

IN THE  
SUPREME COURT OF ILLINOIS

---

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court of Illinois, No. 1-14-3800.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit Court of Cook County, Illinois , No. 12 CR 13428; 13 CR 12564 (01).
-vs-	)	
	)	
JOSEPH GRIFFIN	)	Honorable Thaddeus L. Wilson,
	)	Judge Presiding.
Defendant-Appellant	)	

---

**ADDITIONAL AUTHORITY**

P.A. 100-0987

*Illinois Court Assessments* (Statutory Court Fee Task Force 2016)

Submitted by:

MICHAEL H. ORENSTEIN  
Assistant Appellate Defender  
Office of the State Appellate Defender  
First Judicial District  
203 N. LaSalle St., 24th Floor  
Chicago, IL 60601  
(312) 814-5472  
1stdistrict.eserve@osad.state.il.us

COUNSEL FOR DEFENDANT-APPELLANT

E-FILED  
9/11/2018 10:41 AM  
Carolyn Taft Grosboll  
SUPREME COURT CLERK

NETSCAN

2017 Illinois House Bill No. 4594, Illinois One Hundredth General Assembly - Second Regular Session


## ILLINOIS BILL TEXT

## TITLE: FEES - FINES - ASSESSMENTS

VERSION: Adopted

August 20, 2018

House, Rep. Steven A. Andersson-Jehan Gordon-Booth-Barbara Flynn Currie-Jim Durkin-Will Guzzardi, Kelly M. Cassidy, Grant Wehrli, Carol Ammons, Allen Skillicorn, Randy E. Frese, Christian L. Mitchell, Sam Yingling, Carol Sente, Ryan Spain, Anna Moeller, Stephanie A. Kifowit, David Harris, Robert W. Pritchard, Juliana Stratton, Sonya M. Harper, Patricia R. Bellock, Justin Slaughter, Nicholas K Smith and Marcus C. Evans, Jr., (Sen. John G. Mulroe-John F. Curran-Jacqueline Y. Collins, Cristina Castro-Karen McConnaughay, Steven M. Landek and William E. Brady)

 Image 1 within document in PDF format.

**SUMMARY:** Creates the Criminal and Traffic Assessment Act. Provides a minimum fine is \$25. Provides when any defendant is convicted, pleads guilty, or placed on court supervision for a violation of a law or local ordinance, the court shall order one schedule of assessments in the case plus any conditional assessment applicable to a conviction in the case, as set forth in the Act, for the defendant to pay in addition to any fine, restitution, or forfeiture ordered by the court. Provides all money collected by the clerk of the court based on the schedules or conditional assessments shall be remitted to the appropriate treasurer as directed in the Act. Provides the treasurers shall deposit the money as indicated in the ordered schedule or conditional assessment. Amends the Code of Criminal Procedure of 1963. Provides that a defendant may petition the court for full or partial waiver of court assessments imposed under the Criminal and Traffic Assessment Act. Provides the court shall grant a full or partial waiver of court assessments if specified conditions are met. Makes corresponding and conforming changes to various Acts and Codes. Repeals various laws. Effective July 1, 2019, except for certain provisions that are effective July 1, 2018.

**TEXT:**

Public Act 100-0987

AN ACT concerning fees, fines, and assessments.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Article 1. General Provisions

Section 1-1. Short title. This Act may be cited as the Criminal and Traffic Assessment Act.

Section 1-5. Definitions. In this Act: "Assessment" means any costs imposed on a defendant under schedules 1 through 13 of this Act.

"Business offense" means a petty offense for which the fine is in excess of \$1,000.

"Case" means all charges and counts filed against a single defendant which are being prosecuted as a single proceeding before the court.

"Count" means each separate offense charged in the same indictment, information, or complaint when the indictment, information, or complaint alleges the commission of more than one offense.

"Conservation offense" means any violation of the following Acts, Codes, or ordinances, except any offense punishable upon conviction by imprisonment in the penitentiary:

- (1) Fish and Aquatic Life Code;
- (2) Wildlife Code;
- (3) Boat Registration and Safety Act;
- (4) Park District Code;
- (5) Chicago Park District Act;
- (6) State Parks Act;
- (7) State Forest Act;
- (8) Forest Fire Protection District Act;
- (9) Snowmobile Registration and Safety Act;
- (10) Endangered Species Protection Act;
- (11) Forest Products Transportation Act;
- (12) Timber Buyers Licensing Act;
- (13) Downstate Forest Preserve District Act;
- (14) Exotic Weed Act;
- (15) Ginseng Harvesting Act;
- (16) Cave Protection Act;
- (17) ordinances adopted under the Counties Code for the acquisition of property for parks or recreational areas;
- (18) Recreational Trails of Illinois Act;
- (19) Herptiles-Herps Act; or
- (20) any rule, regulation, proclamation, or ordinance adopted under any Code or Act named in paragraphs (1) through (19) of this definition. "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon

a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

"Drug offense" means any violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or any similar local ordinance which involves the possession or delivery of a drug.

"Drug-related emergency response" means the act of collecting evidence from or securing a site where controlled substances were manufactured, or where by-products from the manufacture of controlled substances are present, and cleaning up the site, whether these actions are performed by public entities or private contractors paid by public entities.

"Electronic citation" means the process of transmitting traffic, misdemeanor, municipal ordinance, conservation, or other citations and law enforcement data via electronic means to a circuit court clerk.

"Emergency response" means any incident requiring a response by a police officer, an ambulance, a firefighter carried on the rolls of a regularly constituted fire department or fire protection district, a firefighter of a volunteer fire department, or a member of a recognized not-for-profit rescue or emergency medical service provider. "Emergency response" does not include a drug-related emergency response.

"Felony offense" means an offense for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided.

"Fine" means a pecuniary punishment for a conviction as ordered by a court of law.

"Highest classified offense" means the offense in the case which carries the most severe potential disposition under Article 4.5 of the Unified Code of Corrections.

"Major traffic offense" means a traffic offense under the Illinois Vehicle Code or a similar provision of a local ordinance other than a petty offense or business offense.

"Minor traffic offense" means a petty offense or business offense under the Illinois Vehicle Code or a similar provision of a local ordinance.

"Misdemeanor offense" means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

"Petty offense" means any offense for which a sentence of imprisonment is not an authorized disposition.

"Service provider costs" means costs incurred as a result of services provided by an entity including, but not limited to, traffic safety programs, laboratories, ambulance companies, and fire departments. "Service provider costs" includes conditional amounts under this Act that are reimbursements for services provided.

"Street value" means the amount determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount of drug or materials seized and any testimony as may be required by the court as to the current street value of the cannabis, controlled substance, methamphetamine or salt of an optical isomer of methamphetamine, or methamphetamine manufacturing materials seized.

"Supervision" means a disposition of conditional and revocable release without probationary supervision, but under the conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered.

#### Article 5. Assessment Procedures

Section 5-5. Minimum fine. Unless otherwise specified by law, the minimum fine for a conviction or supervision disposition on a minor traffic offense is \$25 and the minimum fine for a conviction, supervision disposition, or violation based upon a plea of guilty or finding of guilt for any other offense is \$75. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. In this Section, "victim" shall not be construed to include the defendant.

#### Section 5-10. Schedules; payment.

(a) In each case, the court shall order an assessment, as set forth in this Act, for a defendant to pay in addition to any fine, restitution, or forfeiture ordered by the court when the defendant is convicted of, pleads guilty to, or is placed on court supervision for a violation of a statute of this State or a similar local ordinance. The court may order a fine, restitution, or forfeiture on any violation that is being sentenced but shall order only one assessment from the Schedule of Assessments 1 through 13 of this Act for all sentenced violations in a case, that being the schedule applicable to the highest classified offense violation that is being sentenced, plus any conditional assessments under Section 15-70 of this Act applicable to any sentenced violation in the case.

(b) If the court finds that the schedule of assessments will cause an undue burden on any victim in a case or if the court orders community service or some other punishment in place of the applicable schedule of assessments, the court may reduce the amount set forth in the applicable schedule of assessments or not order the applicable schedule of assessments. If the court reduces the amount set forth in the applicable schedule of assessments, then all recipients of the funds collected will receive a prorated amount to reflect the reduction.

(c) The court may order the assessments to be paid forthwith or within a specified period of time or in installments.

(c-3) Excluding any ordered conditional assessment, if the assessment is not paid within the period of probation, conditional discharge, or supervision to which the defendant was originally sentenced, the court may extend the period of probation, conditional discharge, or supervision under Section 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as applicable, until the assessment is paid or until successful completion of public or community service set forth in subsection (b) of Section 5-20 of this Act or the successful completion of the substance abuse intervention or treatment program set forth in subsection (c-5) of this Section.

(c-5) Excluding any ordered conditional assessment, the court may suspend the collection of the assessment; provided, the defendant agrees to enter a substance abuse intervention or treatment program approved by the court; and further provided that the defendant agrees to pay for all or some portion of the costs associated with the intervention or treatment program. In this case, the collection of the assessment shall be suspended during the defendant's participation in the approved intervention or treatment program. Upon successful completion of the program, the defendant may apply to the court to reduce the assessment imposed under this Section by any amount actually paid by the defendant for his or her participation in the program. The court shall not reduce the assessment under this subsection unless the defendant establishes to the satisfaction of the court that he or she has successfully completed the intervention or treatment program. If the defendant's participation is for any reason terminated before his or her successful completion of the intervention or treatment program, collection of the entire assessment imposed under this Act shall be enforced. Nothing in this Section shall be deemed to affect or suspend any other fines, restitution costs, forfeitures, or assessments imposed under this or any other Act.

(d) Except as provided in Section 5-15 of this Act, the defendant shall pay to the clerk of the court and the clerk shall remit the assessment to the appropriate entity as set forth in the ordered schedule of assessments within one month of its receipt.

(e) Unless a court ordered payment schedule is implemented or the assessment requirements of this Act are waived under a court order, the clerk of the circuit court may add to any unpaid assessments under this Act a delinquency amount equal to 5% of the unpaid assessments that remain unpaid after 30 days, 10% of the unpaid assessments that remain unpaid after 60 days, and 15% of the unpaid assessments that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid assessments.

Section 5-15. Service provider costs. Unless otherwise provided in Article 15 of this Act, the defendant shall pay service provider costs to the entity that provided the service. Service provider costs are not eligible for credit for time served, substitution of community service, or waiver. The circuit court may, through administrative order or local rule, appoint the clerk of the court as the receiver and remitter of certain service provider costs, which may include, but are not limited to, probation fees, traffic school fees, or drug or alcohol testing fees.

Section 5-20. Credit; time served; community service.

(a) Any credit for time served prior to sentencing that reduces the amount a defendant is required to pay shall be deducted first from the fine, if any, ordered by the court. Any remainder of the credit shall be equally divided between the assessments indicated in the ordered schedule and conditional assessments.

(b) Excluding any ordered conditional assessment, a defendant who has been ordered to pay an assessment may petition the court to convert all or part of the assessment into court-approved public or community service. One hour of public or community service shall be equivalent to \$4 of assessment. The performance of this public or community service shall be a condition of probation, conditional discharge, or supervision and shall be in addition to the performance of any other period of public or community service ordered by the court or required by law.

Article 10. Funds

Section 10-5. Funds.

(a) All money collected by the Clerk of the Circuit Court under Article 15 of this Act shall be remitted as directed in

Article 15 of this Act to the county treasurer, to the State Treasurer, and to the treasurers of the units of local government. If an amount payable to any of the treasurers is less than \$10, the clerk may postpone remitting the money until \$10 has accrued or by the end of fiscal year. The treasurers shall deposit the money as indicated in the schedules, except in a county with a population of over 3,000,000 monies remitted to the county treasurer shall be subject to appropriation by the county board. Any amount retained by the Clerk of the Circuit Court in a county with population of over 3,000,000 shall be subject to appropriation by the county board.

(b) The county treasurer or the treasurer of the unit of local government may create the funds indicated in paragraphs

(1) through (5), (9), and (16) of subsection (d) of this Section, if not already in existence. If a county or unit of local government has not instituted, and does not plan to institute a program that uses a particular fund, the treasurer need not create the fund and may instead deposit the money intended for the fund into the general fund of the county or unit of local government for use in financing the court system.

(c) If the arresting agency is a State agency, the arresting agency portion shall be remitted by the clerk of court to the State Treasurer who shall deposit the portion as follows:

(1) if the arresting agency is the Department of State Police, into the State Police Law Enforcement Administration Fund;

(2) if the arresting agency is the Department of Natural Resources, into the Conservation Police Operations Assistance Fund;

(3) if the arresting agency is the Secretary of State, into the Secretary of State Police Services Fund; and

(4) if the arresting agency is the Illinois Commerce Commission, into the Public Utility Fund.

(d) Fund descriptions and provisions:

(1) The Court Automation Fund is to defray the expense, borne by the county, of establishing and maintaining automated record keeping systems in the Office of the Clerk of the Circuit Court. The money shall be remitted monthly by the clerk to the county treasurer and identified as funds for the Circuit Court Clerk. The fund shall be audited by the county auditor, and the board shall make expenditures from the fund in payment of any costs related to the automation of court records including hardware, software, research and development costs, and personnel costs related to the foregoing, provided that the expenditure is approved by the clerk of the court and by the chief judge of the circuit court or his or her designee.

(2) The Document Storage Fund is to defray the expense, borne by the county, of establishing and maintaining a document storage system and converting the records of the circuit court clerk to electronic or micrographic storage. The money shall be remitted monthly by the clerk to the county treasurer and identified as funds for the circuit court clerk. The fund shall be audited by the county auditor, and the board shall make expenditure from the fund in payment of any cost related to the storage of court records, including hardware, software, research and development costs, and personnel costs related to the foregoing, provided that the expenditure is approved by the clerk of the court.

(3) The Circuit Clerk Operations and Administration Fund is to defray the expenses incurred for collection and disbursement of the various assessment schedules. The money shall be remitted monthly by the clerk to the county treasurer and identified as funds for the circuit court clerk.

(4) The State's Attorney Records Automation Fund is to defray the expense of establishing and maintaining automated record keeping systems in the offices of the State's Attorney. The money shall be remitted monthly by the clerk to the county treasurer for deposit into the State's Attorney Records Automation Fund. Expenditures from this fund may be made by the State's Attorney for hardware, software, and research and development related to automated record keeping systems.

(5) The Public Defender Records Automation Fund is to defray the expense of establishing and maintaining automated record keeping systems in the offices of the Public Defender. The money shall be remitted monthly by the clerk to the county treasurer for deposit into the Public Defender Records Automation Fund. Expenditures from this fund may be made by the Public Defender for hardware, software, and research and development related to automated record keeping systems.

(6) The DUI Fund shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of the Illinois Vehicle Code, including, but not limited to, the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in

areas related to alcohol related crime, including, but not limited to, DUI training; and police officer salaries, including, but not limited to, salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Any moneys received by the Department of State Police shall be deposited into the State Police Operations Assistance Fund and those moneys and moneys in the State Police DUI Fund shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. The money shall be remitted monthly by the clerk to the State or local treasurer for deposit as provided by law.

(7) The Trauma Center Fund shall be distributed as provided under Section 3.225 of the Emergency Medical Services (EMS) Systems Act.

(8) The Probation and Court Services Fund is to be expended as described in Section 15.1 of the Probation and Probation Officers Act.

(9) The Circuit Court Clerk Electronic Citation Fund shall have the Circuit Court Clerk as the custodian, ex officio, of the Fund and shall be used to perform the duties required by the office for establishing and maintaining electronic citations. The Fund shall be audited by the county's auditor.

(10) The Drug Treatment Fund is a special fund in the State treasury. Moneys in the Fund shall be expended as provided in Section 411.2 of the Illinois Controlled Substances Act.

(11) The Violent Crime Victims Assistance Fund is a special fund in the State treasury to provide moneys for the grants to be awarded under the Violent Crime Victims Assistance Act.

(12) The Criminal Justice Information Projects Fund shall be appropriated to and administered by the Illinois Criminal Justice Information Authority for distribution to fund Department of State Police drug task forces and Metropolitan Enforcement Groups, for the costs associated with making grants from the Prescription Pill and Drug Disposal Fund, for undertaking criminal justice information projects, and for the operating and other expenses of the Authority incidental to those criminal justice information projects. The moneys deposited into the Criminal Justice Information Projects Fund under Sections 15-15 and 15-35 of this Act shall be appropriated to and administered by the Illinois Criminal Justice Information Authority for distribution to fund Department of State Police drug task forces and Metropolitan Enforcement Groups by dividing the funds equally by the total number of Department of State Police drug task forces and Illinois Metropolitan Enforcement Groups.

(13) The Sexual Assault Services Fund shall be appropriated to the Department of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall make grants of these moneys to sexual assault organizations with whom the Department has contracts for the purpose of providing community-based services to victims of sexual assault. Grants are in addition to, and are not substitutes for, other grants authorized and made by the Department.

(14) The County Jail Medical Costs Fund is to help defray the costs outlined in Section 17 of the County Jail Act. Moneys in the Fund shall be used solely for reimbursement to the county of costs for medical expenses and administration of the Fund.

(15) The Prisoner Review Board Vehicle and Equipment Fund is a special fund in the State treasury. The Prisoner Review Board shall, subject to appropriation by the General Assembly and approval by the Secretary, use all moneys in the Prisoner Review Board Vehicle and Equipment Fund for the purchase and operation of vehicles and equipment.



(16) In each county in which a Children's Advocacy Center provides services, a Child Advocacy Center Fund, specifically for the operation and administration of the Children's Advocacy Center, from which the county board shall make grants to support the activities and services of the Children's Advocacy Center within that county.

Article 15. Assessment Schedules

Section 15-5. SCHEDULE 1; generic felony offenses.

SCHEDULE 1: Unless assessments are imposed by the court under another schedule of this Act, for a felony offense, the Clerk of the Circuit Court shall collect \$549 and remit

as follows:

(1) As the county's portion, \$354 to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$255 into the county's General Fund;

(E) \$10 into the Child Advocacy Center Fund;

(F) \$2 into the State's Attorney Records Automation Fund;

(G) \$2 into the Public Defender Records Automation Fund;

(H) \$20 into the County Jail Medical Costs Fund; and

(I) \$20 into the Probation and Court Services Fund.

(2) As the State's portion, \$195 to the State Treasurer, who shall deposit the money

as follows:

(A) \$50 into the State Police Operations Assistance Fund;

(B) \$100 into the Violent Crime Victims Assistance Fund;

(C) \$10 into the State Police Merit Board Public Safety Fund; and

(D) \$35 into the Traffic and Criminal Conviction Surcharge Fund. Section 15-10. SCHEDULE 2; felony DUI offenses. SCHEDULE 2: For a felony under Section 11-501 of the Illinois Vehicle Code, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision of a local ordinance, the Clerk of the Circuit Court shall collect \$1,709 and remit

as follows:

(1) As the county's portion, \$399 to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$300 into the county's General Fund;

(E) \$10 into the Child Advocacy Center Fund;

(F) \$2 into the State's Attorney Records Automation Fund;

(G) \$2 into the Public Defender Records Automation Fund;

(H) \$20 into the County Jail Medical Costs Fund; and

(I) \$20 into the Probation and Court Services Fund.

