the court of all driver's 490

32 licenses or permits then held by the person so convicted, 491

33 and the clerk of the court shall, within 10 days

*mjm*  
*JAP*

1 thereafter, forward the same, together with a report of 492  
2 such conviction, to the Secretary.

3 (2) Whenever any person is convicted of any offense 494  
4 under this Code or similar offenses under a municipal 496  
5 ordinance, other than regulations governing standing, 497  
6 parking or weights of vehicles, and excepting the  
7 following enumerated Sections of this Code: Sections 498  
8 11-1406 (obstruction to driver's view or control), 499  
9 11-1407 (improper opening of door into traffic), 11-1410 500  
10 (coasting on downgrade), 11-1411 (following fire  
11 apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 501  
12 (driving vehicle which is in unsafe condition or 502  
13 improperly equipped), 12-201(a) (daytime lights on 503  
14 motorcycles), 12-202 (clearance, identification and side 504  
15 marker lamps), 12-204 (lamp or flag on projecting load),  
16 12-205 (failure to display the safety lights required), 505  
17 12-401 (restrictions as to tire equipment), 12-502 506  
18 (mirrors), 12-503 (windshields must be unobstructed and 507  
19 equipped with wipers), 12-601 (horns and warning  
20 devices), 12-602 (mufflers, prevention of noise or 508  
21 smoke), 12-603 (seat safety belts), 12-702 (certain 509  
22 vehicles to carry flares or other warning devices), 510  
23 12-703 (vehicles for oiling roads operated on highways),  
24 12-710 (splash guards and replacements), 13-101 (safety 511  
25 tests), 15-101 (size, weight and load), 15-102 (width), 512  
26 15-103 (height), 15-104 (name and address on second 513  
27 division vehicles), 15-107 (length of vehicle), 15-109.1 514  
28 (cover or tarpaulin), 15-111 (weights), 15-112 (weights),  
29 15-301 (weights), 15-316 (weights), 15-318 (weights), and 515  
30 also excepting the following enumerated Sections of the 516  
31 Chicago Municipal Code: Sections 27-245 (following fire 517  
32 apparatus), 27-254 (obstruction of traffic), 27-258  
33 (driving vehicle which is in unsafe condition), 27-259 518  
34 (coasting on downgrade), 27-264 (use of horns and signal 519

*njm*  
*gpp*

1 devices), 27-265 (obstruction to driver's view or driver  
 2 mechanism), 27-267 (dimming of headlights), 27-268 520  
 3 (unattended motor vehicle), 27-272 (illegal funeral 521  
 4 procession), 27-273 (funeral procession on boulevard),  
 5 27-275 (driving freight hauling vehicles on boulevard), 522  
 6 27-276 (stopping and standing of buses or taxicabs), 523  
 7 27-277 (cruising of public passenger vehicles), 27-305  
 8 (parallel parking), 27-306 (diagonal parking), 27-307 524  
 9 (parking not to obstruct traffic), 27-308 (stopping, 525  
 10 standing or parking regulated), 27-311 (parking  
 11 regulations), 27-312 (parking regulations), 27-313 526  
 12 (parking regulations), 27-314 (parking regulations), 527  
 13 27-315 (parking regulations), 27-316 (parking  
 14 regulations), 27-317 (parking regulations), 27-318 528  
 15 (parking regulations), 27-319 (parking regulations), 529  
 16 27-320 (parking regulations), 27-321 (parking  
 17 regulations), 27-322 (parking regulations), 27-324 530  
 18 (loading and unloading at an angle), 27-333 (wheel and 531  
 19 axle loads), 27-334 (load restrictions in the downtown 532  
 20 district), 27-335 (load restrictions in residential 533  
 21 areas), 27-338 (width of vehicles), 27-339 (height of  
 22 vehicles), 27-340 (length of vehicles), 27-352 534  
 23 (reflectors on trailers), 27-353 (mufflers), 27-354 535  
 24 (display of plates), 27-355 (display of city vehicle tax 536  
 25 sticker), 27-357 (identification of vehicles), 27-358  
 26 (projecting of loads), and also excepting the following 537  
 27 enumerated paragraphs of Section 2-201 of the Rules and 538  
 28 Regulations of the Illinois State Toll Highway Authority: 539  
 29 (1) (driving unsafe vehicle on tollway), (m) (vehicles 540  
 30 transporting dangerous cargo not properly indicated), it  
 31 shall be the duty of the clerk of the court in which such 541  
 32 conviction is had within 10 days thereafter to forward to 542  
 33 the Secretary of State a report of the conviction and the 543  
 34 court may recommend the suspension of the driver's

njm  
 jpp

1 license or permit of the person so convicted. 544

2 The reporting requirements of this subsection shall apply 546

3 to all violations stated in paragraphs (1) and (2) of this 547

4 subsection when the individual has been adjudicated under the 549

5 Juvenile Court Act or the Juvenile Court Act of 1987. Such 550

6 reporting requirements shall also apply to individuals 551

7 adjudicated under the Juvenile Court Act or the Juvenile 552

8 Court Act of 1987 who have committed a violation of Section 552

9 11-501 of this Code, or similar provision of a local 553

10 ordinance, or Section 9-3 of the Criminal Code of 1961, as 554

11 amended, relating to the offense of reckless homicide. The 555

12 reporting requirements of this subsection shall also apply to 556

13 a truant minor in need of supervision, an addicted minor, or 557

14 a delinquent minor and whose driver's license and privilege 558

15 to drive a motor vehicle has been ordered suspended for such 559

16 times as determined by the Court, but only until he or she 560

17 attains 18 years of age. It shall be the duty of the clerk 561

18 of the court in which adjudication is had within 10 days 561

19 thereafter to forward to the Secretary of State a report of 562

20 the adjudication and the court order requiring the Secretary 563

21 of State to suspend the minor's driver's license and driving 563

22 privilege for such time as determined by the Court, but only 564

23 until he or she attains the age of 18 years. All juvenile 565

24 court dispositions reported to the Secretary of State under 566

25 this provision shall be processed by the Secretary of State 567

26 as if the cases had been adjudicated in traffic or criminal 567

27 court. However, information reported relative to the offense 568

28 of reckless homicide, or Section 11-501 of this Code, or a 569

29 similar provision of a local ordinance, shall be privileged 570

30 and available only to the Secretary of State, courts, and 570

31 police officers.