(2) As the State's portion, \$1,110 to the State Treasurer, who shall deposit the money

as follows:

(A) \$730 into the State Police Operations Assistance Fund;

(B) \$5 into the Drivers Education Fund;

(C) \$100 into the Trauma Center Fund;

(D) \$5 into the Spinal Cord Injury Paralysis Cure Research Trust Fund;

(E) \$5 into the State Police Merit Board Public Safety Fund;

(F) \$160 into the Traffic and Criminal Conviction Surcharge Fund;

(G) \$5 into the Law Enforcement Camera Grant Fund; and

(H) \$100 into the Violent Crime Victims Assistance Fund.

(3) As the arresting agency's portion, \$200 to the treasurer of the unit of local government of the arresting agency, who shall deposit the money into the DUI Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.

Section 15-15. SCHEDULE 3; felony drug offenses. SCHEDULE 3: For a felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, the Clerk of the Circuit Court shall collect \$2,215 and remit

as follows:

(1) As the county's portion, \$354 to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$255 into the county's General Fund;

(E) \$10 into the Child Advocacy Center Fund;

(F) \$2 into the State's Attorney Records Automation Fund;

(G) \$2 into the Public Defender Records Automation Fund;

(H) \$20 into the County Jail Medical Costs Fund; and

(I) \$20 into the Probation and Court Services Fund.

(2) As the State's portion, \$1,861 to the State Treasurer, who shall deposit the money

as follows:

(A) \$50 into the State Police Operations Assistance Fund;

(B) \$100 into the Violent Crime Victims Assistance Fund;

(C) \$100 into the Trauma Center Fund; and

(D) \$5 into the Spinal Cord Injury Paralysis Cure Research Trust Fund;

(E) \$1,500 into the Drug Treatment Fund;

(F) \$5 into the State Police Merit Board Public Safety Fund;

(G) \$38 into the Prescription Pill and Drug Disposal Fund;

(H) \$28 into the Criminal Justice Information Projects Fund; and

(I) \$35 into the Traffic and Criminal Conviction Surcharge Fund. Section 15-20. SCHEDULE 4; felony sex offenses. SCHEDULE 4: For a felony or attempted felony under Article 11 or Section 12-33 of the Criminal Code of 2012, the Clerk of the Circuit Court shall collect \$1,314 and remit

as follows:

(1) As the county's portion, \$354 to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$255 into the county's General Fund;

(E) \$10 into the Child Advocacy Center Fund;

(F) \$2 into the State's Attorney Records Automation Fund;

(G) \$2 into the Public Defender Records Automation Fund;

(H) \$20 into the County Jail Medical Costs Fund; and

(I) \$20 into the Probation and Court Services Fund.

(2) As the State's portion, \$960 to the State Treasurer, who shall deposit the money

as follows:

(A) \$520 into the State Police Operations Assistance Fund;

(B) \$100 into the Violent Crime Victims Assistance Fund;

(C) \$200 into the Sexual Assault Services Fund;

(D) \$100 into the Domestic Violence Shelter and Services Fund;

(E) \$5 into the State Police Merit Board Public Safety Fund; and

(F) \$35 into the Traffic and Criminal Conviction Surcharge Fund. Section 15-25. SCHEDULE 5; generic misdemeanor offenses.

SCHEDULE 5: Unless assessments are imposed under another

schedule of this Act, for a misdemeanor offense, the Clerk of the Circuit Court shall collect \$439 and remit

as follows:

(1) As the county's portion, \$282 to the county treasurer, who shall deposit the money

as follows:

- (A) \$20 into the Court Automation Fund;
- (B) \$20 into the Court Document Storage Fund;
- (C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;
- (D) \$8 into the Circuit Court Clerk Electronic Citation Fund;
- (E) \$185 into the county's General Fund;
- (F) \$10 into the Child Advocacy Center Fund;
- (G) \$2 into the State's Attorney Records Automation Fund;
- (H) \$2 into the Public Defender Records Automation Fund;
- (I) \$10 into the County Jail Medical Costs Fund; and
- (J) \$20 into the Probation and Court Services Fund.

(2) As the State's portion, \$155 to the State Treasurer, who shall deposit the money

as follows:

- (A) \$50 into the State Police Operations Assistance Fund;
- (B) \$10 into the State Police Merit Board Public Safety Fund;
- (C) \$75 into the Violent Crime Victims Assistance Fund; and
- (D) \$20 into the Traffic and Criminal Conviction Surcharge Fund.

(3) As the arresting agency's portion, \$2, to the treasurer of the unit of local government of the arresting agency, who shall deposit the money into the E-citation Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.

Section 15-30. SCHEDULE 6; misdemeanor DUI offenses.

SCHEDULE 6: For a misdemeanor under Section 11-501 of the Illinois Vehicle Code, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision of a local ordinance, the Clerk of the Circuit Court shall collect \$1,381 and remit

as follows:

(1) As the county's portion, \$322 to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$8 into the Circuit Court Clerk Electronic Citation Fund;

(E) \$225 into the county's General Fund;

(F) \$10 into the Child Advocacy Center Fund;

(G) \$2 into the State's Attorney Records Automation Fund;

(H) \$2 into the Public Defenders Records Automation Fund;

(I) \$10 into the County Jail Medical Costs Fund; and

(J) \$20 into the Probation and Court Services Fund.

(2) As the State's portion, \$707 to the State Treasurer, who shall deposit the money

as follows:

(A) \$330 into the State Police Operations Assistance Fund;

(B) \$5 into the Drivers Education Fund;

(C) \$5 into the State Police Merit Board Public Safety Fund;

(D) \$100 into the Trauma Center Fund;

(E) \$5 into the Spinal Cord Injury Paralysis Cure Research Trust Fund;

(F) \$22 into the Fire Prevention Fund;

(G) \$160 into the Traffic and Criminal Conviction Surcharge Fund;

(H) \$5 into the Law Enforcement Camera Grant Fund; and

(I) \$75 into the Violent Crime Victims Assistance Fund.

(3) As the arresting agency's portion, \$352

as follows, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:

(A) if the arresting agency is a local agency to the treasurer of the unit of local government of the arresting agency, who shall deposit the money

as follows:

(i) \$2 into the E-citation Fund of the unit of local government; and

(ii) \$350 into the DUI Fund of the unit of local government; or

(B) as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency. Section 15-35. SCHEDULE 7; misdemeanor drug offenses.

SCHEDULE 7: For a misdemeanor under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, the Clerk of the Circuit Court shall collect \$905 and remit as follows:

(1) As the county's portion, \$282 to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$8 into the Circuit Court Clerk Electronic Citation Fund;

(E) \$185 into the county's General Fund;

(F) \$10 into the Child Advocacy Center Fund;

(G) \$2 into the State's Attorney Records Automation Fund;

(H) \$2 into the Public Defenders Records Automation Fund;

(I) \$10 into the County Jail Medical Costs Fund; and

(J) \$20 into the Probation and Court Services Fund.

(2) As the State's portion, \$621 to the State Treasurer, who shall deposit the money

as follows:

(A) \$50 into the State Police Operations Assistance Fund;

- (B) \$75 into the Violent Crime Victims Assistance Fund;
- (C) \$100 into the Trauma Center Fund;
- (D) \$5 into the Spinal Cord Injury Paralysis Cure Research Trust Fund;
- (E) \$300 into the Drug Treatment Fund;
- (F) \$38 into the Prescription Pill and Drug Disposal Fund;
- (G) \$28 into the Criminal Justice Information Projects Fund;
- (H) \$5 into the State Police Merit Board Public Safety Fund; and
- (I) \$20 into the Traffic and Criminal Conviction Surcharge Fund.

(3) As the arresting agency's portion, \$2, to the treasurer of the unit of local government of the arresting agency, who shall deposit the money into the E-citation Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.

Section 15-40. SCHEDULE 8; misdemeanor sex offenses.

SCHEDULE 8: For a misdemeanor or attempted misdemeanor under

Article 11 of the Criminal Code of 2012, the Clerk of the Circuit Court shall collect \$1,184 and remit

as follows:

(1) As the county's portion, \$282 to the county treasurer, who shall deposit the money

as follows:

- (A) \$20 into the Court Automation Fund;
- (B) \$20 into the Court Document Storage Fund;
- (C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;
- (D) \$8 into the Circuit Court Clerk Electronic Citation Fund;
- (E) \$185 into the county's General Fund;
- (F) \$10 into the Child Advocacy Center Fund;
- (G) \$2 into the State's Attorney Records Automation Fund;
- (H) \$2 into the Public Defenders Records Automation Fund;



(I) \$10 into the County Jail Medical Costs Fund; and

(J) \$20 into the Probation and Court Services Fund.

(2) As the State's portion, \$900 to the State Treasurer, who shall deposit the money

as follows:

(A) \$500 into the State Police Operations Assistance Fund;

(B) \$75 into the Violent Crime Victims Assistance Fund;

(C) \$200 into the Sexual Assault Services Fund;

(D) \$100 into the Domestic Violence Shelter and Service Fund;

(E) \$5 into the State Police Merit Board Public Safety Fund; and

(F) \$20 into the Traffic and Criminal Conviction Surcharge Fund.

(3) As the arresting agency's portion, \$2, to the treasurer of the unit of local government of the arresting agency, who shall deposit the money into the E-citation Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.

Section 15-45. SCHEDULE 9; major traffic offenses.

SCHEDULE 9: For a major traffic offense, the Clerk of the Circuit Court shall collect \$325 plus, if applicable, the amount established under paragraph (1.5) of this Section and remit

as follows:

(1) As the county's portion, \$203 to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) \$150 into the county's General Fund. (1.5) In a county with a population of 3,000,000 or more, the county board may by ordinance or resolution establish an additional assessment not to exceed \$37 to be remitted to the county treasurer of which \$5 shall be deposited into the Court Automation Fund, \$5 shall be deposited into the Court Document Storage Fund, \$2 shall be deposited into the State's Attorneys Records Automation Fund, \$2 shall be deposited into the Public

Defenders Records Automation Fund, \$10 shall be deposited into the Probation and Court Services Fund, and the remainder shall be used for purposes related to the operation of the court system.

(2) As the State's portion, \$97 to the State Treasurer, who shall deposit the money

as follows:

- (A) \$20 into the State Police Operations Assistance Fund;
- (B) \$5 into the Drivers Education Fund;
- (C) \$5 into the State Police Merit Board Public Safety Fund;
- (D) \$22 into the Fire Prevention Fund;
- (E) \$40 into the Traffic and Criminal Conviction Surcharge Fund; and
- (F) \$5 into the Violent Crime Victims Assistance Fund.

(3) As the arresting agency's portion, \$25, to the treasurer of the unit of local government of the arresting agency, who shall deposit the money

as follows:

(A) \$2 into the E-citation Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.

(B) \$23 into the General Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally. Section 15-50. SCHEDULE 10; minor traffic offenses.

SCHEDULE 10: For a minor traffic offense, the Clerk of the Circuit Court shall collect \$226 plus, if applicable, the amount established under paragraph (1.5) of this Section and remit

as follows:

(1) As the county's portion, \$168 to the county treasurer, who shall deposit the money

as follows:

- (A) \$20 into the Court Automation Fund;
- (B) \$20 into the Court Document Storage Fund;
- (C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;
- (D) \$8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) \$115 into the county's General Fund. (1.5) In a county with a population of 3,000,000 or more, the county board may by ordinance or resolution establish an additional assessment not to exceed \$28 to be remitted to the county treasurer of which \$5 shall be deposited into the Court Automation Fund, \$5 shall be deposited into the Court Document Storage Fund, \$2 shall be deposited into the State's Attorneys Records Automation Fund, \$2 shall be deposited into the Public Defenders Records Automation Fund, \$10 shall be deposited into the Probation and Court Services Fund, and the remainder shall be used for purposes related to the operation of the court system.

(2) As the State's portion, \$46 to the State Treasurer, who shall deposit the money

as follows:

- (A) \$10 into the State Police Operations Assistance Fund;
- (B) \$5 into the State Police Merit Board Public Safety Fund;
- (C) \$4 into the Drivers Education Fund;
- (D) \$20 into the Traffic and Criminal Conviction Surcharge Fund;
- (E) \$4 into the Law Enforcement Camera Grant Fund; and
- (F) \$3 into the Violent Crime Victims Assistance Fund.

(3) As the arresting agency's portion, \$12, to the treasurer of the unit of local government of the arresting agency, who shall deposit the money

as follows:

- (A) \$2 into the E-citation Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.
- (B) \$10 into the General Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally. Section 15-52. SCHEDULE 10.5; truck weight and load offenses.

SCHEDULE 10.5: For an offense under paragraph (1), (2), or (3) of subsection (d) of Section 3-401 or Section 15-111 of the Illinois Vehicle Code, the Clerk of the Circuit Court shall collect \$260 and remit

as follows:

(1) As the county's portion, \$168 to the county treasurer, who shall deposit the money

as follows:

- (A) \$20 into the Court Automation Fund;
- (B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) \$115 into the county's General Fund.

(2) As the State's portion, \$92 to the State Treasurer, who shall deposit the money

as follows:

(A) \$31 into the State Police Merit Board Public Safety Fund, regardless of the type of overweight citation or arresting law enforcement agency;

(B) \$31 into the Traffic and Criminal Conviction Surcharge Fund; and

(C) \$30 to the State Police Operations Assistance Fund. Section 15-55. SCHEDULE 11; conservation offenses.

SCHEDULE 11: For a conservation offense, the Clerk of the Circuit Court shall collect \$195 and remit

as follows:

(1) As the county's portion, \$168, to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) \$115 into the county's General Fund.

(2) As the State's portion, \$25, to the State Treasurer, who shall deposit the money into the Conservation Police Operations Assistance Fund.

(3) As the arresting agency's portion, \$2, to the treasurer of the unit of local government of the arresting agency, who shall deposit the money into the E-citation Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.

Section 15-60. SCHEDULE 12; dispositions under Supreme Court Rule 529. SCHEDULE 12: For a disposition under Supreme Court Rule 529, the Clerk of the Circuit Court shall collect \$164 and remit

as follows:

(1) As the county's portion, \$100, to the county treasurer, who shall deposit the money

as follows:

- (A) \$20 into the Court Automation Fund;
  - (B) \$20 into the Court Document Storage Fund;
  - (C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;
  - (D) \$8 into the Circuit Court Clerk Electronic Citation Fund; and
  - (E) \$47 into the county's General Fund.
- (2) As the State's portion, \$14 to the State Treasurer, who shall deposit the money

as follows:

- (A) \$3 into the Drivers Education Fund;
- (B) \$2 into the State Police Merit Board Public Safety Fund;
- (C) \$4 into the Traffic and Criminal Conviction Surcharge Fund;
- (D) \$1 into the Law Enforcement Camera Grant Fund; and
- (E) \$4 into the Violent Crime Victims Assistance Fund.

(3) As the arresting agency's portion, \$50

as follows, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:

(A) if the arresting agency is a local agency to the treasurer of the unit of local government of the arresting agency, who shall deposit the money

as follows:

(i) \$2 into the E-citation Fund of the unit of local government; and

(ii) \$48 into the General Fund of the unit of local government; or

(B) as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency. Section 15-65. SCHEDULE 13; non-traffic violations.

SCHEDULE 13: For a petty offense, business offense, or non-traffic ordinance violation, the Clerk of the Circuit Court shall collect \$100 and remit

as follows:

(1) As the county's portion, \$75, to the county treasurer, who shall deposit the money

as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) \$22 into the county's General Fund.

(2) As the arresting agency's portion, \$25

as follows, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:

(A) if the arresting agency is a local agency to the treasurer of the unit of local government of the arresting agency, who shall deposit the money

as follows:

(i) \$2 into the E-citation Fund of the unit of local government; and

(ii) \$23 into the General Fund of the unit of local government; or

(B) as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency. Section 15-70. Conditional Assessments. In addition to payments under one of the Schedule of Assessments 1 through 13 of this Act, the court shall also order payment of any of the following conditional assessment amounts for each sentenced violation in the case to which a conditional assessment is applicable, which shall be collected and remitted by the Clerk of the Circuit Court as provided in this Section:

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

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

(A) if the arresting agency is an agency of a unit of local government \$500 to the treasurer of the unit of local government for deposit into the unit of local government's General Fund, except that if the Department of State Police provides digital or electronic forensic examination assistance, or both, to the arresting agency then \$100 to the State Treasurer for deposit into the State Crime Laboratory Fund; or

(B) if the arresting agency is the Department of State Police remitted to the State Treasurer for deposit into the State Crime Laboratory Fund;

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

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

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

(6) drug-related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance, other than methamphetamine, as defined in the Cannabis Control Act or the Illinois Controlled Substances Act, an amount not less than the full street value of the cannabis or controlled substance seized for each conviction to be disbursed

as follows:

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

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

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

(D) if the arrest was made in combination with multiple law enforcement agencies, the clerk shall equitably allocate the portion in subparagraph (C) of this paragraph (6) among the law enforcement agencies involved in the arrest; (6.5) Kane County or Will County, in felony, misdemeanor, local or county ordinance, traffic, or conservation cases, up to \$30 as set by the county board under Section 5-1101.3 of the Counties Code upon the entry of a judgment of conviction, an order of supervision, or a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, or Section 10 of the Steroid Control Act; except in local or county ordinance, traffic, and conservation cases, if fines are paid in full without a court appearance, then the assessment shall not be imposed or collected. Distribution of assessments collected under this paragraph (6.5) shall be as provided in Section 5-1101.3 of the Counties Code;

(7) methamphetamine-related offense involving possession or delivery of methamphetamine or any salt of an optical isomer of methamphetamine or possession of a methamphetamine manufacturing material as set forth in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to manufacture a substance containing methamphetamine or salt of an optical isomer of methamphetamine, an amount not less than the full street value of the methamphetamine or salt of an optical isomer of methamphetamine or methamphetamine manufacturing materials seized for each conviction to be disbursed as follows:

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

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

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

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

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

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

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

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

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

(11) speeding in a construction zone violation, \$250 to the State Treasurer for deposit into the Transportation Safety Highway Hire-back Fund, unless (i) the violation occurred on a highway other than an interstate highway and

(ii) a county police officer wrote the ticket for the violation, in which case to the county treasurer for deposit into that county's Transportation Safety Highway Hire-back Fund;

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

(13) victim and offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 and offender pleads guilty or no contest to or is convicted of murder, voluntary manslaughter, involuntary manslaughter, burglary, residential burglary, criminal trespass to residence, criminal trespass to vehicle, criminal trespass to land, criminal damage to property, telephone harassment, kidnapping, aggravated kidnaping, unlawful restraint, forcible detention, child abduction, indecent solicitation of a child, sexual relations between siblings, exploitation of a child, child pornography, assault, aggravated assault, battery, aggravated battery, heinous battery, aggravated battery of a child, domestic battery, reckless conduct, intimidation, criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, violation of an order of protection, disorderly conduct, endangering the life or health of a child, child abandonment, contributing to dependency or neglect of child, or cruelty to children and others, \$200 for each sentenced violation to the State Treasurer for deposit

as follows: (i) for sexual assault, as defined in Section 5-9-1.7 of the Unified Code of Corrections, when the offender and victim are family members, one-half to the Domestic Violence Shelter and Service Fund, and one-half to the Sexual Assault Services Fund; (ii) for the remaining offenses to the Domestic Violence Shelter and Service Fund;



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

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

(16) violation of reckless driving, aggravated reckless driving, or driving 26 miles per hour or more in excess of the speed limit that triggered an emergency response, \$1,000 maximum reimbursement for the emergency response to be distributed in its entirety to a public agency that provided an emergency response related to the person's violation, and if more than one agency responded, the amount payable to public agencies shall be shared equally;

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

as follows:

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

(17);

(B) \$300 to the State Treasurer who shall deposit the portion

as follows:

(i) if the arresting or investigating agency is the Department of State Police, into the State Police Operations Assistance Fund;

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

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

(iv) if the arresting or investigating agency is the Illinois Commerce Commission, into the Public Utility Fund; or

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

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

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

Article 20. Repeal

Section 20-5. Repeal. This Act is repealed on January 1, 2021.

Article 900. Amendatory Provisions effective July 1, 2018

Section 900-5. The Unified Code of Corrections is amended by changing Sections 5-9-1.1 and 5-9-1.1-5

as follows: (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1) (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234, 97-545, 98-537, and 99-480)

Sec. 5-9-1.1. Drug related offenses.

(a) When a person has been adjudged guilty of a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance, other than methamphetamine, as defined in the Cannabis Control Act, as amended, or the Illinois Controlled Substances Act, as amended, in addition to any other penalty imposed, a fine shall be levied by the court at not less than the full street value of the cannabis or controlled substances seized.

"Street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the cannabis or controlled substance seized.

(b) In addition to any penalty imposed under subsection (a) of this Section, a fine of \$100 shall be levied by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Trauma Center Fund for distribution as provided under Section 3.225 of the Emergency Medical Services (EMS) Systems Act.

(c) In addition to any penalty imposed under subsection (a) of this Section, a fee of \$5 shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

~~(d) **Blank**. In addition to any penalty imposed under subsection (a) of this Section for a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, a fee of \$50 shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Performance-enhancing Substance Testing Fund. This additional fee of \$50 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. The provisions of this subsection (d), other than this sentence, are inoperative after June 30, 2011.~~

(e) In addition to any penalty imposed under subsection (a) of this Section, a \$25 assessment shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer for deposit into the Criminal Justice Information Projects Fund. The moneys deposited into the Criminal Justice Information Projects Fund under this Section shall be appropriated to and administered by the Illinois Criminal Justice Information Authority

for **distribution to fund Department of State Police** ~~of drug task forces and Metropolitan Enforcement Groups~~ **by dividing the funds equally by the total number of Department of State Police drug task forces and Illinois Metropolitan Enforcement Groups.**

(f) In addition to any penalty imposed under subsection (a) of this Section, a \$40 assessment shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk. Of the collected proceeds, (i) 90% shall be remitted to the State Treasurer for deposit into the Prescription Pill and Drug Disposal Fund; (ii) 5% shall be remitted for deposit into the Criminal Justice Information Projects Fund, for use by the Illinois Criminal Justice Information Authority for the costs associated with making grants from the Prescription Pill and Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5% for deposit into the Circuit Court Clerk Operation and Administrative Fund for the costs associated with administering this subsection. (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.) (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234, 97-545, 98-537, and 99-480)

Sec. 5-9-1.1. Drug related offenses.

(a) When a person has been adjudged guilty of a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, in addition to any other penalty imposed, a fine shall be levied by the court at not less than the full street value of the cannabis or controlled substances seized.

"Street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the cannabis or controlled substance seized.

(b) In addition to any penalty imposed under subsection (a) of this Section, a fine of \$100 shall be levied by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Trauma Center Fund for distribution as provided under Section 3.225 of the Emergency Medical Services (EMS) Systems Act.

(c) In addition to any penalty imposed under subsection (a) of this Section, a fee of \$5 shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

~~(d) (Blank). In addition to any penalty imposed under subsection (a) of this Section for a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, a fee of \$50 shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Performance-enhancing Substance Testing Fund. This additional fee of \$50 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. The provisions of this subsection (d), other than this sentence, are inoperative after June 30, 2011.~~

(e) In addition to any penalty imposed under subsection (a) of this Section, a \$25 assessment shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer for deposit into the Criminal Justice Information Projects Fund. The moneys deposited into the Criminal Justice Information Projects Fund under this Section shall be appropriated to and administered by the Illinois Criminal Justice Information Authority

for **distribution to fund Department of State Police** ~~funding of~~ drug task forces and Metropolitan Enforcement Groups by **dividing the funds equally by the total number of Department of State Police drug task forces and Illinois Metropolitan Enforcement Groups.**

(f) In addition to any penalty imposed under subsection (a) of this Section, a \$40 assessment shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk. Of the collected proceeds, (i) 90% shall be remitted to the State Treasurer for deposit into the Prescription Pill and Drug Disposal Fund; (ii) 5% shall be remitted for deposit into the Criminal Justice Information Projects Fund, for use by the Illinois Criminal Justice Information Authority for the costs associated with making grants from the Prescription Pill and Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5% for deposit into the Circuit Court Clerk Operation and Administrative Fund for the costs associated with administering this subsection. (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.) (730 ILCS 5/5-9-1.1-5)

Sec. 5-9-1.1-5. Methamphetamine related offenses.

(a) When a person has been adjudged guilty of a methamphetamine related offense involving possession or delivery of methamphetamine or any salt of an optical isomer of methamphetamine or possession of a methamphetamine manufacturing material as set forth in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to manufacture a substance containing methamphetamine or salt of an optical isomer of methamphetamine, in addition to any other penalty imposed, a fine shall be levied by the court at not less than the full street value of the methamphetamine or salt of an optical isomer of methamphetamine or methamphetamine manufacturing materials seized.

"Street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the methamphetamine or salt of an optical isomer of methamphetamine or methamphetamine manufacturing materials seized.

(b) In addition to any penalty imposed under subsection (a) of this Section, a fine of \$100 shall be levied by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Methamphetamine Law Enforcement Fund and allocated as provided in subsection (d) of Section 5-9-1.2.

(c) In addition to any penalty imposed under subsection (a) of this Section, a \$25 assessment shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer for deposit into the Criminal Justice Information Projects Fund. The moneys deposited into the Criminal Justice Information Projects Fund under this Section shall be appropriated to and administered by the Illinois Criminal Justice Information Authority for **distribution to fund the Department of State Police** ~~funding of~~ drug task forces and Metropolitan Enforcement Groups by **dividing the funds equally by the total number of Department of State Police drug task forces and Metropolitan Enforcement Groups.**

(d) In addition to any penalty imposed under subsection (a) of this Section, a \$40 assessment shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk. Of the collected proceeds, (i) 90% shall be remitted to the State Treasurer for deposit into the Prescription Pill and Drug Disposal Fund; (ii) 5% shall be remitted for deposit into the Criminal Justice Information Projects Fund, for use by the Illinois Criminal Justice Information Authority for the costs associated with making grants from the Prescription Pill and Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5% for deposit into the Circuit Court Clerk Operation and Administrative Fund for the costs associated with administering this subsection. (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.)

Article 905. Amendatory Provisions effective July 1, 2019

Section 905-5. The Domestic Violence Shelters Act is amended by changing Section 3.2

as follows: (20 ILCS 1310/3.2) (from Ch. 40, par. 2403.2)

Sec. 3.2. All funds collected pursuant to P.A. 82-645, which are held in escrow for refund and for which a refund is not approved by September 1, 1988, shall be forwarded to the State Treasurer for deposit into the Domestic Violence Shelter and Service Fund. The Domestic Violence Shelter and Service Fund shall also include ~~assessments fines~~ received by the State Treasurer from circuit clerks ~~under the Criminal and Traffic Assessment Act in accordance with Section 5-9-1.5 of the Unified Code of Corrections~~. Monies deposited in the Fund pursuant to this Section and the income tax check-off for the Domestic Violence Shelter and Service Fund authorized by Section 507F of the Illinois Income Tax Act shall be appropriated to the Department of Human Services for the purpose of providing services specified by this Act; however, the Department may waive the matching funds requirement of this Act with respect to such monies. Any such waiver shall be uniform throughout the State. This amendatory Act of 1987 applies to all funds collected pursuant to PA 82-645, held in escrow and for which no refund is approved by September 1, 1988, whether those funds are administered by the State, a county, a court, or any other unit or agency of government. (Source: P.A. 89-507, eff. 7-1-97.)

Section 905-10. The Burn Victims Relief Act is amended by changing Section 10

as follows: (20 ILCS 1410/10)

Sec. 10. Payments to the George Bailey Memorial Fund. The George Bailey Memorial Fund is created as a special fund in the State treasury. ~~The George Bailey Memorial Fund shall be funded pursuant to subsection (p) of Section 27.6 of the Clerks of Courts Act and Section 16-104d of the Illinois Vehicle Code.~~ Funds received under Section 16-104d of the Illinois Vehicle Code shall be repaid in full to the Fire Truck Revolving Loan Fund, without the deduction of the 20% administrative fee authorized in subsection (b) of Section 5, upon receipt by the George Bailey Memorial Fund from the person or his or her estate, trust, or heirs of any moneys from a settlement for the injury that is the proximate cause of the person's disability under this Act or moneys received from Social Security disability benefits. Moneys in the George Bailey Memorial Fund may only be used for the purposes set forth in this Act. (Source: P.A. 99-455, eff. 1-1-16.)

Section 905-15. The State Police Act is amended by changing

Section 7.2

as follows: (20 ILCS 2610/7.2)

Sec. 7.2. State Police Merit Board Public Safety Fund.

(a) A special fund in the State treasury is hereby created which shall be known as the State Police Merit Board Public Safety Fund. The Fund shall be used by the State Police Merit Board to provide a cadet program for State Police personnel and to meet all costs associated with the functions of the State Police Merit Board. Notwithstanding any other law to the contrary, the State Police Merit Board Public Safety Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amounts from the State Police Merit Board Public Safety Fund into any other fund of the State.

(b) The Fund may receive State appropriations, gifts, grants, and federal funds and shall include earnings from the investment of moneys in the Fund.

(c) The administration of this Fund shall be the responsibility of the State Police Merit Board. The Board shall establish terms and conditions for the operation of the Fund. The Board shall establish and implement fiscal controls and accounting periods for programs operated using the Fund. All fees or moneys received by the State Treasurer under **the Criminal and Traffic Assessment Act** subsection (n) of Section 27.6 of the Clerks of Courts Act shall be deposited into the Fund. The moneys deposited in the State Police Merit Board Public Safety Fund shall be appropriated to the State Police Merit Board for expenses of the Board for the administration and conduct of all its programs for State Police personnel. (Source: P.A. 97-1051, eff. 1-1-13.)

Section 905-20. The Illinois Criminal Justice Information Act is amended by changing Section 9.1

as follows: (20 ILCS 3930/9.1)

Sec. 9.1. Criminal Justice Information Projects Fund. The Criminal Justice Information Projects Fund is hereby created as a special fund in the State Treasury. Grants and other moneys obtained by the Authority from governmental entities (other than the federal government), private sources, and not-for-profit organizations for use in investigating criminal justice issues or undertaking other criminal justice information projects shall be deposited into the Fund. Moneys in the Fund may be used by the Authority, subject to appropriation, for undertaking such projects and for the operating and other expenses of the Authority incidental to those projects, **and for the costs associated with making grants from the Prescription Pill and Drug Disposal Fund. The moneys deposited into the Criminal Justice Information Projects Fund under Sections 15-15 and 15-35 of the Criminal and Traffic Assessment Act shall be appropriated to and administered by the Illinois Criminal Justice Information Authority for distribution to fund Department of State Police drug task forces and Metropolitan Enforcement Groups by dividing the funds equally by the total number of Department of State Police drug task forces and Illinois Metropolitan Enforcement Groups.** (Source: P.A. 88-538.)

Section 905-25. The State Finance Act is amended by changing Sections 6b-4, 6z-82, 6z-87, 8p, and 8q and by adding Sections 5.886 and 6z-105

as follows: (30 ILCS 105/5.886 new)

**Sec. 5.886. The State Police Law Enforcement Administration Fund.**

(30 ILCS 105/6b-4) (from Ch. 127, par. 142b4)

Sec. 6b-4. On the second Monday of every month, the Director of Public Health shall certify to the State Comptroller and the State Treasurer the amount generated by the issuance of commemorative birth certificates under subsection

(14) of Section 25 of the Vital Records Act in excess of the costs incurred in issuing the documents. Within 15 days of receipt of the certification required by this Section, the State Comptroller and the State Treasurer shall transfer from the General Revenue Fund, one-half of the amount certified as being received from the issuance of commemorative birth certificates to the Child Abuse Prevention Fund and one-half of the amount to the Domestic Violence Shelter and Service Fund.

The State Treasurer shall deposit into the Domestic Violence Shelter and Service Fund each **assessment received under the Criminal and Traffic Assessment Act** ~~fine received from circuit clerks under Section 5-9-1.5 of the Unified Code of Corrections~~ .

The State Treasurer shall deposit into the Sexual Assault Services Fund and the Domestic Violence Shelter and Service Fund each of those fines received from circuit clerks under Section 5-9-1.7 of the Unified Code of Corrections in accordance with the provisions of that Section. (Source: P.A. 87-791; 87-1072.) (30 ILCS 105/6z-82)

**Sec. 6z-82. State Police Operations Assistance Fund.**

(a) There is created in the State treasury a special fund known as the State Police Operations Assistance Fund. The Fund shall receive revenue **under the Criminal and Traffic Assessment Act pursuant to Section 27.3a of the Clerks of Courts Act** . The Fund may also receive revenue from grants, donations, appropriations, and any other legal source.

(b) The Department of State Police may use moneys in the Fund to finance any of its lawful purposes or functions.

(c) Expenditures may be made from the Fund only as appropriated by the General Assembly by law.

(d) Investment income that is attributable to the investment of moneys in the Fund shall be retained in the Fund for the uses specified in this Section.

(e) The State Police Operations Assistance Fund shall not be subject to administrative chargebacks.

(f) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2012, and until June 30, 2013, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of State Police, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the State Police Operations Assistance Fund from the designated funds not exceeding the following totals:

State Police Vehicle Fund.....\$2,250,000

State Police Wireless Service

Emergency Fund.....\$2,500,000 State Police Services Fund.....\$3,500,000 (Source: P.A. 96-1029, eff. 7-13-10; 97-333, eff. 8-12-11; 97-732, eff. 6-30-12.) (30 ILCS 105/6z-87)

**Sec. 6z-87. Conservation Police Operations Assistance Fund.**

(a) There is created in the State treasury a special fund known as the Conservation Police Operations Assistance Fund. The Fund shall receive revenue **under the Criminal and Traffic Assessment Act pursuant to Section 27.3a of the Clerks of Courts Act** . The Fund may also receive revenue from grants, donations, appropriations, and any other legal source.

(b) The Department of Natural Resources may use moneys in the Fund to support any lawful operations of the Illinois Conservation Police.

(c) Expenditures may be made from the Fund only as appropriated by the General Assembly by law.

(d) Investment income that is attributable to the investment of moneys in the Fund shall be retained in the Fund for the uses specified in this Section.

(e) The Conservation Police Operations Assistance Fund shall not be subject to administrative chargebacks. (Source: P.A. 97-46, eff. 7-1-12; 97-813, eff. 7-13-12.) (30 ILCS 105/6z-105 new)

**Sec. 6z-105. State Police Law Enforcement Administration Fund.**

(a) There is created in the State treasury a special fund known as the State Police Law Enforcement Administration Fund. The Fund shall receive revenue under subsection (c) of Section 10-5 of the Criminal and Traffic Assessment Act. The Fund may also receive revenue from grants, donations, appropriations, and any other legal source.

(b) The Department of State Police may use moneys in the Fund to finance any of its lawful purposes or functions; however, the primary purpose shall be to finance State Police cadet classes in May and October of each year.

(c) Expenditures may be made from the Fund only as appropriated by the General Assembly by law.

(d) Investment income that is attributable to the investment of moneys in the Fund shall be retained in the Fund for the uses specified in this Section.

(e) The State Police Law Enforcement Administration Fund shall not be subject to administrative chargebacks.

(30 ILCS 105/8p)

Sec. 8p. State Police Streetgang-Related Crime Fund.

(a) The State Police Streetgang-Related Crime Fund is created as a special fund in the State treasury.

(b) All moneys collected and payable to the Department of State Police ~~from the State Police Streetgang-Related Crime Fund under Section 5-9-1.19 of the Unified Code of Corrections shall be deposited into the State Police Streetgang-Related Crime Fund and~~ shall be appropriated to and administered by the Department of State Police for operations and initiatives to combat and prevent streetgang-related crime.

(c) The State Police Streetgang-Related Crime Fund shall not be subject to administrative chargebacks. (Source: P.A. 96-1029, eff. 7-13-10.) (30 ILCS 105/8q)

Sec. 8q. Illinois Department of Corrections Parole Division Offender Supervision Fund.

(a) The Illinois Department of Corrections Parole Division Offender Supervision Fund is created as a special fund in the State treasury.

(b) All moneys collected and payable to the Department of Corrections ~~and under Section 5-9-1.20 of the Unified Code of Corrections shall be~~ deposited into the Illinois Department of Corrections Parole Division Offender Supervision Fund ~~and~~ shall be appropriated to and administered by the Department of Corrections for operations and initiatives to combat and supervise paroled offenders in the community.

(c) The Illinois Department of Corrections Parole Division Offender Supervision Fund shall not be subject to administrative chargebacks. (Source: P.A. 97-262, eff. 8-5-11.)

Section 905-30. The State Property Control Act is amended by changing Section 7c

as follows: (30 ILCS 605/7c)

Sec. 7c. Acquisition of State Police vehicles. The State Police Vehicle Fund is created as a special fund in the State treasury. ~~The Fund shall consist of fees received pursuant to Section 16-104c of the Illinois Vehicle Code.~~ All moneys in the Fund, subject to appropriation, shall be used by the Department of State Police:



- (1) for the acquisition of vehicles for that Department; or
- (2) for debt service on bonds issued to finance the acquisition of vehicles for that Department. (Source: P.A. 94-839, eff. 6-6-06.)