32 (3) Whenever an order is entered vacating the 572

33 forfeiture of any bail, security or bond given to secure 574

34 appearance for any offense under this Code or similar 575

*myin*  
*JPP*

1 offenses under municipal ordinance, it shall be the duty  
2 of the clerk of the court in which such vacation was had 576  
3 or the judge of such court if such court has no clerk, 577  
4 within 10 days thereafter to forward to the Secretary of 578  
5 State a report of the vacation.

6 (4) A report of any disposition of court 580  
7 supervision for a violation of Sections 6-303, 11-401, 582  
8 11-501 or a similar provision of a local ordinance,  
9 11-503 and 11-504 shall be forwarded to the Secretary of 583  
10 State. A report of any disposition of court supervision 584  
11 for a violation of an offense defined as a serious 585  
12 traffic violation in this Code or a similar provision of  
13 a local ordinance committed by a person under the age of 586  
14 21 years shall be forwarded to the Secretary of State. 587

15 (5) Reports of conviction under this Code and 591  
16 sentencing hearings hearing under the Juvenile Court Act 593  
17 of 1987 in an electronic format or a computer processible 594  
18 medium shall be forwarded to the Secretary of State via 597  
19 the Supreme Court in the form and format required by the 598  
20 Illinois Supreme Court and established by a written  
21 agreement between the Supreme Court and the Secretary of 599  
22 State. In counties with a population over 300,000, 600  
23 instead of forwarding reports to the Supreme Court, 601  
24 reports of conviction under this Code and sentencing 603  
25 hearings hearing under the Juvenile Court Act of 1987 in 604  
26 an electronic format or a computer processible medium may 606  
27 be forwarded to the Secretary of State by the Circuit 607  
28 Court Clerk in a form and format required by the 608  
29 Secretary of State and established by written agreement  
30 between the Circuit Court Clerk and the Secretary of 609  
31 State. Failure to forward the reports of conviction or 610  
32 sentencing hearing under the Juvenile Court Act of 1987 611  
33 as required by this Section shall be deemed an omission 612  
34 of duty and it shall be the duty of the several State's

*njm*  
*gpp*

1 Attorneys to enforce the requirements of this Section. 613

2 (b) Whenever a restricted driving permit is forwarded to 615

3 a court, as a result of confiscation by a police officer 616

4 pursuant to the authority in Section 6-113(f), it shall be 617

5 the duty of the clerk, or judge, if the court has no clerk, 618

6 to forward such restricted driving permit and a facsimile of

7 the officer's citation to the Secretary of State as 619

8 expeditiously as practicable. 620

9 (c) For the purposes of this Code, a forfeiture of bail 622

10 or collateral deposited to secure a defendant's appearance in 623

11 court when forfeiture has not been vacated, or the failure of 624

12 a defendant to appear for trial after depositing his driver's 625

13 license in lieu of other bail, shall be equivalent to a 626

14 conviction.

15 (d) For the purpose of providing the Secretary of State 628

16 with records necessary to properly monitor and assess driver 629

17 performance and assist the courts in the proper disposition 630

18 of repeat traffic law offenders, the clerk of the court shall 631

19 forward to the Secretary of State, on either on paper or in 633

20 an electronic format, in a form prescribed by the Secretary, 635

21 records of any disposition of court supervision for any 636

22 traffic violation, excluding those listed in paragraph (a)(2) 637

23 of this Section, or records of a driver's participation in a 638

24 driver remedial or rehabilitative program which was required, 639

25 through a court order or court supervision, in relation to 640

26 the driver's arrest for a violation of Section 11-501 of this 641

27 Code or a similar provision of a local ordinance. The clerk 642

28 of the court shall also forward to the Secretary, either on

29 paper or in an electronic format or a computer processible 643

30 medium as required under paragraph (5) of subsection (a) of 644

31 this Section, any disposition of court supervision for any 645

32 traffic violation, excluding those offenses listed in 646

33 paragraph (2) of subsection (a) of this Section. These 648

34 reports shall be sent within 10 days after disposition, or, 649

mym  
JPP

1 if the driver is referred to a driver remedial or 652  
2 rehabilitative program, within 10 days of the driver's  
3 referral to that program. These reports received by the 654  
4 Secretary of State, including those required to be forwarded 655  
5 under paragraph (a)(4), shall be privileged information,  
6 available only (i) to the affected driver and (ii) for use by 656  
7 the courts, police officers, prosecuting authorities, and the 657  
8 Secretary of State.  
9 (Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99; 659  
10 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.) 660

11 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206) 663  
12 Sec. 6-206. Discretionary authority to suspend or revoke 665  
13 license or permit; Right to a hearing. 666

14 (a) The Secretary of State is authorized to suspend or 668  
15 revoke the driving privileges of any person without 669  
16 preliminary hearing upon a showing of the person's records or 670  
17 other sufficient evidence that the person: 671

18 1. Has committed an offense for which mandatory 673  
19 revocation of a driver's license or permit is required 674  
20 upon conviction;

21 2. Has been convicted of not less than 3 offenses 676  
22 against traffic regulations governing the movement of 677  
23 vehicles committed within any 12 month period. No 678  
24 revocation or suspension shall be entered more than 6 679  
25 months after the date of last conviction;

26 3. Has been repeatedly involved as a driver in 681  
27 motor vehicle collisions or has been repeatedly convicted 682  
28 of offenses against laws and ordinances regulating the 683  
29 movement of traffic, to a degree that indicates lack of 684  
30 ability to exercise ordinary and reasonable care in the 685  
31 safe operation of a motor vehicle or disrespect for the  
32 traffic laws and the safety of other persons upon the 686  
33 highway;

*myin*  
*JPP*



- 1           4. Has by the unlawful operation of a motor vehicle 688  
2           caused or contributed to an accident resulting in death 689  
3           or injury requiring immediate professional treatment in a 690  
4           medical facility or doctor's office to any person, except 691  
5           that any suspension or revocation imposed by the  
6           Secretary of State under the provisions of this 692  
7           subsection shall start no later than 6 months after being 693  
8           convicted of violating a law or ordinance regulating the 694  
9           movement of traffic, which violation is related to the 695  
10          accident, or shall start not more than one year after the 697  
11          date of the accident, whichever date occurs later;
- 12          5. Has permitted an unlawful or fraudulent use of a 699  
13          driver's license, identification card, or permit; 700
- 14          6. Has been lawfully convicted of an offense or 702  
15          offenses in another state, including the authorization 703  
16          contained in Section 6-203.1, which if committed within 704  
17          this State would be grounds for suspension or revocation;
- 18          7. Has refused or failed to submit to an 706  
19          examination provided for by Section 6-207 or has failed 707  
20          to pass the examination;
- 21          8. Is ineligible for a driver's license or permit 709  
22          under the provisions of Section 6-103; 710
- 23          9. Has made a false statement or knowingly 712  
24          concealed a material fact or has used false information 713  
25          or identification in any application for a license, 714  
26          identification card, or permit;
- 27          10. Has possessed, displayed, or attempted to 716  
28          fraudulently use any license, identification card, or 717  
29          permit not issued to the person;
- 30          11. Has operated a motor vehicle upon a highway of 719  
31          this State when the person's driving privilege or 720  
32          privilege to obtain a driver's license or permit was 721  
33          revoked or suspended unless the operation was authorized  
34          by a judicial driving permit, probationary license to 722

*myin*  
*gpp*

1 drive, or a restricted driving permit issued under this 723  
2 Code;

3 12. Has submitted to any portion of the application 725  
4 process for another person or has obtained the services 726  
5 of another person to submit to any portion of the 727  
6 application process for the purpose of obtaining a  
7 license, identification card, or permit for some other 728  
8 person;

9 13. Has operated a motor vehicle upon a highway of 730  
10 this State when the person's driver's license or permit 731  
11 was invalid under the provisions of Sections 6-107.1 and 732  
12 6-110; 733

13 14. Has committed a violation of Section 6-301, 735  
14 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 736  
15 14B of the Illinois Identification Card Act; 737

16 15. Has been convicted of violating Section 21-2 of 739  
17 the Criminal Code of 1961 relating to criminal trespass 740  
18 to vehicles in which case, the suspension shall be for 741  
19 one year;

20 16. Has been convicted of violating Section 11-204 743  
21 of this Code relating to fleeing from a police officer; 744

22 17. Has refused to submit to a test, or tests, as 746  
23 required under Section 11-501.1 of this Code and the 747  
24 person has not sought a hearing as provided for in 748  
25 Section 11-501.1;

26 18. Has, since issuance of a driver's license or 750  
27 permit, been adjudged to be afflicted with or suffering 751  
28 from any mental disability or disease;

29 19. Has committed a violation of paragraph (a) or 753  
30 (b) of Section 6-101 relating to driving without a 754  
31 driver's license;

32 20. Has been convicted of violating Section 6-104 756  
33 relating to classification of driver's license; 757

34 21. Has been convicted of violating Section 11-402 759

*nm*  
*gpp*

1 of this Code relating to leaving the scene of an accident 760  
2 resulting in damage to a vehicle in excess of \$1,000, in 761  
3 which case the suspension shall be for one year; 762  
4 22. Has used a motor vehicle in violating paragraph 764  
5 (3), (4), (7), or (9) of subsection (a) of Section 24-1 769  
6 of the Criminal Code of 1961 relating to unlawful use of 766  
7 weapons, in which case the suspension shall be for one  
8 year; 767  
9 23. Has, as a driver, been convicted of committing 769  
10 a violation of paragraph (a) of Section 11-502 of this 770  
11 Code for a second or subsequent time within one year of a 771  
12 similar violation;  
13 24. Has been convicted by a court-martial or 773  
14 punished by non-judicial punishment by military 774  
15 authorities of the United States at a military  
16 installation in Illinois of or for a traffic related 775  
17 offense that is the same as or similar to an offense 776  
18 specified under Section 6-205 or 6-206 of this Code; 777  
19 25. Has permitted any form of identification to be 779  
20 used by another in the application process in order to 780  
21 obtain or attempt to obtain a license, identification 781  
22 card, or permit;  
23 26. Has altered or attempted to alter a license or 783  
24 has possessed an altered license, identification card, or 784  
25 permit;  
26 27. Has violated Section 6-16 of the Liquor Control 786  
27 Act of 1934;  
28 28. Has been convicted of the illegal possession, 788  
29 while operating or in actual physical control, as a 789  
30 driver, of a motor vehicle, of any controlled substance 790  
31 prohibited under the Illinois Controlled Substances Act 791  
32 or any cannabis prohibited under the provisions of the  
33 Cannabis Control Act, in which case the person's driving 792  
34 privileges shall be suspended for one year, and any 793