Section 905-35. Illinois Police Training Act is amended by changing Section 9

as follows: (50 ILCS 705/9) (from Ch. 85, par. 509)

Sec. 9. A special fund is hereby established in the State Treasury to be known as the Traffic and Criminal Conviction Surcharge Fund ~~and shall be financed as provided in Section 9.1 of this Act and Section 5-9-1 of the Unified Code of Corrections, unless the fines, costs, or additional amounts imposed are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act~~ . Moneys in this Fund shall be expended

as follows:

- (1) a portion of the total amount deposited in the Fund may be used, as appropriated by the General Assembly, for the ordinary and contingent expenses of the Illinois Law Enforcement Training Standards Board;
- (2) a portion of the total amount deposited in the Fund shall be appropriated for the reimbursement of local governmental agencies participating in training programs certified by the Board, in an amount equaling 1/2 of the total sum paid by such agencies during the State's previous fiscal year for mandated training for probationary police officers or probationary county corrections officers and for optional advanced and specialized law enforcement or county corrections training; these reimbursements may include the costs for tuition at training schools, the salaries of trainees while in schools, and the necessary travel and room and board expenses for each trainee; if the appropriations under this paragraph (2) are not sufficient to fully reimburse the participating local governmental agencies, the available funds shall be apportioned among such agencies, with priority first given to repayment of the costs of mandatory training given to law enforcement officer or county corrections officer recruits, then to repayment of costs of advanced or specialized training for permanent police officers or permanent county corrections officers;
- (3) a portion of the total amount deposited in the Fund may be used to fund the Intergovernmental Law Enforcement Officer's In-Service Training Act, veto overridden October 29, 1981, as now or hereafter amended, at a rate and method to be determined by the board;
- (4) a portion of the Fund also may be used by the Illinois Department of State Police for expenses incurred in the training of employees from any State, county or municipal agency whose function includes enforcement of criminal or traffic law;
- (5) a portion of the Fund may be used by the Board to fund grant-in-aid programs and services for the training of employees from any county or municipal agency whose functions include corrections or the enforcement of criminal or traffic law;
- (6) for fiscal years 2013 through 2017 only, a portion of the Fund also may be used by the Department of State Police to finance any of its lawful purposes or functions; and
- (7) a portion of the Fund may be used by the Board, subject to appropriation, to administer grants to local law enforcement agencies for the purpose of purchasing bulletproof vests under the Law Enforcement Officer Bulletproof Vest Act. All payments from the Traffic and Criminal Conviction Surcharge Fund shall be made each year from moneys appropriated for the purposes specified in this Section. No more than 50% of any appropriation under this Act shall

be spent in any city having a population of more than 500,000. The State Comptroller and the State Treasurer shall from time to time, at the direction of the Governor, transfer from the Traffic and Criminal Conviction Surcharge Fund to the General Revenue Fund in the State Treasury such amounts as the Governor determines are in excess of the amounts required to meet the obligations of the Traffic and Criminal Conviction Surcharge Fund. (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14; 98-743, eff. 1-1-15; 99-78, eff. 7-20-15; 99-523, eff. 6-30-16.) (50 ILCS 705/9.1 rep.)

Section 905-37. Illinois Police Training Act is amended by repealing Section 9.1.

Section 905-40. The Counties Code is amended by changing Sections 3-6023, 4-2004, 4-2005, and 4-2006

as follows: (55 ILCS 5/3-6023) (from Ch. 34, par. 3-6023)

Sec. 3-6023. Attendance at courts. Each sheriff shall, in person or by deputy, county corrections officer, or court security officer, attend upon all courts held in his or her county when in session, and obey the lawful orders and directions of the court, and shall maintain the security of the courthouse. Court services customarily performed by sheriffs shall be provided by the sheriff or his or her deputies, county corrections officers, or court security officers, rather than by employees of the court, unless there are no deputies, county corrections officers, or court security officers available to perform such services. The expenses of the sheriff in carrying out his or her duties under this Section, including the compensation of deputies, county corrections officers, or court security officers assigned to such services, shall be paid to the county from fees collected pursuant to court order for services of the sheriff and from any court services fees collected by the county **under the Criminal and Traffic Assessment Act pursuant to Section 5-1103, as now or hereafter amended** . (Source: P.A. 89-685, eff. 6-1-97; 89-707, eff. 6-1-97.) (55 ILCS 5/4-2004) (from Ch. 34, par. 4-2004)

Sec. 4-2004. Collection and disposition of fines and forfeitures. It shall be the duty of State's attorneys to attend to the collection of all fines and forfeitures in criminal cases, and they shall, without delay, pay over all fines and forfeitures collected by them to the county treasurer to be deposited into the general corporate fund of the county, except as otherwise specifically provided by law ~~and except for such portion as is required by Section 9.1 of "The Illinois Police Training Act" and Section 5-9-1 of the "Unified Code of Corrections" to be paid into The Traffic and Criminal Conviction Surcharge Fund in the State Treasury, unless the fines and forfeitures are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act~~ . (Source: P.A. 86-962; 87-670.) (55 ILCS 5/4-2005) (from Ch. 34, par. 4-2005)

Sec. 4-2005. Payment of salaries; disposition of fees. The salaries of the State's attorneys, excepting that part which is to be paid out of the State treasury as now provided for by law, and the salaries of all Assistant State's attorneys shall be paid out of the general corporate fund of the county treasury of the county in which the State's attorney resides, on the order of the county board by the treasurer of the county: The fees which are now, or may hereafter, be provided by law to be paid by the defendant or defendants, as State's attorney's fees, shall be taxed as costs and all fees, fines, forfeitures and penalties shall be collected by the State's attorney, **except as otherwise specifically provided by law for those amounts required by Section 9.1 of the "Illinois Police Training Act" and Section 5-9-1 of the "Unified Code of Corrections" to be paid into The Traffic and Criminal Conviction Surcharge Fund and those amounts subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act** , and shall be paid by him directly into the county treasury to be deposited into the general corporate fund of the county. The county treasurer shall receipt therefor. (Source: P.A. 86-962; 87-670.) (55 ILCS 5/4-2006) (from Ch. 34, par. 4-2006)

Sec. 4-2006. Report of fees.

(a) It is hereby made the duty of all State's attorneys to report to the circuit court at such times as the court shall determine by rule, the payment and collection of all fees, fines, forfeitures and penalties and to satisfy the court by voucher or otherwise, that all fees, fines, forfeitures and penalties by them collected, **except as otherwise specifically provided by law**

~~for those amounts required by Section 9.1 of the Illinois Police Training Act and Section 5-9-1 of the Unified Code of Corrections to be paid into the Traffic and Criminal Conviction Surcharge Fund~~, have been duly paid over to the county treasurer, as required by Section 4-2005, and the State's attorney shall have no further interest in conviction fees, fines, forfeitures and penalties or moneys collected by virtue of such office. The court shall note the filing of the report and fix a day certain not less than 30 days thereafter, when objections in writing may be filed to such report by any one or more taxpayers of the county, and when objections are filed to such report a hearing may be had upon such report and objections at such time and in such manner as the court may direct and after such hearing the court may approve or disapprove of such report as justice may require, and make all proper orders in reference thereto, and if no objections have been filed, the court shall inspect such report and require the State's attorney to produce evidence in proof of his having paid over as required by law all fines and forfeitures collected by him; and if it appears to the court that any State's attorney has failed or refused to turn over the fines and forfeitures collected by him as required by law the court shall at once suspend him and appoint a State's attorney pro tempore to perform the duties of the office until such State's attorney shall have complied with the provisions of this Division or the orders of the court in regard thereto. The court, for the purpose of carrying out the provisions of this Section shall have the power to examine books and papers and to issue subpoenas to compel the appearance of persons and the production of books and records: Provided, however, no order entered under this Section shall be a bar to any proper proceedings against such State's attorney and his bondsman to require him to account for moneys collected and not paid over by him as required by law.

(b) Waiver of report of fees. The filing of the report of fees as provided by subsection (a) of this Section may be waived by written administrative order of the chief judge of the circuit upon written request and affidavit of the State's attorney of a county within the circuit that all fines, fees, forfeitures, and restitution are collected by the clerk of the circuit court and that none of those funds pass through the office of the State's attorney. (Source: P.A. 86-962; 87-1201.)

55 ILCS 5/3-4012 rep.

55 ILCS 5/4-2002 rep.

55 ILCS 5/4-2002.1 rep.

55 ILCS 5/5-1101 rep.

55 ILCS 5/5-1101.5 rep.

55 ILCS 5/5-1103 rep.

Section 905-43. The Counties Code is amended by repealing Sections 3-4012, 4-2002, 4-2002.1, 5-1101, 5-1101.5, and 5-1103.

Section 905-45. The Illinois Vehicle Code is amended by changing Sections 2-120, 11-501.01, 11-605, 11-605.1, 11-605.3, 11-1002.5, 15-113, and 16-105

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

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

(a) ~~Fines~~ Except as provided in subsection (f) of Section 11-605 and subsection (c) of Section 11-1002.5 of this Code, ~~fines~~ and penalties recovered under the provisions of this Act administered by the Secretary of State, except those fines, **assessments**, and penalties subject to disbursement by the circuit clerk under **the Criminal and Traffic Assessment Act** ~~Section 27.5 of the Clerks of Courts Act~~, shall be paid over and used

as follows:

1. For violations of this Act committed within the limits of an incorporated city or village, to the treasurer of the particular city or village, if arrested by the authorities of the city or village and reasonably prosecuted for all fines and penalties under this Act by the police officers and officials of the city or village.
2. For violations of this Act committed outside the limits of an incorporated city or village to the county treasurer of the court where the offense was committed.
3. For the purposes of this Act an offense for violation of any provision of this Act not committed upon the highway shall be deemed to be committed where the violator resides or where he has a place of business requiring some registration, permit or license to operate such business under this Act.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit with the proper official as defined in paragraph (a) of this Section, shall constitute misconduct in office and shall be grounds for removal therefrom. (Source: P.A. 95-302, eff. 1-1-08.) (625 ILCS 5/11-501.01)

Sec. 11-501.01. Additional administrative sanctions.

(a) After a finding of guilt and prior to any final sentencing or an order for supervision, for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(b) Any person who is found guilty of or pleads guilty to violating Section 11-501, including any person receiving a disposition of court supervision for violating that Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a county State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(c) ~~(Blank). Every person found guilty of violating Section 11-501, whose operation of a motor vehicle while in violation of that Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (i) of this Section.~~

(d) The Secretary of State shall revoke the driving privileges of any person convicted under Section 11-501 or a similar provision of a local ordinance.

(e) The Secretary of State shall require the use of ignition interlock devices for a period not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense of Section 11-501 or a similar provision of a local ordinance. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 for each month that he or she uses the device. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system, the amount of the fee, and the procedures, terms, and conditions relating to these fees. During the time period in which a person is required to install an ignition interlock device under this subsection (e), that person shall only operate vehicles in which ignition interlock devices have been installed, except as allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of this Code.

(f) **(Blank)**. In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating Section 11-501, including any person placed on court supervision for violating Section 11-501, shall be assessed \$750, payable to the circuit clerk, who shall distribute the money

as follows: \$350 to the law enforcement agency that made the arrest, and \$400 shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating Section 11-501 or a similar provision of a local ordinance, the fine shall be \$1,000, and the circuit clerk shall distribute \$200 to the law enforcement agency that made the arrest and \$800 to the State Treasurer for deposit into the General Revenue Fund. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (f) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of this Code, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Any moneys received by the Department of State Police under this subsection (f) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(g) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (f) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of this Code, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(h) Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(i) **(Blank)**. In addition to any other fine or penalty required by law, an individual convicted of a violation of Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed \$1,000 per public agency for each emergency response. As used in this subsection (i), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance. With respect to funds designated for the Department of State Police, the moneys shall be remitted by the circuit court clerk to the State Police within one month after receipt for deposit into the State Police DUI Fund.

~~With respect to funds designated for the Department of Natural Resources, the Department of Natural Resources shall deposit the moneys into the Conservation Police Operations Assistance Fund.~~

(j) A person that is subject to a chemical test or tests of blood under subsection (a) of Section 11-501.1 or subdivision (c)(2) of Section 11-501.2 of this Code, whether or not that person consents to testing, shall be liable for the expense up to \$500 for blood withdrawal by a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice registered nurse, a registered nurse, a trained phlebotomist, a licensed paramedic, or a qualified person other than a police officer approved by the Department of State Police to withdraw blood, who responds, whether at a law enforcement facility or a health care facility, to a police department request for the drawing of blood based upon refusal of the person to submit to a lawfully requested breath test or probable cause exists to believe the test would disclose the ingestion, consumption, or use of drugs or intoxicating compounds if:

- (1) the person is found guilty of violating Section 11-501 of this Code or a similar provision of a local ordinance; or
- (2) the person pleads guilty to or stipulates to facts supporting a violation of Section 11-503 of this Code or a similar provision of a local ordinance when the plea or stipulation was the result of a plea agreement in which the person was originally charged with violating Section 11-501 of this Code or a similar local ordinance. (Source: P.A. 99-289, eff. 8-6-15; 99-296, eff. 1-1-16; 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.) (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

Sec. 11-605. Special speed limit while passing schools.

(a) For the purpose of this Section, "school" means the following entities:

- (1) A public or private primary or secondary school.
- (2) A primary or secondary school operated by a religious institution.
- (3) A public, private, or religious nursery school. On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a roadway on public school property or upon any public thoroughfare where children pass going to and from school.

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

This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) (Blank).

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(d) (Blank).

(e) Except as provided in subsection (e-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of \$150 for the first violation and a minimum fine of \$300 for the second or subsequent violation.

(e-5) A person committing a violation of this Section is guilty of aggravated special speed limit while passing schools when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

~~(f) (Blank). When a fine for a violation of subsection (a) is \$150 or greater, the person who violates subsection (a) shall be charged an additional \$50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, \$25 of the surcharge shall be paid to the elementary school district for school safety purposes and \$25 of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire \$50 surcharge shall be paid to the appropriate school district or districts.~~

~~For purposes of this subsection (f), "school safety purposes" includes the costs associated with school zone safety education, the Safe Routes to School Program under Section 2705-317 of the Department of Transportation Law of the Civil Administrative Code of Illinois, safety programs within the School Safety and Educational Improvement Block Grant Program under Section 2-3.51.5 of the School Code, and the purchase, installation, and maintenance of caution lights which are mounted on school speed zone signs.~~

(g) (Blank).

(h) (Blank). (Source: P.A. 99-212, eff. 1-1-16.) (625 ILCS 5/11-605.1)

Sec. 11-605.1. Special limit while traveling through a highway construction or maintenance speed zone.

(a) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are present.

(a-5) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are not present.

(b) Nothing in this Chapter prohibits the use of electronic speed-detecting devices within 500 feet of signs within a construction or maintenance speed zone indicating the zone, as defined in this Section, nor shall evidence obtained by use of those devices be inadmissible in any prosecution for speeding, provided the use of the device shall apply only to the enforcement of the speed limit in the construction or maintenance speed zone.

(c) As used in this Section, a "construction or maintenance speed zone" is an area in which the Department, Toll Highway Authority, or local agency has posted signage advising drivers that a construction or maintenance speed zone is being approached, or in which the Department, Authority, or local agency has posted a lower speed limit with a highway construction or maintenance speed zone special speed limit sign after determining that the preexisting established speed

limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance speed zone.

If it is determined that the preexisting established speed limit is safe with respect to the conditions expected to exist in the construction or maintenance speed zone, additional speed limit signs which conform to the requirements of this subsection (c) shall be posted.

Highway construction or maintenance speed zone special speed limit signs shall be of a design approved by the Department. The signs must give proper due warning that a construction or maintenance speed zone is being approached and must indicate the maximum speed limit in effect. The signs also must state the amount of the minimum fine for a violation.

(d) Except as provided under subsection (d-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of \$250 for the first violation and a minimum fine of \$750 for the second or subsequent violation.

(d-5) A person committing a violation of this Section is guilty of aggravated special speed limit while traveling through a highway construction or maintenance speed zone when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

(e) ~~(Blank). If a fine for a violation of this Section is \$250 or greater, the person who violated this Section shall be charged an additional \$125, which shall be deposited into the Transportation Safety Highway Hire-back Fund in the State treasury, unless (i) the violation occurred on a highway other than an interstate highway and (ii) a county police officer wrote the ticket for the violation, in which case the \$125 shall be deposited into that county's Transportation Safety Highway Hire-back Fund. In the case of a second or subsequent violation of this Section, if the fine is \$750 or greater, the person who violated this Section shall be charged an additional \$250, which shall be deposited into the Transportation Safety Highway Hire-back Fund in the State treasury, unless (i) the violation occurred on a highway other than an interstate highway and (ii) a county police officer wrote the ticket for the violation, in which case the \$250 shall be deposited into that county's Transportation Safety Highway Hire-back Fund.~~

(e-5) The Department of State Police and the local county police department have concurrent jurisdiction over any violation of this Section that occurs on an interstate highway.

(f) The Transportation Safety Highway Hire-back Fund, which was created by Public Act 92-619, shall continue to be a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary of Transportation shall use all moneys in the Transportation Safety Highway Hire-back Fund to hire off-duty Department of State Police officers to monitor construction or maintenance zones.

(f-5) Each county shall create a Transportation Safety Highway Hire-back Fund. The county shall use the moneys in its Transportation Safety Highway Hire-back Fund to hire off-duty county police officers to monitor construction or maintenance zones in that county on highways other than interstate highways. The county, in its discretion, may also use a portion of the moneys in its Transportation Safety Highway Hire-back Fund to purchase equipment for county law enforcement and fund the production of materials to educate drivers on construction zone safe driving habits.



(g) For a second or subsequent violation of this Section within 2 years of the date of the previous violation, the Secretary of State shall suspend the driver's license of the violator for a period of 90 days. This suspension shall only be imposed if the current violation of this Section and at least one prior violation of this Section occurred during a period when workers were present in the construction or maintenance zone. (Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280, eff. 1-1-16; 99-642, eff. 7-28-16.) (625 ILCS 5/11-605.3)

Sec. 11-605.3. Special traffic protections while passing parks and recreation facilities and areas.

(a) As used in this Section:

(1) "Park district" means the following entities:

(A) any park district organized under the Park District Code;

(B) any park district organized under the Chicago Park District Act; and

(C) any municipality, county, forest district, school district, township, or other unit of local government that operates a public recreation department or public recreation facilities that has recreation facilities that are not on land owned by any park district listed in subparagraphs (A) and (B) of this subdivision (a)(1).

(2) "Park zone" means the recreation facilities and areas on any land owned or operated by a park district that are used for recreational purposes, including but not limited to: parks; playgrounds; swimming pools; hiking trails; bicycle paths; picnic areas; roads and streets; and parking lots.