*myin*  
*JPP*

1 driver who is convicted of a second or subsequent  
2 offense, within 5 years of a previous conviction, for the 794  
3 illegal possession, while operating or in actual physical 795  
4 control, as a driver, of a motor vehicle, of any 796  
5 controlled substance prohibited under the provisions of 797  
6 the Illinois Controlled Substances Act or any cannabis  
7 prohibited under the Cannabis Control Act shall be 798  
8 suspended for 5 years. Any defendant found guilty of this 799  
9 offense while operating a motor vehicle, shall have an 800  
10 entry made in the court record by the presiding judge  
11 that this offense did occur while the defendant was 801  
12 operating a motor vehicle and order the clerk of the 802  
13 court to report the violation to the Secretary of State; 803  
14 29. Has been convicted of the following offenses 805  
15 that were committed while the person was operating or in 806  
16 actual physical control, as a driver, of a motor vehicle: 807  
17 criminal sexual assault, predatory criminal sexual 808  
18 assault of a child, aggravated criminal sexual assault, 810  
19 criminal sexual abuse, aggravated criminal sexual abuse,  
20 juvenile pimping, soliciting for a juvenile prostitute 811  
21 and the manufacture, sale or delivery of controlled 812  
22 substances or instruments used for illegal drug use or 813  
23 abuse in which case the driver's driving privileges shall  
24 be suspended for one year; 814  
25 30. Has been convicted a second or subsequent time 816  
26 for any combination of the offenses named in paragraph 29 817  
27 of this subsection, in which case the person's driving 818  
28 privileges shall be suspended for 5 years; 819  
29 31. Has refused to submit to a test as required by 822  
30 Section 11-501.6 or has submitted to a test resulting in  
31 an alcohol concentration of 0.08 or more or any amount of 823  
32 a drug, substance, or compound resulting from the 824  
33 unlawful use or consumption of cannabis as listed in the 825  
34 Cannabis Control Act, or a controlled substance as listed 826

*myim*  
*gpp*

1 in the Illinois Controlled Substances Act, or an 828  
2 intoxicating compound as listed in the use of  
3 Intoxicating Compounds Act, in which case the penalty 829  
4 shall be as prescribed in Section 6-208.1; 830

5 32. Has been convicted of Section 24-1.2 of the 832  
6 Criminal Code of 1961 relating to the aggravated 833  
7 discharge of a firearm if the offender was located in a 834  
8 motor vehicle at the time the firearm was discharged, in  
9 which case the suspension shall be for 3 years; 835

10 33. Has as a driver, who was less than 21 years of 837  
11 age on the date of the offense, been convicted a first 838  
12 time of a violation of paragraph (a) of Section 11-502 of 839  
13 this Code or a similar provision of a local ordinance;

14 34. Has committed a violation of Section 11-1301.5 841  
15 of this Code;

16 35. Has committed a violation of Section 11-1301.6 843  
17 of this Code; or 844

18 36. Is under the age of 21 years at the time of 846  
19 arrest and has been convicted of not less than 2 848  
20 offenses against traffic regulations governing the 849  
21 movement of vehicles committed within any 24 month  
22 period. No revocation or suspension shall be entered 850  
23 more than 6 months after the date of last conviction. 851

24 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, 853  
25 and 27 of this subsection, license means any driver's 854  
26 license, any traffic ticket issued when the person's driver's 855  
27 license is deposited in lieu of bail, a suspension notice 856  
28 issued by the Secretary of State, a duplicate or corrected  
29 driver's license, a probationary driver's license or a 857  
30 temporary driver's license.

31 (b) If any conviction forming the basis of a suspension 859  
32 or revocation authorized under this Section is appealed, the 860  
33 Secretary of State may rescind or withhold the entry of the 861  
34 order of suspension or revocation, as the case may be, 862

*nyjm*  
*GPP*

1 provided that a certified copy of a stay order of a court is 863  
2 filed with the Secretary of State. If the conviction is  
3 affirmed on appeal, the date of the conviction shall relate 864  
4 back to the time the original judgment of conviction was 865  
5 entered and the 6 month limitation prescribed shall not 866  
6 apply.

7 (c) 1. Upon suspending or revoking the driver's license 868  
8 or permit of any person as authorized in this Section, 869  
9 the Secretary of State shall immediately notify the 870  
10 person in writing of the revocation or suspension. The 871  
11 notice to be deposited in the United States mail, postage  
12 prepaid, to the last known address of the person. 872

13 2. If the Secretary of State suspends the driver's 874  
14 license of a person under subsection 2 of paragraph (a) 875  
15 of this Section, a person's privilege to operate a 876  
16 vehicle as an occupation shall not be suspended, provided 877  
17 an affidavit is properly completed, the appropriate fee  
18 received, and a permit issued prior to the effective date 878  
19 of the suspension, unless 5 offenses were committed, at 879  
20 least 2 of which occurred while operating a commercial 880  
21 vehicle in connection with the driver's regular 881  
22 occupation. All other driving privileges shall be  
23 suspended by the Secretary of State. Any driver prior to 882  
24 operating a vehicle for occupational purposes only must 883  
25 submit the affidavit on forms to be provided by the 884  
26 Secretary of State setting forth the facts of the  
27 person's occupation. The affidavit shall also state the 885  
28 number of offenses committed while operating a vehicle in 886  
29 connection with the driver's regular occupation. The 887  
30 affidavit shall be accompanied by the driver's license.  
31 Upon receipt of a properly completed affidavit, the 888  
32 Secretary of State shall issue the driver a permit to 889  
33 operate a vehicle in connection with the driver's regular 890  
34 occupation only. Unless the permit is issued by the

*myin*  
*SP*

1 Secretary of State prior to the date of suspension, the 891  
2 privilege to drive any motor vehicle shall be suspended 892  
3 as set forth in the notice that was mailed under this 893  
4 Section. If an affidavit is received subsequent to the  
5 effective date of this suspension, a permit may be issued 894  
6 for the remainder of the suspension period. 895  
7 The provisions of this subparagraph shall not apply 897  
8 to any driver required to obtain a commercial driver's 898  
9 license under Section 6-507 during the period of a 899  
10 disqualification of commercial driving privileges under  
11 Section 6-514. 900  
12 Any person who falsely states any fact in the 902  
13 affidavit required herein shall be guilty of perjury 903  
14 under Section 6-302 and upon conviction thereof shall 904  
15 have all driving privileges revoked without further  
16 rights.  
17 3. At the conclusion of a hearing under Section 906  
18 2-118 of this Code, the Secretary of State shall either 907  
19 rescind or continue an order of revocation or shall 908  
20 substitute an order of suspension; or, good cause 909  
21 appearing therefor, rescind, continue, change, or extend  
22 the order of suspension. If the Secretary of State does 910  
23 not rescind the order, the Secretary may upon 911  
24 application, to relieve undue hardship, issue a 912  
25 restricted driving permit granting the privilege of  
26 driving a motor vehicle between the petitioner's 913  
27 residence and petitioner's place of employment or within 914  
28 the scope of his employment related duties, or to allow 915  
29 transportation for the petitioner, or a household member  
30 of the petitioner's family, to receive necessary medical 916  
31 care and if the professional evaluation indicates, 917  
32 provide transportation for alcohol remedial or 918  
33 rehabilitative activity, or for the petitioner to attend  
34 classes, as a student, in an accredited educational 919

*nym*  
*JPP*

1 institution; if the petitioner is able to demonstrate 920  
2 that no alternative means of transportation is reasonably 921  
3 available and the petitioner will not endanger the public 922  
4 safety or welfare. In each case the Secretary may issue a  
5 restricted driving permit for a period deemed 923  
6 appropriate, except that all permits shall expire within 924  
7 one year from the date of issuance. A restricted driving 925  
8 permit issued under this Section shall be subject to  
9 cancellation, revocation, and suspension by the Secretary 926  
10 of State in like manner and for like cause as a driver's 927  
11 license issued under this Code may be cancelled, revoked, 928  
12 or suspended; except that a conviction upon one or more  
13 offenses against laws or ordinances regulating the 929  
14 movement of traffic shall be deemed sufficient cause for 930  
15 the revocation, suspension, or cancellation of a 931  
16 restricted driving permit. The Secretary of State may, as  
17 a condition to the issuance of a restricted driving 932  
18 permit, require the applicant to participate in a 933  
19 designated driver remedial or rehabilitative program. The 934  
20 Secretary of State is authorized to cancel a restricted  
21 driving permit if the permit holder does not successfully 935  
22 complete the program.

23 (c-5) The Secretary of State may, as a condition of the 937  
24 reissuance of a driver's license or permit to an applicant 938  
25 ~~under the age of 18~~ whose driver's license or permit 940  
26 has been suspended before he or she reached the age of 18 941  
27 years pursuant to any of the provisions of this Section, 943  
28 require the applicant to participate in a driver remedial  
29 education course and be retested under Section 6-109 of this 944  
30 Code.

31 (d) This Section is subject to the provisions of the 946  
32 Drivers License Compact. 947

33 (e) The Secretary of State shall not issue a restricted 949  
34 driving permit to a person under the age of 16 years whose 950

*nyjm*  
*gpf*



1 driving privileges have been suspended or revoked under any 952  
 2 provisions of this Code.  
 3 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95; 954  
 4 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff. 955  
 5 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.) 956

6 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208) 959  
 7 Sec. 6-208. Period of Suspension - Application After 961  
 8 Revocation.

9 (a) Except as otherwise provided by this Code or any 963  
 10 other law of this State, the Secretary of State shall not 964  
 11 suspend a driver's license, permit or privilege to drive a 965  
 12 motor vehicle on the highways for a period of more than one 966  
 13 year.

14 (b) Any person whose license, permit or privilege to 968  
 15 drive a motor vehicle on the highways has been revoked shall 969  
 16 not be entitled to have such license, permit or privilege 970  
 17 renewed or restored. However, such person may, except as 971  
 18 provided under subsection (d) of Section 6-205, make  
 19 application for a license pursuant to Section 6-106 (i) if 972  
 20 the revocation was for a cause which has been removed or (ii) 974  
 21 as provided in the following subparagraphs: 975

22 1. Except as provided in subparagraphs 2, 3, and 4, 977  
 23 the person may make application for a license after the 978  
 24 expiration of one year from the effective date of the 979  
 25 revocation or, in the case of a violation of paragraph 980  
 26 (b) of Section 11-401 of this Code or a similar provision 981  
 27 of a local ordinance, after the expiration of 3 years 982  
 28 from the effective date of the revocation or, in the case  
 29 of a violation of Section 9-3 of the Criminal Code of 983  
 30 1961 relating to the offense of reckless homicide, after 984  
 31 the expiration of 2 years from the effective date of the  
 32 revocation. 985

33 2. If such person is convicted of committing a 987

*njm*  
*JPP*

1 second violation within a 20 year period of: 988

2 (A) Section 11-501 of this Code, or a similar 990

3 provision of a local ordinance; or 991

4 (B) Paragraph (b) of Section 11-401 of this 993

5 Code, or a similar provision of a local ordinance; 995

6 or

7 (C) Section 9-3 of the Criminal Code of 1961, 997

8 as amended, relating to the offense of reckless 999

9 homicide; or

10 (D) any combination of the above offenses 1001

11 committed at different instances; 1002

12 then such person may not make application for a license 1004

13 until after the expiration of 5 years from the effective 1005

14 date of the most recent revocation. The 20 year period 1006

15 shall be computed by using the dates the offenses were 1007

16 committed and shall also include similar out-of-state

17 offenses. 1008

18 3. However, except as provided in subparagraph 4, 1010

19 if such person is convicted of committing a third, or 1011

20 subsequent, violation or any combination of the above 1012

21 offenses, including similar out-of-state offenses, 1013

22 contained in subparagraph 2, then such person may not 1014

23 make application for a license until after the expiration

24 of 10 years from the effective date of the most recent 1015

25 revocation.