(3) "Park zone street" means that portion of any street or intersection under the control of a local unit of government, adjacent to a park zone, where the local unit of government has, by ordinance or resolution, designated and approved the street or intersection as a park zone street. If, before the effective date of this amendatory Act of the 94th General Assembly, a street already had a posted speed limit lower than 20 miles per hour, then the lower limit may be used for that park zone street.

(4) "Safety purposes" means the costs associated with: park zone safety education; the purchase, installation, and maintenance of signs, roadway painting, and caution lights mounted on park zone signs; and any other expense associated with park zones and park zone streets.

(b) On any day when children are present and within 50 feet of motorized traffic, a person may not drive a motor vehicle at a speed in excess of 20 miles per hour or any lower posted speed while traveling on a park zone street that has been designated for the posted reduced speed.

(c) On any day when children are present and within 50 feet of motorized traffic, any driver traveling on a park zone street who fails to come to a complete stop at a stop sign or red light, including a driver who fails to come to a complete stop at a red light before turning right onto a park zone street, is in violation of this Section.

(d) This Section does not apply unless appropriate signs are posted upon park zone streets maintained by the Department or by the unit of local government in which the park zone is located. With regard to the special speed limit on park zone streets, the signs must give proper due warning that a park zone is being approached and must indicate the maximum speed limit on the park zone street.

(e) A first violation of this Section is a petty offense with a minimum fine of \$250. A second or subsequent violation of this Section is a petty offense with a minimum fine of \$500.

~~(f) (Blank). When a fine for a violation of this Section is imposed, the person who violates this Section shall be charged an additional \$50, to be paid to the park district for safety purposes.~~

(g) The Department shall, within 6 months of the effective date of this amendatory Act of the 94th General Assembly, design a set of standardized traffic signs for park zones and park zone streets, including but not limited to: "park zone", "park zone speed limit", and "warning: approaching a park zone". The design of these signs shall be made available to all units of local government or manufacturers at no charge, except for reproduction and postage. (Source: P.A. 94-808, eff. 5-26-06.) (625 ILCS 5/11-1002.5)

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

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

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic and when traffic control signals are not in place or not in operation, the driver of a vehicle shall stop and yield the right-of-way to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

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

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

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

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

~~For purposes of this subsection (c), "school safety purposes" has the meaning ascribed to that term in Section 11-605. (Source: P.A. 95-302, eff. 1-1-08; 96-1165, eff. 7-22-10.) (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)~~

Sec. 15-113. Violations; Penalties.

(a) Whenever any vehicle is operated in violation of the provisions of Section 15-111 or subsection (d) of Section 3-401, the owner or driver of such vehicle shall be deemed guilty of such violation and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person charged with a violation of any of these provisions who pleads not guilty shall be present in court for the trial on the charge. Any person, firm or corporation convicted of any violation of Section 15-111 including, but not limited to, a maximum axle or gross limit specified on a regulatory sign posted in accordance with paragraph (e) or (f) of Section 15-111, shall be fined according to the following schedule: Up to and including 2000 pounds overweight, the fine is \$100 From 2001 through 2500 pounds overweight, the fine is \$270 From 2501 through 3000 pounds overweight, the fine is \$330 From 3001 through 3500 pounds overweight, the fine is \$520 From 3501 through 4000 pounds overweight, the fine is \$600 From 4001 through 4500 pounds overweight, the fine is \$850 From 4501 through 5000 pounds overweight, the fine is \$950 From 5001 or more pounds overweight, the fine shall

be computed by assessing \$1500 for the first 5000 pounds overweight and \$150 for each additional increment of 500 pounds overweight or fraction thereof.

In addition any person, firm or corporation convicted of 4 or more violations of Section 15-111 within any 12 month period shall be fined an additional amount of \$5,000 for the fourth and each subsequent conviction within the 12 month period. Provided, however, that with regard to a firm or corporation, a fourth or subsequent conviction shall mean a fourth or subsequent conviction attributable to any one employee-driver.

(b) Whenever any vehicle is operated in violation of the provisions of Sections 15-102, 15-103 or 15-107, the owner or driver of such vehicle shall be deemed guilty of such violation and either may be prosecuted for such violation. Any person, firm or corporation convicted of any violation of Sections 15-102, 15-103 or 15-107 shall be fined for the first or second conviction an amount equal to not less than \$50 nor more than \$500, and for the third and subsequent convictions by the same person, firm or corporation within a period of one year after the date of the first offense, not less than \$500 nor more than \$1,000.

(c) All proceeds **equal to 50%** of the ~~additional~~ fines imposed **under subsection (a) of this Section by this amendatory Act of the 96th General Assembly** shall be **remitted to the State Treasurer and** deposited into the Capital Projects Fund. (Source: P.A. 96-34, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-201, eff. 1-1-12.) (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

Sec. 16-105. Disposition of fines and forfeitures.

(a) Except as provided in Section 15-113 and ~~Section 16-104a~~ of this Act and ~~except for those amounts required to be paid into the Traffic and Criminal Conviction Surcharge Fund in the State Treasury pursuant to Section 9.1 of the Illinois Police Training Act and Section 5-9-1 of the Unified Code of Corrections~~ and except those amounts subject to disbursement by the circuit clerk under **the Criminal and Traffic Assessment Act Section 27.5 of the Clerks of Courts Act**, fines and penalties recovered under the provisions of Chapters ~~3~~ **11 through 17 and 18b** ~~16~~ inclusive of this Code shall be paid and used as follows:

1. For offenses committed upon a highway within the limits of a city, village, or incorporated town or under the jurisdiction of any park district, to the treasurer of the particular city, village, incorporated town or park district, if the violator was arrested by the authorities of the city, village, incorporated town or park district, provided the police officers and officials of cities, villages, incorporated towns and park districts shall seasonably prosecute for all fines and penalties under this Code. If the violation is prosecuted by the authorities of the county, any fines or penalties recovered shall be paid to the county treasurer, **except that fines and penalties recovered from violations arrested by the State Police shall be remitted to the State Police Law Enforcement Administration Fund.** Provided further that if the violator was arrested by the State Police, fines and penalties recovered under the provisions of paragraph (a) of Section 15-113 of this Code or paragraph (e) of Section 15-316 of this Code shall be paid over to the Department of State Police which shall thereupon remit the amount of the fines and penalties so received to the State Treasurer who shall deposit the amount so remitted in the special fund in the State treasury known as the Road Fund except that if the violation is prosecuted by the State's Attorney, 10% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office and the balance shall be paid over to the Department of State Police for remittance to and deposit by the State Treasurer as hereinabove provided.

2. Except as provided in paragraph 4, for offenses committed upon any highway outside the limits of a city, village, incorporated town or park district, to the county treasurer of the county where the offense was committed except if such offense was committed on a highway maintained by or under the supervision of a township, township district, or a road district to the Treasurer thereof for deposit in the road and bridge fund of such township or other district, **except that fines and penalties recovered from violations arrested by the State Police shall be remitted to the State Police Law Enforcement**

**Administration Fund; provided ; Provided** , that fines and penalties recovered under the provisions of paragraph (a) of Section 15-113, paragraph (d) of Section 3-401, or paragraph (e) of Section 15-316 of this Code shall be paid over to the Department of State Police which shall thereupon remit the amount of the fines and penalties so received to the State Treasurer who shall deposit the amount so remitted in the special fund in the State treasury known as the Road Fund except that if the violation is prosecuted by the State's Attorney, 10% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office and the balance shall be paid over to the Department of State Police for remittance to and deposit by the State Treasurer as hereinabove provided.

3. Notwithstanding subsections 1 and 2 of this paragraph, for violations of overweight and overload limits found in Sections 15-101 through 15-203 of this Code, which are committed upon the highways belonging to the Illinois State Toll Highway Authority, fines and penalties shall be paid over to the Illinois State Toll Highway Authority for deposit with the State Treasurer into that special fund known as the Illinois State Toll Highway Authority Fund, except that if the violation is prosecuted by the State's Attorney, 10% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office and the balance shall be paid over to the Illinois State Toll Highway Authority for remittance to and deposit by the State Treasurer as hereinabove provided.

4. With regard to violations of overweight and overload limits found in Sections 15-101 through 15-203 of this Code committed by operators of vehicles registered as Special Hauling Vehicles, for offenses committed upon a highway within the limits of a city, village, or incorporated town or under the jurisdiction of any park district, all fines and penalties shall be paid over or retained as required in paragraph 1. However, with regard to the above offenses committed by operators of vehicles registered as Special Hauling Vehicles upon any highway outside the limits of a city, village, incorporated town or park district, fines and penalties shall be paid over or retained by the entity having jurisdiction over the road or highway upon which the offense occurred, except that if the violation is prosecuted by the State's Attorney, 10% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit with the proper official as defined in paragraph (a) of this Section, shall constitute misconduct in office and shall be grounds for removal therefrom. (Source: P.A. 96-34, eff. 1-1-10.) (625 ILCS 5/16-104a rep.) (625 ILCS 5/16-104b rep.) (625 ILCS 5/16-104c rep.) (625 ILCS 5/16-104d rep.) (625 ILCS 5/16-104d-1 rep.)

Section 905-47. The Illinois Vehicle Code is amended by repealing Sections 16-104a, 16-104b, 16-104c, 16-104d, and 16-104d-1.

Section 905-50. The Access to Justice Act is amended by changing Section 15

as follows: (705 ILCS 95/15)

Sec. 15. Access to Justice Fund.

(a) The Access to Justice Fund is created as a special fund in the State treasury. ~~The Fund shall consist of fees collected under Section 27.3g of the Clerks of Courts Act.~~ Moneys in the Access to Justice Fund shall be appropriated to the Attorney General for disbursements to the Foundation. The Foundation shall use the moneys to make grants and distributions for the administration of the pilot programs created under this Act. Grants or distributions made under this Act to the Foundation are subject to the requirements of the Illinois Grant Funds Recovery Act.

(b) In accordance with the requirements of the Illinois Equal Justice Act, the Foundation may make grants, enter into contracts, and take other actions recommended by the Council to effectuate the pilot programs and comply with the other requirements of this Act.

(c) The governing board of the Foundation must prepare and submit an annual report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Justices of the Illinois Supreme Court. The report must include: (i) a statement of the total receipts and a breakdown by source during each of the previous 2 calendar years; (ii) a list of the names and addresses of the recipients that are currently receiving grants or distributions and that received grants or distributions in the previous year and the amounts committed to recipients for the current year and paid in the previous year; (iii) a breakdown of the amounts of grants or distributions paid during the previous year to recipients and the amounts committed to each recipient for the current year; (iv) a breakdown of the Foundation's costs in administering the Fund; (v) a statement of the Fund balance at the start and at the close of the previous year and the interest earned during the previous year; and (vi) any notices the Foundation issued denying applications for grants or distributions under this Act. The report, in its entirety, is a public record, and the Foundation and the Governor shall make the report available for inspection upon request.

(d) The Foundation may annually retain a portion of the disbursements it receives under this Section to reimburse the Foundation for the actual cost of administering the Council and for making the grants and distributions pursuant to this Act during that year.

(e) No moneys distributed by the Foundation from the Access to Justice Fund may be directly or indirectly used for lobbying activities, as defined in Section 2 of the Lobbyist Registration Act or as defined in any ordinance or resolution of a municipality, county, or other unit of local government in Illinois.

(f) The Foundation may make, enter into, and execute contracts, agreements, leases, and other instruments with any person, including without limitation any federal, State, or local governmental agency, and may take other actions that may be necessary or convenient to accomplish any purpose authorized by this Act.

(g) The Foundation has the authority to receive and accept any and all grants, loans, subsidies, matching funds, reimbursements, federal grant moneys, fees for services, and other things of value from the federal or State government or any agency of any other state or from any institution, person, firm, or corporation, public or private, to be used to carry out the purposes of this Act. (Source: P.A. 98-351, eff. 8-15-13; 99-281, eff. 8-5-15.)

Section 905-55. The Clerks of Courts Act is amended by changing Sections 27.2b and 27.3

and

by adding Sections 27.1b and 27.3b-1

as follows: (705 ILCS 105/27.1b new)

**Sec. 27.1b. Circuit court clerk fees. Notwithstanding any other provision of law, all fees charged by the clerks of the circuit court for the services described in this Section shall be established, collected, and disbursed in accordance with this Section. All fees under this Section shall be paid in advance and disbursed by each clerk on a monthly basis. Unless otherwise specified in this Section, the amount of a fee shall be determined by ordinance or resolution of the county board and remitted to the county treasurer to be used for purposes related to the operation of the court system in the county. In a county with population of over 3,000,000, any amount retained by the clerk of the circuit court or remitted to the county treasurer shall be subject to appropriation by the county board.**

**(a) Civil cases. The fee for filing a complaint, petition, or other pleading initiating a civil action shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Supreme Court in schedules.**

**(1) SCHEDULE 1:** not to exceed a total of \$366 in a county with a population of 3,000,000 or more and \$316 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$190 through December 31, 2021 and \$184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed

as follows:

**(A)** The clerk shall retain a sum, in an amount not to exceed \$55 in a county with a population of 3,000,000 or more and \$45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

**(B)** The clerk shall remit up to \$21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions,

as follows:

**(i)** up to \$10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

**(ii)** \$2 into the Access to Justice Fund; and

**(iii)** \$9 into the Supreme Court Special Purposes Fund.

**(C)** The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$290 in a county with a population of 3,000,000 or more and in an amount not to exceed \$250 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

**(2) SCHEDULE 2:** not to exceed a total of \$357 in a county with a population of 3,000,000 or more and \$266 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$190 through December 31, 2021 and \$184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed

as follows:

**(A)** The clerk shall retain a sum, in an amount not to exceed \$55 in a county with a population of 3,000,000 or more and \$45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

**(B)** The clerk shall remit up to \$21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions,

as follows:

**(i)** up to \$10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

**(ii)** \$2 into the Access to Justice Fund; and

(iii) \$9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$281 in a county with a population of 3,000,000 or more and in an amount not to exceed \$200 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(3) SCHEDULE 3: not to exceed a total of \$265 in a county with a population of 3,000,000 or more and \$89 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$190 through December 31, 2021 and \$184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed

as follows:

(A) The clerk shall retain a sum, in an amount not to exceed \$55 in a county with a population of 3,000,000 or more and \$22 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit \$11 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts in accordance with the clerk's instructions,

as follows:

(i) \$2 into the Access to Justice Fund; and

(ii) \$9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$199 in a county with a population of 3,000,000 or more and in an amount not to exceed \$56 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(4) SCHEDULE 4: \$0.

(b) Appearance. The fee for filing an appearance in a civil action, including a cannabis civil law action under the Cannabis Control Act, shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Supreme Court in schedules.

(1) SCHEDULE 1: not to exceed a total of \$230 in a county with a population of 3,000,000 or more and \$191 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$75. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed \$50 in a county with a population of 3,000,000 or more and \$45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to \$21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions,

as follows:

(i) up to \$10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) \$2 into the Access to Justice Fund; and

(iii) \$9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$159 in a county with a population of 3,000,000 or more and in an amount not to exceed \$125 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(2) SCHEDULE 2: not to exceed a total of \$130 in a county with a population of 3,000,000 or more and \$109 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$75. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed \$50 in a county with a population of 3,000,000 or more and \$10 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit \$9 to the State Treasurer, which the State Treasurer shall deposit into the Supreme Court Special Purpose Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$71 in a county with a population of 3,000,000 or more and in an amount not to exceed \$90 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(3) SCHEDULE 3: \$0. (b-5) Kane County and Will County. In Kane County and Will County civil cases, there is an additional fee of up to \$30 as set by the county board under Section 5-1101.3 of the Counties Code to be paid by each party at the time of filing the first pleading, paper, or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance. Distribution of fees collected under this subsection (b-5) shall be as provided in Section 5-1101.3 of the Counties Code.

(c) Counterclaim or third party complaint. When any defendant files a counterclaim or third party complaint, as part of the defendant's answer or otherwise, the defendant shall pay a filing fee for each counterclaim or third party complaint in an amount equal to the filing fee the defendant would have had to pay had the defendant brought a separate action for the relief sought in the counterclaim or third party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third party complaint is filed.

(d) Alias summons. The clerk shall collect a fee not to exceed \$6 in a county with a population of 3,000,000 or more and \$5 in any other county for each alias summons or citation issued by the clerk, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$5 for each alias summons or citation issued by the clerk.

(e) Jury services. The clerk shall collect, in addition to other fees allowed by law, a sum not to exceed \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the action or proceeding shall be tried by the court without a jury.



**(f) Change of venue. In connection with a change of venue:**

(1) The clerk of the jurisdiction from which the case is transferred may charge a fee, not to exceed \$40, for the preparation and certification of the record; and

(2) The clerk of the jurisdiction to which the case is transferred may charge the same filing fee as if it were the commencement of a new suit.

**(g) Petition to vacate or modify.**

(1) In a proceeding involving a petition to vacate or modify any final judgment or order filed within 30 days after the judgment or order was entered, except for a forcible entry and detainer case, small claims case, petition to reopen an estate, petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding, the fee shall not exceed \$60 in a county with a population of 3,000,000 or more and \$50 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$50.

(2) In a proceeding involving a petition to vacate or modify any final judgment or order filed more than 30 days after the judgment or order was entered, except for a petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding, the fee shall not exceed \$75.

(3) In a proceeding involving a motion to vacate or amend a final order, motion to vacate an ex parte judgment, judgment of forfeiture, or "failure to appear" or "failure to comply" notices sent to the Secretary of State, the fee shall equal \$40.

**(h) Appeals preparation. The fee for preparation of a record on appeal shall be based on the number of pages, as follows:**

(1) if the record contains no more than 100 pages, the fee shall not exceed \$70 in a county with a population of 3,000,000 or more and \$50 in any other county;

(2) if the record contains between 100 and 200 pages, the fee shall not exceed \$100; and

(3) if the record contains 200 or more pages, the clerk may collect an additional fee not to exceed 25 cents per page.

**(i) Remands. In any cases remanded to the circuit court from the Supreme Court or the appellate court for a new trial, the clerk shall reinstate the case with either its original number or a new number. The clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement, the clerk shall advise the parties of the reinstatement. Parties shall have the same right to a jury trial on remand and reinstatement that they had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.**

**(j) Garnishment, wage deduction, and citation. In garnishment affidavit, wage deduction affidavit, and citation petition proceedings:**

(1) if the amount in controversy in the proceeding is not more than \$1,000, the fee may not exceed \$35 in a county with a population of 3,000,000 or more and \$15 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$15;

(2) if the amount in controversy in the proceeding is greater than \$1,000 and not more than \$5,000, the fee may not exceed \$45 in a county with a population of 3,000,000 or more and \$30 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$30; and

(3) if the amount in controversy in the proceeding is greater than \$5,000, the fee may not exceed \$65 in a county with a population of 3,000,000 or more and \$50 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$50.

**(k) Collections.**

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, the clerk may collect a fee of up to 2.5% of the amount collected and turned over.