26 4. The person may not make application for a 1017

27 license if the person is convicted of committing a fourth 1018

28 or subsequent violation of Section 11-501 of this Code or 1019

29 a similar provision of a local ordinance, ~~paragraph (b)~~ 1020

30 ~~of~~ Section 11-401 of this Code, Section 9-3 of the

31 Criminal Code of 1961, or a combination of these offenses 1022

32 or similar provisions of local ordinances or similar 1024

33 out-of-state offenses ~~if the original revocation or~~

34 ~~suspension was for a violation of Section 11-501 or~~ 1026

*myin*  
*opp*

~~It-501-1--of--this--Code--or--a--similar--provision--of--a--local~~ 1027  
~~ordinance.~~ 1028  
 Notwithstanding any other provision of this Code, all 1030  
 persons referred to in this paragraph (b) may not have their 1031  
 privileges restored until the Secretary receives payment of 1032  
 the required reinstatement fee pursuant to subsection (b) of 1033  
 Section 6-118. 1034  
 In no event shall the Secretary issue such license unless 1036  
 and until such person has had a hearing pursuant to this Code 1037  
 and the appropriate administrative rules and the Secretary is 1038  
 satisfied, after a review or investigation of such person, 1039  
 that to grant the privilege of driving a motor vehicle on the 1040  
 highways will not endanger the public safety or welfare. 1041  
 (Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99; 1042  
 91-357, eff. 7-29-99.) 1043  
 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604) 1046  
 Sec. 7-604. Verification of liability insurance policy. 1048  
 (a) The Secretary of State may select random samples of 1051  
 registrations of motor vehicles subject to Section 7-601 of 1052  
 this Code, or owners thereof, for the purpose of verifying 1053  
 whether or not the motor vehicles are insured. 1054  
 In addition to such general random samples of motor 1055  
 vehicle registrations, the Secretary may select for 1056  
 verification other random samples, including, but not limited 1057  
 to registrations of motor vehicles owned by persons: 1058  
 (1) whose motor vehicle registrations during the 1060  
 preceding 4 years have been suspended pursuant to Section 1061  
 7-606 or 7-607 of this Code;  
 (2) who during the preceding 4 years have been 1063  
 convicted of violating Section 3-707, 3-708 or 3-710 of 1064  
 this Code while operating vehicles owned by other 1065  
 persons;  
 (3) whose driving privileges have been suspended 1067

33  
 nym  
 JPP



1 information.

2 Any owner whose response indicates that his or her 1101  
 3 vehicle was not covered by a liability insurance policy in 1102  
 4 accordance with Section 7-601 of this Code shall be deemed to 1103  
 5 have registered or maintained registration of a motor vehicle 1104  
 6 in violation of that Section. Any owner who fails to respond 1105  
 7 to such a request shall be deemed to have registered or  
 8 maintained registration of a motor vehicle in violation of 1106  
 9 Section 7-601 of this Code. 1107

10 (e) If the owner responds to the request for information 1109  
 11 by asserting that his or her vehicle was covered by a 1110  
 12 liability insurance policy on the verification date stated in 1111  
 13 the Secretary's request, the Secretary may conduct a 1112  
 14 verification of the response by furnishing necessary  
 15 information to the insurer named in the response. The 1113  
 16 insurer shall within 45 ~~30~~ days inform the Secretary whether 1116  
 17 or not on the verification date stated the motor vehicle was 1117  
 18 insured by the insurer in accordance with Section 7-601 of 1118  
 19 this Code. The Secretary may by rule and regulation prescribe  
 20 the procedures for verification. 1119

21 (f) No random sample selected under this Section shall 1121  
 22 be categorized on the basis of race, color, religion, sex, 1122  
 23 national origin, ancestry, age, marital status, physical or 1123  
 24 mental disability, economic status or geography. 1124  
 25 (Source: P.A. 88-315; 88-685, eff. 1-24-95.) 1126

26 Section 10. The Unified Code of Corrections is amended 1129  
 27 by changing Section 5-6-3.1 as follows: 1130

28 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1) 1133

29 Sec. 5-6-3.1. Incidents and Conditions of Supervision. 1135

30 (a) When a defendant is placed on supervision, the court 1137  
 31 shall enter an order for supervision specifying the period of 1138  
 32 such supervision, and shall defer further proceedings in the 1139

*nyin*  
*JPP*

1 case until the conclusion of the period. 1140

2 (b) The period of supervision shall be reasonable under 1142

3 all of the circumstances of the case, but may not be longer 1143

4 than 2 years, unless the defendant has failed to pay the 1144

5 assessment required by Section 10.3 of the Cannabis Control 1145

6 Act or Section 411.2 of the Illinois Controlled Substances 1146

7 Act, in which case the court may extend supervision beyond 2

8 years. Additionally, the court shall order the defendant to 1147

9 perform no less than 30 hours of community service and not 1148

10 more than 120 hours of community service, if community 1149

11 service is available in the jurisdiction and is funded and 1150

12 approved by the county board where the offense was committed, 1151

13 when the offense (1) was related to or in furtherance of the 1153

14 criminal activities of an organized gang or was motivated by 1154

15 the defendant's membership in or allegiance to an organized

16 gang; or (2) is a violation of any Section of Article 24 of 1155

17 the Criminal Code of 1961 where a disposition of supervision 1156

18 is not prohibited by Section 5-6-1 of this Code. The 1158

19 community service shall include, but not be limited to, the 1159

20 cleanup and repair of any damage caused by violation of 1160

21 Section 21-1.3 of the Criminal Code of 1961 and similar 1161

22 damages to property located within the municipality or county

23 in which the violation occurred. Where possible and 1162

24 reasonable, the community service should be performed in the 1163

25 offender's neighborhood.

26 For the purposes of this Section, "organized gang" has 1166

27 the meaning ascribed to it in Section 10 of the Illinois 1167

28 Streetgang Terrorism Omnibus Prevention Act.

29 (c) The court may in addition to other reasonable 1169

30 conditions relating to the nature of the offense or the 1170

31 rehabilitation of the defendant as determined for each 1171

32 defendant in the proper discretion of the court require that 1172

33 the person:

34 (1) make a report to and appear in person before or 1174

*njm*  
*gpp*

1 participate with the court or such courts, person, or 1175  
2 social service agency as directed by the court in the 1176  
3 order of supervision;  
4 (2) pay a fine and costs; 1178  
5 (3) work or pursue a course of study or vocational 1180  
6 training;  
7 (4) undergo medical, psychological or psychiatric 1182  
8 treatment; or treatment for drug addiction or alcoholism; 1183  
9 (5) attend or reside in a facility established for 1185  
10 the instruction or residence of defendants on probation; 1186  
11 (6) support his dependents; 1188  
12 (7) refrain from possessing a firearm or other 1190  
13 dangerous weapon;  
14 (8) and in addition, if a minor: 1192  
15 (i) reside with his parents or in a foster 1194  
16 home;  
17 (ii) attend school; 1196  
18 (iii) attend a non-residential program for 1198  
19 youth;  
20 (iv) contribute to his own support at home or 1200  
21 in a foster home; and  
22 (9) make restitution or reparation in an amount not 1202  
23 to exceed actual loss or damage to property and pecuniary 1203  
24 loss or make restitution under Section 5-5-6 to a 1204  
25 domestic violence shelter. The court shall determine the 1205  
26 amount and conditions of payment;  
27 (10) perform some reasonable public or community 1207  
28 service;  
29 (11) comply with the terms and conditions of an 1209  
30 order of protection issued by the court pursuant to the 1210  
31 Illinois Domestic Violence Act of 1986 or an order of 1211  
32 protection issued by the court of another state, tribe,  
33 or United States territory. If the court has ordered the 1213  
34 defendant to make a report and appear in person under 1214

*myin*  
*JPP*

1 paragraph (1) of this subsection, a copy of the order of  
2 protection shall be transmitted to the person or agency 1215  
3 so designated by the court; 1216

4 (12) reimburse any "local anti-crime program" as 1218  
5 defined in Section 7 of the Anti-Crime Advisory Council 1219  
6 Act for any reasonable expenses incurred by the program 1220  
7 on the offender's case, not to exceed the maximum amount  
8 of the fine authorized for the offense for which the 1221  
9 defendant was sentenced;

10 (13) contribute a reasonable sum of money, not to 1223  
11 exceed the maximum amount of the fine authorized for the 1224  
12 offense for which the defendant was sentenced, to a 1225  
13 "local anti-crime program", as defined in Section 7 of 1226  
14 the Anti-Crime Advisory Council Act;

15 (14) refrain from entering into a designated 1228  
16 geographic area except upon such terms as the court finds 1229  
17 appropriate. Such terms may include consideration of the 1230  
18 purpose of the entry, the time of day, other persons  
19 accompanying the defendant, and advance approval by a 1231  
20 probation officer;

21 (15) refrain from having any contact, directly or 1233  
22 indirectly, with certain specified persons or particular 1234  
23 types of person, including but not limited to members of 1235  
24 street gangs and drug users or dealers;

25 (16) refrain from having in his or her body the 1237  
26 presence of any illicit drug prohibited by the Cannabis 1238  
27 Control Act or the Illinois Controlled Substances Act, 1239  
28 unless prescribed by a physician, and submit samples of  
29 his or her blood or urine or both for tests to determine 1240  
30 the presence of any illicit drug; 1241

31 (17) refrain from operating any motor vehicle not 1243  
32 equipped with an ignition interlock device as defined in 1244  
33 Section 1-129.1 of the Illinois Vehicle Code. Under this 1245  
34 condition the court may allow a defendant who is not

*njm*  
*JPP*



1 self-employed to operate a vehicle owned by the 1246  
2 defendant's employer that is not equipped with an 1247  
3 ignition interlock device in the course and scope of the  
4 defendant's employment. 1248

5 (d) The court shall defer entering any judgment on the 1250  
6 charges until the conclusion of the supervision. 1251

7 (e) At the conclusion of the period of supervision, if 1253  
8 the court determines that the defendant has successfully 1254  
9 complied with all of the conditions of supervision, the court 1255  
10 shall discharge the defendant and enter a judgment dismissing 1256  
11 the charges.

12 (f) Discharge and dismissal upon a successful conclusion 1258  
13 of a disposition of supervision shall be deemed without 1259  
14 adjudication of guilt and shall not be termed a conviction 1260  
15 for purposes of disqualification or disabilities imposed by 1261  
16 law upon conviction of a crime. Two years after the  
17 discharge and dismissal under this Section, unless the 1262  
18 disposition of supervision was for a violation of Sections 1263  
19 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois  
20 Vehicle Code or a similar provision of a local ordinance, or 1264  
21 for a violation of Sections 12-3.2 or 16A-3 of the Criminal 1265  
22 Code of 1961, in which case it shall be 5 years after 1266  
23 discharge and dismissal, a person may have his record of 1267  
24 arrest sealed or expunged as may be provided by law.  
25 However, any defendant placed on supervision before January 1268  
26 1, 1980, may move for sealing or expungement of his arrest 1269  
27 record, as provided by law, at any time after discharge and 1270  
28 dismissal under this Section. A person placed on supervision 1271  
29 for a sexual offense committed against a minor as defined in 1272  
30 subsection (g) of Section 5 of the Criminal Identification  
31 Act or for a violation of Section 11-501 of the Illinois 1273  
32 Vehicle Code or a similar provision of a local ordinance 1274  
33 shall not have his or her record of arrest sealed or 1275  
34 expunged.