(2) In child support and maintenance cases, the clerk may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee is in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(3) The clerk may collect a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall be deposited into the Separate Maintenance and Child Support Collection Fund.

(4) In proceedings to foreclose the lien of delinquent real estate taxes State's Attorneys shall receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings. The clerk shall collect the fee from the total amount realized from the sale of the real estate sold in the proceedings and remit to the County Treasurer to be credited to the earnings of the Office of State's Attorney.

(l) Mailing. The fee for the clerk mailing documents shall not exceed \$10 plus the cost of postage.

(m) Certified copies. The fee for each certified copy of a judgment, after the first copy, shall not exceed \$10.

(n) Certification, authentication, and reproduction.

(1) The fee for each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office shall not exceed \$6.

(2) The fee for reproduction of any document contained in the clerk's files shall not exceed:

(A) \$2 for the first page;

(B) 50 cents per page for the next 19 pages; and

(C) 25 cents per page for all additional pages.

(o) Record search. For each record search, within a division or municipal district, the clerk may collect a search fee not to exceed \$6 for each year searched.

(p) **Hard copy.** For each page of hard copy print output, when case records are maintained on an automated medium, the clerk may collect a fee not to exceed \$10 in a county with a population of 3,000,000 or more and \$6 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$6.

(q) **Index inquiry and other records.** No fee shall be charged for a single plaintiff and defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(r) **Performing a marriage.** There shall be a \$10 fee for performing a marriage in court.

(s) **Voluntary assignment.** For filing each deed of voluntary assignment, the clerk shall collect a fee not to exceed \$20. For recording a deed of voluntary assignment, the clerk shall collect a fee not to exceed 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(t) **Expungement petition.** The clerk may collect a fee not to exceed \$60 for each expungement petition filed and an additional fee not to exceed \$4 for each certified copy of an order to expunge arrest records.

(u) **Transcripts of judgment.** For the filing of a transcript of judgment, the clerk may collect the same fee as if it were the commencement of a new suit.

(v) **Probate filings.**

(1) For each account (other than one final account) filed in the estate of a decedent, or ward, the fee shall not exceed \$25.

(2) For filing a claim in an estate when the amount claimed is greater than \$150 and not more than \$500, the fee shall not exceed \$40 in a county with a population of 3,000,000 or more and \$25 in any other county; when the amount claimed is greater than \$500 and not more than \$10,000, the fee shall not exceed \$55 in a county with a population of 3,000,000 or more and \$40 in any other county; and when the amount claimed is more than \$10,000, the fee shall not exceed \$75 in a county with a population of 3,000,000 or more and \$60 in any other county; except the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(3) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, the fee shall not exceed \$60.

(4) There shall be no fee for filing in an estate: (i) the appearance of any person for the purpose of consent; or

(ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator.

(5) For each jury demand, the fee shall not exceed \$137.50.

(6) For each certified copy of letters of office, of court order, or other certification, the fee shall not exceed \$2 per page.

(7) For each exemplification, the fee shall not exceed \$2, plus the fee for certification.

(8) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(9) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fees shall pay the same directly to the person entitled thereto.

(10) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Corrections of numbers. For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, the fee shall not exceed \$25.

(x) Miscellaneous.

(1) Interest earned on any fees collected by the clerk shall be turned over to the county general fund as an earning of the office.

(2) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, the clerk shall collect a fee of \$25.

(y) Other fees. The clerk of the circuit court may provide services in connection with the operation of the clerk's office, other than those services mentioned in this Section, as may be requested by the public and agreed to by the clerk and approved by the Chief Judge. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the Chief Judge. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(y-5) Unpaid fees. Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived under a court order, the clerk of the circuit court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(z) Exceptions.

(1) No fee authorized by this Section shall apply to:

(A) police departments or other law enforcement agencies. In this Section, "law enforcement agency" means: an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances; the Attorney General; or any State's Attorney;

(A-5) any unit of local government or school district in counties having a population of 500,000 or less and the county board in counties having a population exceeding 500,000 may by resolution set reduced fees for units of local government or school districts;

**(B) any action instituted by the corporate authority of a municipality with more than 1,000,000 inhabitants under Section 11-31-1 of the Illinois Municipal Code and any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1,200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection;**

**(C) any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code;**

**(D) a petitioner in any order of protection proceeding, including, but not limited to, fees for filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, issuing alias summons, any related filing service, or certifying, modifying, vacating, or photocopying any orders of protection; or**

**(E) proceedings for the appointment of a confidential intermediary under the Adoption Act.**

**(2) No fee other than the filing fee contained in the applicable schedule in subsection (a) shall be charged to any person in connection with an adoption proceeding.**

**(3) Upon good cause shown, the court may waive any fees associated with a special needs adoption. The term "special needs adoption" has the meaning provided by the Illinois Department of Children and Family Services.**

**(aa) This Section is repealed on December 31, 2019. (705 ILCS 105/27.2b)**

Sec. 27.2b. State income tax refund intercept. The Clerk of the Circuit Court may enter into an agreement with the Illinois Department of Revenue to establish a pilot program for the purpose of collecting certain **balances owed fees**. The purpose shall be to intercept, in whole or in part, State income tax refunds due the persons who owe past due fees to the Clerk of the Circuit Court in order to satisfy unpaid **assessments under the Criminal and Traffic Assessment Act and fines as ordered by the court fees pursuant to the fee requirements of Sections 27.1a, 27.2, and 27.2a of this Act**. The agreement shall include, but may not be limited to, a certification by the Clerk of the Circuit Court that the debt claims forwarded to the Department of Revenue are valid and that reasonable efforts have been made to notify persons of the delinquency of the debt. The agreement shall include provisions for payment of the intercept by the Department of Revenue to the Clerk of the Circuit Court and procedures for an appeal/protest by the debtor when an intercept occurs. The agreement may also include provisions to allow the Department of Revenue to recover its cost for administering the program.

Intercepts made pursuant to this Section shall not interfere with the collection of debts related to child support. During the collection of debts under this Section, when there are 2 or more debt claims certified to the Department at the same time, priority of collection shall be as provided in Section 911.3 of the Illinois Income Tax Act. (Source: P.A. 93-836, eff. 1-1-05.) (705 ILCS 105/27.3) (from Ch. 25, par. 27.3)

Sec. 27.3. Compensation.

(a) The county board shall provide the compensation of Clerks of the Circuit Court, and the amount necessary for clerk hire, stationery, fuel and other expenses. Beginning December 1, 1989, the compensation per annum for Clerks of the Circuit Court shall be

as follows:

In counties where the population is: Less than 14,000..... at least \$13,500 14,001-30,000.....  
at least \$14,500 30,001-60,000..... at least \$15,000 60,001-100,000..... at least \$15,000

100,001-200,000..... at least \$16,500 200,001-300,000..... at least \$18,000 300,001-3,000,000..... at least \$20,000 Over 3,000,000..... at least \$55,000

(b) In counties in which the population is 3,000,000 or less, "base salary" is the compensation paid for each Clerk of the Circuit Court, respectively, before July 1, 1989.

(c) The Clerks of the Circuit Court, in counties in which the population is 3,000,000 or less, shall be compensated as follows:

(1) Beginning December 1, 1989, base salary plus at least 3% of base salary.

(2) Beginning December 1, 1990, base salary plus at least 6% of base salary.

(3) Beginning December 1, 1991, base salary plus at least 9% of base salary.

(4) Beginning December 1, 1992, base salary plus at least 12% of base salary.

(d) In addition to the compensation provided by the county board, each Clerk of the Circuit Court shall receive an award from the State for the additional duties imposed by Sections 5-9-1 and 5-9-1.2 of the Unified Code of Corrections, Section 10 of the Violent Crime Victims Assistance Act, ~~Section 16-104a of the Illinois Vehicle Code,~~ and other laws, in the following amount:

(1) \$3,500 per year before January 1, 1997.

(2) \$4,500 per year beginning January 1, 1997.

(3) \$5,500 per year beginning January 1, 1998.

(4) \$6,500 per year beginning January 1, 1999. The total amount required for such awards shall be appropriated each year by the General Assembly to the Supreme Court, which shall distribute such awards in annual lump sum payments to the Clerks of the Circuit Court in all counties. This annual award, and any other award or stipend paid out of State funds to the Clerks of the Circuit Court, shall not affect any other compensation provided by law to be paid to Clerks of the Circuit Court.

(e) (Blank).

(f) No county board may reduce or otherwise impair the compensation payable from county funds to a Clerk of the Circuit Court if the reduction or impairment is the result of the Clerk of the Circuit Court receiving an award or stipend payable from State funds. (Source: P.A. 98-24, eff. 6-19-13.) (705 ILCS 105/27.3b-1 new)

**Sec. 27.3b-1. Minimum fines; disbursement of fines.**

(a) **Unless otherwise specified by law, the minimum fine for a conviction or supervision disposition on a minor traffic offense is \$25 and the minimum fine for a conviction, supervision disposition, or violation based upon a plea of guilty or finding of guilt for any other offense is \$75. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. In this subsection (a), "victim" shall not be construed to include the defendant.**

(b) **Unless otherwise specified by law, all fines imposed on a misdemeanor offense, other than a traffic, conservation, or driving under the influence offense, or on a felony offense shall be disbursed within 60 days after receipt by the circuit clerk**

to the county treasurer for deposit into the county's General Fund. Unless otherwise specified by law, all fines imposed on an ordinance offense or a misdemeanor traffic, misdemeanor conservation, or misdemeanor driving under the influence offense shall be disbursed within 60 days after receipt by the circuit clerk to the treasurer of the unit of government of the arresting agency. If the arresting agency is the office of the sheriff, the county treasurer shall deposit the portion into a fund to support the law enforcement operations of the office of the sheriff. If the arresting agency is a State agency, the State Treasurer shall deposit the portion

as follows:

(1) if the arresting agency is the Department of State Police, into the State Police Law Enforcement Administration Fund;

(2) if the arresting agency is the Department of Natural Resources, into the Conservation Police Operations Assistance Fund;

(3) if the arresting agency is the Secretary of State, into the Secretary of State Police Services Fund; and

(4) if the arresting agency is the Illinois Commerce Commission, into the Public Utility Fund. (705 ILCS 105/27.1a rep.) (705 ILCS 105/27.2 rep.) (705 ILCS 105/27.2a rep.) (705 ILCS 105/27.3a rep.) (705 ILCS 105/27.3c rep.) (705 ILCS 105/27.3e rep.) (705 ILCS 105/27.3g rep.) (705 ILCS 105/27.4 rep.) (705 ILCS 105/27.5 rep.) (705 ILCS 105/27.6 rep.) (705 ILCS 105/27.7 rep.) Section 905-57. The Clerks of Courts Act is amended by repealing Sections 27.1a, 27.2, 27.2a, 27.3a, 27.3c, 27.3e, 27.3g, 27.4, 27.5, 27.6, and 27.7.

Section 905-60. The Juvenile Court Act of 1987 is amended by changing Section 5-915

as follows: (705 ILCS 405/5-915)

Sec. 5-915. Expungement of juvenile law enforcement and court records.

(0.05) For purposes of this Section: "Dissemination" or "disseminate" means to publish, produce, print, manufacture, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.

"Expunge" means to physically destroy the records and to obliterate the minor's name and juvenile court records from any official index, public record, or electronic database. No evidence of the juvenile court records may be retained by any law enforcement agency, the juvenile court, or by any municipal, county, or State agency or department. Nothing in this Act shall require the physical destruction of the internal office records, files, or databases maintained by a State's Attorney's Office or other prosecutor or by the Office of the Secretary of State.

"Juvenile court record" includes, but is not limited to:

(a) all documents filed in or maintained by the juvenile court pertaining to a specific incident, proceeding, or individual;

(b) all documents relating to a specific incident, proceeding, or individual made available to or maintained by probation officers;

(c) all documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings; or

(d) all documents, transcripts, records, reports or other evidence prepared by, maintained by, or released by any municipal, county, or State state agency or department, in any format, if indicating involvement with the juvenile court relating to a specific incident, proceeding, or individual.

"Law enforcement record" includes, but is not limited to, records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense or evidence of interaction with law enforcement. (0.1)

(a) The Department of State Police and all law enforcement agencies within the State shall automatically expunge, on or before January 1 of each year, all law enforcement records relating to events occurring before an individual's 18th birthday if:

(1) one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records;

(2) no petition for delinquency or criminal charges were filed with the clerk of the circuit court relating to the arrest or law enforcement interaction documented in the records; and

(3) 6 months have elapsed without an additional subsequent arrest or filing of a petition for delinquency or criminal charges whether related or not to the arrest or law enforcement interaction documented in the records.

(b) If the law enforcement agency is unable to verify satisfaction of conditions (2) and (3) of this subsection (0.1), records that satisfy condition (1) of this subsection (0.1) shall be automatically expunged if the records relate to an offense that if committed by an adult would not be an offense classified as Class 2 felony or higher, an offense under Article 11 of the Criminal Code of 1961 or Criminal Code of 2012, or an offense under **Section** 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

(0.2) (a) Upon dismissal of a petition alleging delinquency or upon a finding of not delinquent, the successful termination of an order of supervision, or an adjudication for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult, the court shall automatically order the expungement of the juvenile court and law enforcement records within 60 business days.

(b) If the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed for a pending investigation involving the commission of a felony, that information, and information identifying the juvenile, may be retained in an intelligence file until the investigation is terminated or for one additional year, whichever is sooner. Retention of a portion of a juvenile's law enforcement record does not disqualify the remainder of his or her record from immediate automatic expungement.

(0.3) (a) Upon an adjudication of delinquency based on any offense except a disqualified offense, the juvenile court shall automatically order the expungement of the juvenile records 2 years after the juvenile's case was closed if no delinquency or criminal proceeding is pending and the person has had no subsequent delinquency adjudication or criminal conviction. The court shall automatically order the expungement of the juvenile court and law enforcement records within 60 business days. For the purposes of this subsection (0.3), "disqualified offense" means any of the following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or subsection (b) of Section 8-1, paragraph (4) of subsection (a) of Section 11-14.4, subsection (a-5) of Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or (2) of subsection (a) of Section 12-7.4, subparagraph (i) of paragraph (1) of subsection (a) of Section 12-9, subparagraph (H) of paragraph (3) of subsection (a) of Section 24-1.6, paragraph (1) of subsection (a) of Section 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code of 2012.

(b) If the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed for a pending investigation involving the commission of a felony, that information, and information identifying



the juvenile, may be retained in an intelligence file until the investigation is terminated or for one additional year, whichever is sooner. Retention of a portion of a juvenile's law enforcement record does not disqualify the remainder of his or her record from immediate automatic expungement.

(1) Nothing in this subsection (1) precludes an eligible minor from obtaining expungement under **subsection subsections** (0.1), (0.2), or (0.3). Whenever a person has been arrested, charged, or adjudicated delinquent for an incident occurring before his or her 18th birthday that if committed by an adult would be an offense, and that person's records are not eligible for automatic expungement under **subsection subsections** (0.1), (0.2), or (0.3), the person may petition the court at any time for expungement of law enforcement records and juvenile court records relating to the incident and, upon termination of all juvenile court proceedings relating to that incident, the court shall order the expungement of all records in the possession of the Department of State Police, the clerk of the circuit court, and law enforcement agencies relating to the incident, but only in any of the following circumstances:

(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court;

(a-5) the minor was charged with an offense and the petition or petitions were dismissed without a finding of delinquency;

(b) the minor was charged with an offense and was found not delinquent of that offense;

(c) the minor was placed under supervision pursuant to Section 5-615, and the order of supervision has since been successfully terminated; or

(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult. (1.5) ~~January 1, 2015 (Public Act 98-637)~~ The Department of State Police shall allow a person to use the Access and Review process, established in the Department of State Police, for verifying that his or her law enforcement records relating to incidents occurring before his or her 18th birthday eligible under this Act have been expunged.

(1.6) (Blank). ~~January 1, 2015 (Public Act 98-637)~~ ~~January 1, 2015 (Public Act 98-637)~~ (1.7) (Blank).

(1.8) (Blank).

(2) Any person whose delinquency adjudications are not eligible for automatic expungement under subsection (0.3) of this Section may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 18th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder or an offense under Article 11 of the Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act; provided that:

(a) (blank); or

(b) 2 years have elapsed since all juvenile court proceedings relating to him or her have been terminated and his or her commitment to the Department of Juvenile Justice under this Act has been terminated. (2.5) If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, information regarding this State's expungement laws including a petition to expunge juvenile records obtained from the clerk of the circuit court.

(2.6) If a minor is referred to court then at the time of sentencing or dismissal of the case, or successful completion of supervision, the judge shall inform the delinquent minor of his or her rights regarding expungement and the clerk of the circuit court shall provide an expungement information packet to the minor, written in plain language, including information regarding this State's expungement laws and a petition for expungement, a sample of a completed petition, expungement instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she obtains an expungement, he or she may not be required to disclose that he or she had a juvenile record, and (iv) if petitioning he or she may file the petition on his or her own or with the assistance of an attorney. The failure of the judge to inform the delinquent minor of his or her right to petition for expungement as provided by law does not create a substantive right, nor is that failure grounds for: (i) a reversal of an adjudication of delinquency, (ii) a new trial; or (iii) an appeal.

(2.7) (Blank).

(2.8) The petition for expungement for subsection (1) and

(2) may include multiple offenses on the same petition and shall be substantially in the following form: IN THE CIRCUIT COURT OF ....., ILLINOIS ..... JUDICIAL CIRCUIT IN THE INTEREST OF ) NO.

) ) ..... (Name of Petitioner) PETITION TO EXPUNGE JUVENILE RECORDS (705 ILCS 405/5-915 (SUBSECTION 1 AND 2)) Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner was arrested on .... by the ..... Police Department for the offense or offenses of ....., and: (Check All That Apply:) ( ) a. no petition or petitions were filed with the Clerk of the Circuit Court. ( ) b. was charged with ..... and was found not delinquent of the offense or offenses. ( ) c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on ..... ( ) d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on ..... ( ) e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult. ( ) f. was adjudicated for a Class A misdemeanor or felony, except first degree murder or an offense under Article 11 of the Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act, and 2 years have passed since the case was closed. Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below: Charge(s): ..... Arresting Agency or Agencies: ..... Disposition/Result: (choose from a. through f., above): ..... WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident or incidents, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident or incidents. ....  
 Petitioner (Signature) ..... Petitioner's Street Address ..... City, State, Zip Code .....  
 Petitioner's Telephone Number Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true. .... Petitioner (Signature) first-degree

(3) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 45 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 45-day objection period.

At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 45 days of the notice, the court may enter an order granting expungement. The clerk shall forward a certified copy of the order to the Department of State Police and deliver a certified copy of the order to the arresting agency.

(3.1) The Notice of Expungement shall be in substantially the following form: IN THE CIRCUIT COURT OF ....., ILLINOIS .... JUDICIAL CIRCUIT IN THE INTEREST OF ) NO.