*nyin*  
*JPP*

1 (g) A defendant placed on supervision and who during the 1277  
 2 period of supervision undergoes mandatory drug or alcohol 1278  
 3 testing, or both, or is assigned to be placed on an approved 1279  
 4 electronic monitoring device, shall be ordered to pay the 1280  
 5 costs incidental to such mandatory drug or alcohol testing, 1281  
 6 or both, and costs incidental to such approved electronic  
 7 monitoring in accordance with the defendant's ability to pay 1282  
 8 those costs. The county board with the concurrence of the 1283  
 9 Chief Judge of the judicial circuit in which the county is 1284  
 10 located shall establish reasonable fees for the cost of 1285  
 11 maintenance, testing, and incidental expenses related to the  
 12 mandatory drug or alcohol testing, or both, and all costs 1286  
 13 incidental to approved electronic monitoring, of all 1287  
 14 defendants placed on supervision. The concurrence of the 1288  
 15 Chief Judge shall be in the form of an administrative order. 1289  
 16 The fees shall be collected by the clerk of the circuit 1290  
 17 court. The clerk of the circuit court shall pay all moneys 1291  
 18 collected from these fees to the county treasurer who shall 1292  
 19 use the moneys collected to defray the costs of drug testing, 1293  
 20 alcohol testing, and electronic monitoring. The county 1294  
 21 treasurer shall deposit the fees collected in the county 1295  
 22 working cash fund under Section 6-27001 or Section 6-29002 of  
 23 the Counties Code, as the case may be. 1296

24 (h) A disposition of supervision is a final order for 1298  
 25 the purposes of appeal. 1299

26 (i) The court shall impose upon a defendant placed on 1301  
 27 supervision after January 1, 1992, as a condition of 1302  
 28 supervision, a fee of \$25 for each month of supervision 1303  
 29 ordered by the court, unless after determining the inability 1304  
 30 of the person placed on supervision to pay the fee, the court 1305  
 31 assesses a lesser fee. The court may not impose the fee on a  
 32 minor who is made a ward of the State under the Juvenile 1306  
 33 Court Act of 1987 while the minor is in placement. The fee 1308  
 34 shall be imposed only upon a defendant who is actively 1309

*njin*  
*JPP*

1 supervised by the probation and court services department. 1311  
2 The fee shall be collected by the clerk of the circuit court.  
3 The clerk of the circuit court shall pay all monies collected 1312  
4 from this fee to the county treasurer for deposit in the 1313  
5 probation and court services fund pursuant to Section 15.1 of 1314  
6 the Probation and Probation Officers Act. 1315  
7 (j) All fines and costs imposed under this Section for 1317  
8 any violation of Chapters 3, 4, 6, and 11 of the Illinois 1318  
9 Vehicle Code, or a similar provision of a local ordinance, 1319  
10 and any violation of the Child Passenger Protection Act, or a 1320  
11 similar provision of a local ordinance, shall be collected 1321  
12 and disbursed by the circuit clerk as provided under Section  
13 27.5 of the Clerks of Courts Act. 1322  
14 (k) A defendant at least 17 years of age who is placed 1324  
15 on supervision for a misdemeanor in a county of 3,000,000 or 1325  
16 more inhabitants and who has not been previously convicted of 1326  
17 a misdemeanor or felony may as a condition of his or her 1327  
18 supervision be required by the court to attend educational 1328  
19 courses designed to prepare the defendant for a high school  
20 diploma and to work toward a high school diploma or to work 1329  
21 toward passing the high school level Test of General 1330  
22 Educational Development (GED) or to work toward completing a 1331  
23 vocational training program approved by the court. The  
24 defendant placed on supervision must attend a public 1332  
25 institution of education to obtain the educational or 1333  
26 vocational training required by this subsection (k). The 1334  
27 defendant placed on supervision shall be required to pay for  
28 the cost of the educational courses or GED test, if a fee is 1335  
29 charged for those courses or test. The court shall revoke 1336  
30 the supervision of a person who wilfully fails to comply with 1337  
31 this subsection (k). The court shall resentence the  
32 defendant upon revocation of supervision as provided in 1338  
33 Section 5-6-4. This subsection (k) does not apply to a 1339  
34 defendant who has a high school diploma or has successfully 1340

*nyin*  
*JPP*

1 passed the GED test. This subsection (k) does not apply to a  
2 defendant who is determined by the court to be 1341  
3 developmentally disabled or otherwise mentally incapable of 1342  
4 completing the educational or vocational program. 1343

5 (l) The court shall require a defendant placed on 1345  
6 supervision for possession of a substance prohibited by the 1347  
7 Cannabis Control Act or Illinois Controlled Substances Act  
8 after a previous conviction or disposition of supervision for 1348  
9 possession of a substance prohibited by the Cannabis Control 1349  
10 Act or Illinois Controlled Substances Act or a sentence of 1350  
11 probation under Section 10 of the Cannabis Control Act or 1351  
12 Section 410 of the Illinois Controlled Substances Act and 1352  
13 after a finding by the court that the person is addicted, to  
14 undergo treatment at a substance abuse program approved by 1353  
15 the court.

16 (m) The Secretary of State court shall require anyone a 1359  
17 defendant placed on court supervision for a violation of 1360  
18 Section 3-707 of the Illinois Vehicle Code or a similar  
19 provision of a local ordinance, ~~as a condition of~~ 1362  
20 ~~supervision,~~ to give proof of his or her financial  
21 responsibility as defined in Section 7-315 of the Illinois 1364  
22 Vehicle Code. The proof shall be maintained by the 1365  
23 individual defendant in a manner satisfactory to the 1367  
24 Secretary of State for a minimum period of one year after the 1370  
25 date the proof is first filed. The proof shall be limited to 1371  
26 a single action per arrest and may not be affected by any 1372  
27 post-sentence disposition. The Secretary of State shall 1373  
28 suspend the driver's license of any person determined by the 1374  
29 Secretary to be in violation of this subsection.  
30 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98; 1376  
31 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff. 1377  
32 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, 1378  
33 eff. 1-1-01.)

*njm*  
*JPP*

1 (625 ILCS 5/6-205.1 rep.) 1381  
 2 Section 15. The Illinois Vehicle Code is amended by 1383  
 3 repealing Section 6-205.1. 1384  
 4 Section 99. Effective date. This Act takes effect upon 1387  
 5 becoming law. 1388

*Michael J. Madigan*  
 Speaker, House of Representatives

*J. Philip*  
 President of the Senate

APPROVED

this 22nd day of August, 20 01 A.D.

*George H. Ryan*  
 GOVERNOR