) ) ..... (Name of Petitioner) NOTICE TO: State's Attorney TO: Arresting Agency ..... TO: Illinois State Police ..... ATTENTION: Expungement You are hereby notified that on ....., at ....., in courtroom ..., located at ..., before the Honorable ..., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear. .... Petitioner's Signature ..... Petitioner's Street Address ..... City, State, Zip Code ..... Petitioner's Telephone Number  
 PROOF OF SERVICE On the ..... day of ....., 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by: (Check One:) delivering copies personally to each entity to whom they are directed; or by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at ..... Signature Clerk of the Circuit Court or Deputy Clerk Printed Name of Delinquent Minor/Petitioner: .... Address: ..... Telephone Number: .....

(3.2) The Order of Expungement shall be in substantially the following form: IN THE CIRCUIT COURT OF ....., ILLINOIS .... JUDICIAL CIRCUIT IN THE INTEREST OF ) NO.

) ) ..... (Name of Petitioner) DOB ..... Arresting Agency/Agencies ..... ORDER OF EXPUNGEMENT (705 ILCS 405/5-915 (SUBSECTION 3)) This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that: ( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.

( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated ..... for the offense of ..... Law Enforcement Agencies: .....

( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case. ENTER: ..... JUDGE DATED: ..... Name: Attorney for: Address: City/State/Zip: Attorney Number: (3.3) The Notice of Objection shall be in substantially the following form: IN THE CIRCUIT COURT OF ....., ILLINOIS ..... JUDICIAL CIRCUIT IN THE INTEREST OF ) NO.

) ) ..... (Name of Petitioner) NOTICE OF OBJECTION TO: (Attorney, Public Defender, Minor) ..... TO: (Illinois State Police) ..... TO:(Clerk of the Court) ..... TO:(Judge) ..... TO: (Arresting Agency/Agencies) ..... ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records: ( ) State's Attorney's Office; ( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged; ( ) Department of Illinois State Police; or ( ) Arresting Agency or Agencies. The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted. DATED: ..... Name: Attorney For: Address: City/State/Zip: Telephone:

Attorney No.: FOR USE BY CLERK OF THE COURT PERSONNEL ONLY This matter has been set for hearing on the foregoing objection, on ..... in room ....., located at ....., before the Honorable ....., Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case). A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities): ( ) Attorney, Public Defender or Minor; ( ) State's Attorney's Office; ( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged; ( ) Department of Illinois State Police; and ( ) Arresting agency or agencies. Date: ..... Initials of Clerk completing this section: .....

(4)(a) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person.

(a-5) Local law enforcement agencies shall send written notice to the minor of the expungement of any records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies. If a minor's court file has been expunged, the clerk of the circuit court shall send written notice to the minor of the expungement of any records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies.

(b) Except with respect to authorized military personnel, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment within the State must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest. Employers may not ask, in any format or context, if an applicant has had a juvenile record expunged. Information about an expunged record obtained by a potential employer, even inadvertently, from an employment application that does not contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest, shall be treated as dissemination of an expunged record by the employer.

(c) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement.

(5) (Blank); (5.5) Whether or not expunged, records eligible for automatic expungement under subdivision (0.1)(a), (0.2)(a), or (0.3)(a) may be treated as expunged by the individual subject to the records.

(6) Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the individual. This information may only be used for anonymous statistical and bona fide research purposes.

(6.5) The Department of State Police or any employee of the Department shall be immune from civil or criminal liability for failure to expunge any records of arrest that are subject to expungement under this Section because of inability to verify a record. Nothing in this Section shall create Department of State Police liability or responsibility for the expungement of law enforcement records it does not possess.

(7)(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.

(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:

(i) An explanation of the State's juvenile expungement laws, including both automatic expungement and expungement by petition;

(ii) The circumstances under which juvenile expungement may occur;

(iii) The juvenile offenses that may be expunged;

(iv) The steps necessary to initiate and complete the juvenile expungement process; and

(v) Directions on how to contact the State Appellate Defender.

(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.

(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.

(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.

(7.5) (a) Willful dissemination of any information contained in an expunged record shall be treated as a Class C misdemeanor and punishable by a fine of \$1,000 per violation.

(b) Willful dissemination for financial gain of any information contained in an expunged record shall be treated as a Class 4 felony. Dissemination for financial gain by an employee of any municipal, county, or State agency, including law enforcement, shall result in immediate termination.

(c) The person whose record was expunged has a right of action against any person who intentionally disseminates an expunged record. In the proceeding, punitive damages up to an amount of \$1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to costs and reasonable attorney fees.

(d) The punishments for dissemination of an expunged record shall never apply to the person whose record was expunged.

(8)(a) An expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication, conviction, or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific

language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication, arrest, or conviction.

(b) (Blank). ~~Public Act 93-912~~

(c) The expungement of juvenile records under ~~subsection subsections~~ 0.1, 0.2, or 0.3 of this Section shall be funded by ~~appropriation by the General Assembly for that purpose the additional fine imposed under Section 5-9-1.17 of the Unified Code of Corrections~~ .

(9) (Blank).

(10) (Blank). ~~Public Act 98-637~~ ~~Public Act 98-637~~ (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; revised 10-10-17.)

Section 905-65. The Criminal Code of 2012 is amended by changing Section 12-3.4

as follows: (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

Sec. 12-3.4. Violation of an order of protection.

(a) A person commits violation of an order of protection if:

(1) He or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:

(i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986,

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2),

(3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory,

(iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963; and

(2) Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order. An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face. For purposes of this Section, an "order of protection" may have been issued in a criminal or civil proceeding.

(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign order of protection.

(b) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

(c) The limitations placed on law enforcement liability by Section 305 of the Illinois Domestic Violence Act of 1986 apply to actions taken under this Section.

(d) Violation of an order of protection is a Class A misdemeanor. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-3.4 or 12-30) or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as a domestic battery or violation of an order of protection. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), aggravated discharge of a firearm (Section 24-1.2), or a violation of any former law of this State that is substantially similar to any listed offense, or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as one of the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections or to make restitution to the victim under Section 5-5-6 of the Unified Code of Corrections. ~~In addition to any other penalties, including those imposed by Section 5-9-1.5 of the Unified Code of Corrections, the court shall impose an additional fine of \$20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of this Section. The additional fine shall be imposed for each violation of this Section.~~

(e) (Blank).

(f) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant. (Source: P.A. 96-1551, Article 1, Section 5, eff. 7-1-11; 96-1551, Article 2, Section 1035, eff. 7-1-11; incorporates 97-311, eff. 8-11-11; 97-919, eff. 8-10-12; 97-1109, eff. 1-1-13.) (720 ILCS 550/10.3 rep.)

Section 905-67. The Cannabis Control Act is amended by repealing Section 10.3.

Section 905-70. The Illinois Controlled Substances Act is amended by changing Section 411.2

as follows: (720 ILCS 570/411.2) (from Ch. 56 1/2, par. 1411.2)

**Sec. 411.2. Drug Treatment Fund; drug treatment grants.**

(a) ~~(Blank). Every person convicted of a violation of this Act, and every person placed on probation, conditional discharge, supervision or probation under Section 410 of this Act, shall be assessed for each offense a sum fixed at:~~

(1) \$3,000 for a Class X felony;

(2) \$2,000 for a Class 1 felony;

(3) \$1,000 for a Class 2 felony;

(4) \$500 for a Class 3 or Class 4 felony;

(5) \$300 for a Class A misdemeanor;

(6) \$200 for a Class B or Class C misdemeanor.

(b) **(Blank)**. The assessment under this Section is in addition to and not in lieu of any fines, restitution costs, forfeitures or other assessments authorized or required by law.

(c) **(Blank)**. As a condition of the assessment, the court may require that payment be made in specified installments or within a specified period of time. If the assessment is not paid within the period of probation, conditional discharge or supervision to which the defendant was originally sentenced, the court may extend the period of probation, conditional discharge or supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as applicable, until the assessment is paid or until successful completion of public or community service set forth in subsection (c) or the successful completion of the substance abuse intervention or treatment program set forth in subsection (f). If a term of probation, conditional discharge or supervision is not imposed, the assessment shall be payable upon judgment or as directed by the court.

(d) **(Blank)**. If an assessment for a violation of this Act is imposed on an organization, it is the duty of each individual authorized to make disbursements of the assets of the organization to pay the assessment from assets of the organization.

(e) **(Blank)**. A defendant who has been ordered to pay an assessment may petition the court to convert all or part of the assessment into court-approved public or community service. One hour of public or community service shall be equivalent to \$4 of assessment. The performance of this public or community service shall be a condition of the probation, conditional discharge or supervision and shall be in addition to the performance of any other period of public or community service ordered by the court or required by law.

(f) **(Blank)**. The court may suspend the collection of the assessment imposed under this Section; provided the defendant agrees to enter a substance abuse intervention or treatment program approved by the court; and further provided that the defendant agrees to pay for all or some portion of the costs associated with the intervention or treatment program. In this case, the collection of the assessment imposed under this Section shall be suspended during the defendant's participation in the approved intervention or treatment program. Upon successful completion of the program, the defendant may apply to the court to reduce the assessment imposed under this Section by any amount actually paid by the defendant for his or her participation in the program. The court shall not reduce the penalty under this subsection unless the defendant establishes to the satisfaction of the court that he or she has successfully completed the intervention or treatment program. If the defendant's participation is for any reason terminated before his or her successful completion of the intervention or treatment program, collection of the entire assessment imposed under this Section shall be enforced. Nothing in this Section shall be deemed to affect or suspend any other fines, restitution costs, forfeitures or assessments imposed under this or any other Act.

(g) **(Blank)**. The court shall not impose more than one assessment per complaint, indictment or information. If the person is convicted of more than one offense in a complaint, indictment or information, the assessment shall be based on the highest class offense for which the person is convicted.



(h) ~~The In counties under 3,000,000, all moneys collected under this Section shall be forwarded by the clerk of the circuit court to the State Treasurer for deposit in the Drug Treatment Fund, which is hereby established as a special fund within the State Treasury. The Department of Human Services may make grants to persons licensed under Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act or to municipalities or counties from funds appropriated to the Department from the Drug Treatment Fund for the treatment of pregnant women who are addicted to alcohol, cannabis or controlled substances and for the needed care of minor, unemancipated children of women undergoing residential drug treatment. If the Department of Human Services grants funds to a municipality or a county that the Department determines is not experiencing a problem with pregnant women addicted to alcohol, cannabis or controlled substances, or with care for minor, unemancipated children of women undergoing residential drug treatment, or intervention, the funds shall be used for the treatment of any person addicted to alcohol, cannabis or controlled substances. The Department may adopt such rules as it deems appropriate for the administration of such grants.~~

(i) ~~(Blank). In counties over 3,000,000, all moneys collected under this Section shall be forwarded to the County Treasurer for deposit into the County Health Fund. The County Treasurer shall, no later than the 15th day of each month, forward to the State Treasurer 30 percent of all moneys collected under this Act and received into the County Health Fund since the prior remittance to the State Treasurer. Funds retained by the County shall be used for community-based treatment of pregnant women who are addicted to alcohol, cannabis, or controlled substances or for the needed care of minor, unemancipated children of these women. Funds forwarded to the State Treasurer shall be deposited into the State Drug Treatment Fund maintained by the State Treasurer from which the Department of Human Services may make grants to persons licensed under Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act or to municipalities or counties from funds appropriated to the Department from the Drug Treatment Fund, provided that the moneys collected from each county be returned proportionately to the counties through grants to licensees located within the county from which the assessment was received and moneys in the State Drug Treatment Fund shall not supplant other local, State or federal funds. If the Department of Human Services grants funds to a municipality or county that the Department determines is not experiencing a problem with pregnant women addicted to alcohol, cannabis or controlled substances, or with care for minor, unemancipated children or women undergoing residential drug treatment, the funds shall be used for the treatment of any person addicted to alcohol, cannabis or controlled substances. The Department may adopt such rules as it deems appropriate for the administration of such grants. (Source: P.A. 97-334, eff. 1-1-12.) (720 ILCS 570/411.4 rep.)~~

Section 905-73. The Illinois Controlled Substances Act is amended by repealing Section 411.4.

Section 905-75. The Methamphetamine Control and Community Protection Act is amended by changing Sections 80 and 90 as follows: (720 ILCS 646/80)

**Sec. 80. Drug treatment grants Assessment .**

(a) ~~(Blank). Every person convicted of a violation of this Act, and every person placed on probation, conditional discharge, supervision, or probation under this Act, shall be assessed for each offense a sum fixed at:~~

~~(1) \$3,000 for a Class X felony;~~

~~(2) \$2,000 for a Class 1 felony;~~

~~(3) \$1,000 for a Class 2 felony;~~

~~(4) \$500 for a Class 3 or Class 4 felony.~~

(b) **(Blank)**. The assessment under this Section is in addition to and not in lieu of any fines, restitution, costs, forfeitures, or other assessments authorized or required by law.

(c) **(Blank)**. As a condition of the assessment, the court may require that payment be made in specified installments or within a specified period of time. If the assessment is not paid within the period of probation, conditional discharge, or supervision to which the defendant was originally sentenced, the court may extend the period of probation, conditional discharge, or supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as applicable, until the assessment is paid or until successful completion of public or community service set forth in subsection (c) or the successful completion of the substance abuse intervention or treatment program set forth in subsection (f). If a term of probation, conditional discharge, or supervision is not imposed, the assessment shall be payable upon judgment or as directed by the court.

(d) **(Blank)**. If an assessment for a violation of this Act is imposed on an organization, it is the duty of each individual authorized to make disbursements of the assets of the organization to pay the assessment from assets of the organization.

(e) **(Blank)**. A defendant who has been ordered to pay an assessment may petition the court to convert all or part of the assessment into court-approved public or community service. One hour of public or community service shall be equivalent to \$4 of assessment. The performance of this public or community service shall be a condition of the probation, conditional discharge, or supervision and shall be in addition to the performance of any other period of public or community service ordered by the court or required by law.

(f) **(Blank)**. The court may suspend the collection of the assessment imposed under this Section if the defendant agrees to enter a substance abuse intervention or treatment program approved by the court and the defendant agrees to pay for all or some portion of the costs associated with the intervention or treatment program. In this case, the collection of the assessment imposed under this Section shall be suspended during the defendant's participation in the approved intervention or treatment program. Upon successful completion of the program, the defendant may apply to the court to reduce the assessment imposed under this Section by any amount actually paid by the defendant for his or her participation in the program. The court shall not reduce the penalty under this subsection unless the defendant establishes to the satisfaction of the court that he or she has successfully completed the intervention or treatment program. If the defendant's participation is for any reason terminated before his or her successful completion of the intervention or treatment program, collection of the entire assessment imposed under this Section shall be enforced. Nothing in this Section shall be deemed to affect or suspend any other fines, restitution costs, forfeitures, or assessments imposed under this or any other Act.

(g) **(Blank)**. The court shall not impose more than one assessment per complaint, indictment, or information. If the person is convicted of more than one offense in a complaint, indictment, or information, the assessment shall be based on the highest class offense for which the person is convicted.

(h) In counties with a population under 3,000,000, all moneys collected under this Section shall be forwarded by the clerk of the circuit court to the State Treasurer for deposit in the Drug Treatment Fund. The Department of Human Services may make grants to persons licensed under Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act or to municipalities or counties from funds appropriated to the Department from the Drug Treatment Fund for the treatment of pregnant women who are addicted to alcohol, cannabis or controlled substances and for the needed care of minor, unemancipated children of women undergoing residential drug treatment. If the Department of Human Services grants funds to a municipality or a county that the Department determines is not experiencing a problem with pregnant women addicted to alcohol, cannabis or controlled substances, or with care for minor, unemancipated children of women undergoing residential drug treatment, or intervention, the funds shall be used for the treatment of any person addicted to alcohol, cannabis, or controlled substances. The Department may adopt such rules as it deems appropriate for the administration of such grants.

(i) ~~(Blank). In counties with a population of 3,000,000 or more, all moneys collected under this Section shall be forwarded to the County Treasurer for deposit into the County Health Fund. The County Treasurer shall, no later than the 15th day of each month, forward to the State Treasurer 30 percent of all moneys collected under this Act and received into the County Health Fund since the prior remittance to the State Treasurer. Funds retained by the County shall be used for community-based treatment of pregnant women who are addicted to alcohol, cannabis, or controlled substances or for the needed care of minor, unemancipated children of these women. Funds forwarded to the State Treasurer shall be deposited into the State Drug Treatment Fund maintained by the State Treasurer from which the Department of Human Services may make grants to persons licensed under Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act or to municipalities or counties from funds appropriated to the Department from the Drug Treatment Fund, provided that the moneys collected from each county be returned proportionately to the counties through grants to licensees located within the county from which the assessment was received and moneys in the State Drug Treatment Fund shall not supplant other local, State or federal funds. If the Department of Human Services grants funds to a municipality or county that the Department determines is not experiencing a problem with pregnant women addicted to alcohol, cannabis or controlled substances, or with care for minor, unemancipated children or women undergoing residential drug treatment, the funds shall be used for the treatment of any person addicted to alcohol, cannabis or controlled substances. The Department may adopt such rules as it deems appropriate for the administration of such grants. (Source: P.A. 94-556, eff. 9-11-05.) (720 ILCS 646/90)~~

Sec. 90. Methamphetamine restitution.

(a) If a person commits a violation of this Act in a manner that requires an emergency response, the person shall be required to make restitution to all public entities involved in the emergency response, to cover the reasonable cost of their participation in the emergency response, including but not limited to regular and overtime costs incurred by local law enforcement agencies and private contractors paid by the public agencies in securing the site. The convicted person shall make this restitution in addition to any other fine or penalty required by law.

(b) Any restitution payments made under this Section shall be disbursed equitably by the circuit clerk in the following order:

- (1) first, to the agency responsible for the mitigation of the incident;
- (2) second, to the local agencies involved in the emergency response;
- (3) third, to the State agencies involved in the emergency response; and
- (4) fourth, to the federal agencies involved in the emergency response.

(c) In addition to any other penalties and liabilities, a person who is convicted of violating any Section of this Act, whose violation proximately caused any incident resulting in an appropriate emergency response, shall be assessed a fine of \$2,500, payable to the circuit clerk, who shall distribute the money to the law enforcement agency responsible for the mitigation of the incident. If the person has been previously convicted of violating any Section of this Act, the fine shall be \$5,000 and the circuit clerk shall distribute the money to the law enforcement agency responsible for the mitigation of the incident. In the event that more than one agency is responsible for an arrest which does not require mitigation, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this Section shall be used for law enforcement expenses.

Any moneys collected for the Illinois State Police shall be **remitted to the State Treasurer and** deposited into the **State Police Operations Assistance Fund Traffic and Criminal Conviction Surcharge Fund** . (Source: P.A. 97-434, eff. 1-1-12.)

Section 905-80. The Code of Criminal Procedure of 1963 is amended

by adding Section 124A-20

as follows: (725 ILCS 5/124A-20 new)

**Sec. 124A-20. Assessment waiver.**

**(a) As used in this Section: "Assessments" means any costs imposed on a criminal defendant under Article 15 of the Criminal and Traffic Assessment Act, but does not include violation of the Illinois Vehicle Code assessments.**

**"Indigent person" means any person who meets one or more of the following criteria:**

**(1) He or she is receiving assistance under one or more of the following means-based governmental public benefits programs: Supplemental Security Income; Aid to the Aged, Blind and Disabled; Temporary Assistance for Needy Families; Supplemental Nutrition Assistance Program; General Assistance; Transitional Assistance; or State Children and Family Assistance.**

**(2) His or her available personal income is 200% or less of the current poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are of a nature and value that the court determines that the applicant is able to pay the assessments.**

**(3) He or she is, in the discretion of the court, unable to proceed in an action with payment of assessments and whose payment of those assessments would result in substantial hardship to the person or his or her family. "Poverty level" means the current poverty level as established by the United States Department of Health and Human Services.**

**(b) Upon the application of any defendant, after the commencement of an action, but no later than 30 days after sentencing:**

**(1) If the court finds that the applicant is an indigent person, the court shall grant the applicant a full assessment waiver exempting him or her from the payment of any assessments.**

**(2) The court shall grant the applicant a partial assessment**

**as follows:**

**(A) 75% of all assessments shall be waived if the applicant's available income is greater than 200% but no more than 250% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the applicant is able, without undue hardship, to pay the total assessments.**

**(B) 50% of all assessments shall be waived if the applicant's available income is greater than 250% but no more than 300% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.**

**(C) 25% of all assessments shall be waived if the applicant's available income is greater than 300% but no more than 400% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.**

(c) An application for a waiver of assessments shall be in writing, signed by the defendant or, if the defendant is a minor, by another person having knowledge of the facts, and filed no later than 30 days after sentencing. The contents of the application for a waiver of assessments, and the procedure for deciding the applications, shall be established by Supreme Court Rule. Factors to consider in evaluating an application shall include:

(1) the applicant's receipt of needs based governmental public benefits, including Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled

(ADBD); Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP or "food stamps"); General Assistance; Transitional Assistance; or State Children and Family Assistance;

(2) the employment status of the applicant and amount of monthly income, if any;

(3) income received from the applicant's pension, Social Security benefits, unemployment benefits, and other sources;

(4) income received by the applicant from other household members;

(5) the applicant's monthly expenses, including rent, home mortgage, other mortgage, utilities, food, medical, vehicle, childcare, debts, child support, and other expenses; and

(6) financial affidavits or other similar supporting documentation provided by the applicant showing that payment of the imposed assessments would result in substantial hardship to the applicant or the applicant's family.

(d) The clerk of court shall provide the application for a waiver of assessments to any defendant who indicates an inability to pay the assessments. The clerk of the court shall post in a conspicuous place in the courthouse a notice, no smaller than 8.5 x 11 inches and using no smaller than 30-point typeface printed in English and in Spanish, advising criminal defendants they may ask the court for a waiver of any court ordered assessments. The notice shall be substantially as follows: "If you are unable to pay the required assessments, you may ask the court to waive payment of them. Ask the clerk of the court for forms."

(e) For good cause shown, the court may allow an applicant whose application is denied or who receives a partial assessment waiver to defer payment of the assessments, make installment payments, or make payment upon reasonable terms and conditions stated in the order.

(f) Nothing in this Section shall be construed to affect the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court.

(g) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

Section 905-85. The Violent Crime Victims Assistance Act is amended by changing Section 10

as follows: (725 ILCS 240/10) (from Ch. 70, par. 510)

Sec. 10. Violent Crime Victims Assistance Fund.

(a) The "Violent Crime Victims Assistance Fund" is created as a special fund in the State Treasury to provide monies for the grants to be awarded under this Act.

(b) **(Blank)**. When any person is convicted in Illinois of an offense listed below, or placed on supervision for that offense on or after July 1, 2012, the court shall impose the following fines:

(1) \$100 for any felony;

(2) \$50 for any offense under the Illinois Vehicle Code, exclusive of offenses enumerated in paragraph (a)(2) of Section 6-204 of that Code, and exclusive of any offense enumerated in Article VI of Chapter 11 of that Code relating to restrictions, regulations, and limitations on the speed at which a motor vehicle is driven or operated; and

(3) \$75 for any misdemeanor, excluding a conservation offense. Notwithstanding any other provision of this Section, the penalty established in this Section shall be assessed for any violation of Section 11-601.5, 11-605.2, or 11-605.3 of the Illinois Vehicle Code.

The Clerk of the Circuit Court shall remit moneys collected under this subsection (b) within one month after receipt to the State Treasurer for deposit into the Violent Crime Victims Assistance Fund, except as provided in subsection (g) of this Section. Such additional penalty shall not be considered a part of the fine for purposes of any reduction made in the fine for time served either before or after sentencing. Not later than March 1 of each year the Clerk of the Circuit Court shall submit to the State Comptroller a report of the amount of funds remitted by him to the State Treasurer under this Section during the preceding calendar year.

(c) **(Blank)**. The charge imposed by subsection (b) shall not be subject to the provisions of Section 110-14 of the Code of Criminal Procedure of 1963.

(d) Monies forfeited, and proceeds from the sale of property forfeited and seized, under the forfeiture provisions set forth in Part 500 of Article 124B of the Code of Criminal Procedure of 1963 shall be accepted for the Violent Crime Victims Assistance Fund.

(e) Investment income which is attributable to the investment of monies in the Violent Crime Victims Assistance Fund shall be credited to that fund for uses specified in this Act. The Treasurer shall provide the Attorney General a monthly status report on the amount of money in the Fund.

(f) Monies from the fund may be granted on and after July 1, 1984.

(g) **(Blank)**. All amounts and charges imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act. (Source: P.A. 96-712, eff. 1-1-10; 97-108, eff. 7-14-11; 97-816, eff. 7-16-12.)

Section 905-90. The Unified Code of Corrections is amended by changing Sections 5-4-3, 5-4.5-50, 5-4.5-55, 5-4.5-60, 5-4.5-65, 5-4.5-75, 5-4.5-80, 5-5-3, 5-5-6, 5-6-1, 5-6-3, 5-6-3.1, 5-7-1, 5-9-1, 5-9-1.4, 5-9-1.7, 5-9-1.9, 5-9-1.11, 5-9-1.16, and 5-9-1.21

as follows: (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, convicted or found guilty of any offense requiring registration under the Sex Offender

Registration Act, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, convicted or found guilty of, under the Juvenile Court Act of 1987, any offense requiring registration under the Sex Offender Registration Act, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after July 1, 1990 and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense;

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after January 1, 1997;

(2) ordered institutionalized as a sexually dangerous person on or after July 1, 1990;

(3) convicted of a qualifying offense or attempt of a qualifying offense before July 1, 1990 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction;

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after August 22, 2002;

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or (4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act. (a-1) Any person incarcerated in a facility of the Illinois Department of Corrections or the Illinois Department of Juvenile Justice on or after August 22, 2002, whether for a term of years, natural life, or a sentence of death, who has not yet submitted a specimen of blood, saliva, or tissue shall be required to submit a specimen of blood, saliva, or tissue prior to his or her final discharge, or release on parole, aftercare release, or mandatory supervised release, as a condition of his or her parole, aftercare release, or mandatory supervised release, or within 6 months from August 13, 2009 (the effective date of Public Act 96-426), whichever is sooner. A person incarcerated on or after August 13, 2009 (the effective date of Public Act 96-426) shall be required to submit a specimen within 45 days of incarceration, or prior to his or her final discharge, or release on parole, aftercare release, or mandatory supervised release, as a condition of his or her parole, aftercare release, or mandatory supervised release, whichever is sooner. These specimens shall be placed into the State or national DNA database, to be used in accordance with other provisions of this Section, by the Illinois State Police.

(a-2) Any person sentenced to life imprisonment in a facility of the Illinois Department of Corrections after the effective date of this amendatory Act of the 94th General Assembly or sentenced to death after the effective date of this amendatory Act of the 94th General Assembly shall be required to provide a specimen of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police. Any person serving a sentence of life imprisonment in a facility of the Illinois Department of Corrections on the effective date of this amendatory Act of the 94th General Assembly or any person who is under a sentence of death on the effective date of this amendatory Act of the 94th General Assembly shall be required to provide a specimen of blood, saliva, or tissue upon request at a collection site designated by the Illinois Department of State Police.

(a-3) Any person seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of this Code, the Interstate Compact for Adult Offender Supervision, or the Interstate Agreements on Sexually Dangerous Persons Act

shall be required to provide a specimen of blood, saliva, or tissue within 45 days after transfer to or residency in Illinois at a collection site designated by the Illinois Department of State Police.

(a-3.1) Any person required by an order of the court to submit a DNA specimen shall be required to provide a specimen of blood, saliva, or tissue within 45 days after the court order at a collection site designated by the Illinois Department of State Police.

(a-3.2) On or after January 1, 2012 (the effective date of Public Act 97-383), any person arrested for any of the following offenses, after an indictment has been returned by a grand jury, or following a hearing pursuant to Section 109-3 of the Code of Criminal Procedure of 1963 and a judge finds there is probable cause to believe the arrestee has committed one of the designated offenses, or an arrestee has waived a preliminary hearing shall be required to provide a specimen of blood, saliva, or tissue within 14 days after such indictment or hearing at a collection site designated by the Illinois Department of State Police:

(A) first degree murder;

(B) home invasion;

(C) predatory criminal sexual assault of a child;

(D) aggravated criminal sexual assault; or

(E) criminal sexual assault. (a-3.3) Any person required to register as a sex offender under the Sex Offender Registration Act, regardless of the date of conviction as set forth in subsection (c-5.2) shall be required to provide a specimen of blood, saliva, or tissue within the time period prescribed in subsection (c-5.2) at a collection site designated by the Illinois Department of State Police.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or the Criminal Code of 2012 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5),

(a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and

(a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such specimens prior to final discharge or within 6 months from August 13, 2009 (the effective date of Public Act 96-426), whichever is sooner. These specimens shall be placed into the State or national DNA database, to be used in accordance with other provisions of this Act, by the Illinois State Police.

(c-5) Any person required by paragraph (a-3) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.



(c-5.2) Unless it is determined that a registered sex offender has previously submitted a specimen of blood, saliva, or tissue that has been placed into the State DNA database, a person registering as a sex offender shall be required to submit a specimen at the time of his or her initial registration pursuant to the Sex Offender Registration Act or, for a person registered as a sex offender on or prior to January 1, 2012 (the effective date of Public Act 97-383), within one year of January 1, 2012 (the effective date of Public Act 97-383) or at the time of his or her next required registration.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis. The Illinois Department of State Police may require the submission of fingerprints from anyone required to give a specimen under this Act.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood specimens. The collection of specimens shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The specimens shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva specimens. The collection of saliva specimens shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The specimens shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue specimens. The collection of tissue specimens shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The specimens shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known specimens, except as provided in subsection (n) of this Section.

(d-6) Agencies designated by the Illinois Department of State Police and the Illinois Department of State Police may contract with third parties to provide for the collection or analysis of DNA, or both, of an offender's blood, saliva, and tissue specimens, except as provided in subsection (n) of this Section.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies, and to defense counsel as provided by Section 116-5 of the Code of Criminal Procedure of 1963. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database, (ii) technology validation purposes, (iii) a population statistics database, (iv) quality assurance purposes if personally identifying information is removed, (v) assisting in the defense of the criminally accused pursuant to Section 116-5 of the Code of Criminal Procedure of 1963, or

(vi) identifying and assisting in the prosecution of a person who is suspected of committing a sexual assault as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any specimens, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed. For specimens required to be collected prior to conviction, unless the individual has other charges or convictions that require submission of a specimen, the DNA record for an individual shall be expunged from the DNA identification databases and the specimen destroyed upon receipt of a certified copy of a final court order for each charge against an individual in which the charge has been dismissed, resulted in acquittal, or that the charge was not filed within the applicable time period. The Department shall by rule prescribe procedures to ensure that the record and any specimens in the possession or control of the Department are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA specimen, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than \$5,000.

(f-6) The Illinois Department of State Police may contract with third parties for the purposes of implementing this amendatory Act of the 93rd General Assembly, except as provided in subsection (n) of this Section. Any other party contracting to carry out the functions of this Section shall be subject to the same restrictions and requirements of this Section insofar as applicable, as the Illinois Department of State Police, and to any additional restrictions imposed by the Illinois Department of State Police.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) any violation or inchoate violation of Section 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012;

(1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of 1961 or the Criminal Code of 2012 for which persons are convicted on or after July 1, 2001;

(2) any former statute of this State which defined a felony sexual offense;

(3) (blank);

(4) any inchoate violation of Section 9-3.1, 9-3.4, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or the Criminal Code of 2012; or

(5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012. (g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue specimens and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) (1) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class 4 felony.

(2) In the event that a person's DNA specimen is not adequate for any reason, the person shall provide another DNA specimen for analysis. Duly authorized law enforcement and corrections personnel may employ reasonable force in cases in which an individual refuses to provide a DNA specimen required under this Act.

~~(j) (Blank). Any person required by subsection (a), or any person who was previously required by subsection (a-3.2), to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of \$250. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.~~

(k) All analysis and categorization ~~assessments fees~~ provided ~~under the Criminal and Traffic Assessments Act to the State Offender DNA Identification System Fund~~ for by subsection

~~(j)~~ shall be regulated

as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

~~(2) (Blank). All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.~~

(3) **Moneys Fees** deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(I) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(m) If any provision of this amendatory Act of the 93rd General Assembly is held unconstitutional or otherwise invalid, the remainder of this amendatory Act of the 93rd General Assembly is not affected.

(n) Neither the Department of State Police, the Division of Forensic Services, nor any laboratory of the Division of Forensic Services may contract out forensic testing for the purpose of an active investigation or a matter pending before a court of competent jurisdiction without the written consent of the prosecuting agency. For the purposes of this subsection

(n), "forensic testing" includes the analysis of physical evidence in an investigation or other proceeding for the prosecution of a violation of the Criminal Code of 1961 or the Criminal Code of 2012 or for matters adjudicated under the Juvenile Court Act of 1987, and includes the use of forensic databases and databanks, including DNA, firearm, and fingerprint databases, and expert testimony.

(o) Mistake does not invalidate a database match. The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the specimen was obtained or placed in the database by mistake.

(p) This Section may be referred to as the Illinois DNA Database Law of 2011. (Source: P.A. 97-383, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.) (730 ILCS 5/5-4.5-50)

Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except as otherwise provided, for all felonies:

(a) NO SUPERVISION. The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may not defer further proceedings and the imposition of a sentence and may not enter an order for supervision of the defendant.

(b) FELONY FINES. **Unless otherwise specified by law, the minimum fine is \$25.** An offender may be sentenced to pay a fine not to exceed, for each offense, \$25,000 or the amount specified in the offense, whichever is greater, or if the offender is a corporation, \$50,000 or the amount specified in the offense, whichever is greater. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. **If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.**

(c) REASONS FOR SENTENCE STATED. The sentencing judge in each felony conviction shall set forth his or her reasons for imposing the particular sentence entered in the case, as provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such factors, as well as any other mitigating or aggravating factors that the judge sets forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(d) MOTION TO REDUCE SENTENCE. A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a

sentence or to any aspect of the sentencing hearing shall be made by a written motion filed with the circuit court clerk within 30 days following the imposition of sentence. A motion not filed within that 30-day period is not timely. The court may not increase a sentence once it is imposed. A notice of motion must be filed with the motion. The notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

If a motion filed pursuant to this subsection is timely filed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide the motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed, then for purposes of perfecting an appeal, a final judgment is not considered to have been entered until the motion to reduce the sentence has been decided by order entered by the trial court.

(e) **CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR OTHER-STATE SENTENCE.** A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his or her sentence by the Illinois court ordered to be concurrent with the prior other-state or federal sentence. The court may order that any time served on the unexpired portion of the other-state or federal sentence, prior to his or her return to Illinois, shall be credited on his or her Illinois sentence. The appropriate official of the other state or the United States shall be furnished with a copy of the order imposing sentence, which shall provide that, when the offender is released from other-state or federal confinement, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing Illinois county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of the sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) **REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE.** A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois circuit court, may apply to the Illinois circuit court that imposed sentence to have his or her sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his or her Illinois sentence. The application for reduction of a sentence under this subsection shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(g) **NO REQUIRED BIRTH CONTROL.** A court may not impose a sentence or disposition that requires the defendant to be implanted or injected with or to use any form of birth control. (Source: P.A. 95-1052, eff. 7-1-09.) (730 ILCS 5/5-4.5-55)

Sec. 5-4.5-55. **CLASS A MISDEMEANORS; SENTENCE.** For a Class A misdemeanor:

(a) **TERM.** The sentence of imprisonment shall be a determinate sentence of less than one year.

(b) **PERIODIC IMPRISONMENT.** A sentence of periodic imprisonment shall be for a definite term of less than one year, except as otherwise provided in Section 5-5-3 or 5-7-1 (730 ILCS 5/5-5-3 or 5/5-7-1).

(c) **IMPACT INCARCERATION.** See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. **Unless otherwise specified by law, the minimum fine is \$25.** A fine not to exceed \$2,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/ Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. **If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.**

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention. (Source: P.A. 100-431, eff. 8-25-17.) (730 ILCS 5/5-4.5-60)

Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class B misdemeanor:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of not more than 6 months.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of up to 6 months or as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

(c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. **Unless otherwise specified by law, the minimum fine is \$25.** A fine not to exceed \$1,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/ Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. **If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.**

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention. (Source: P.A. 100-431, eff. 8-25-17.) (730 ILCS 5/5-4.5-65)

Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class C misdemeanor:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of not more than 30 days.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of up to 30 days or as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

(c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. **Unless otherwise specified by law, the minimum fine is \$25.** A fine not to exceed \$1,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/ Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. **If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.**

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention. (Source: P.A. 100-431, eff. 8-25-17.) (730 ILCS 5/5-4.5-75)

Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as otherwise provided, for a petty offense:

(a) FINE. **Unless otherwise specified by law, the minimum fine is \$25.** A defendant may be sentenced to pay a fine not to exceed \$1,000 for each offense or the amount specified in the offense, whichever is less. A fine may be imposed in addition to a sentence of conditional discharge or probation. See

Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. **If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.**

(b) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be sentenced to a period of probation or conditional discharge not to exceed 6 months. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(c) RESTITUTION. A defendant may be sentenced to make restitution to the victim under Section 5-5-6 (730 ILCS 5/5-5-6).

(d) SUPERVISION; ORDER. The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may defer further proceedings and the imposition of a sentence and may enter an order for supervision of the defendant. If the defendant is not barred from receiving an order for supervision under Section 5-6-1 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character, and condition of the offender, if the court is of the opinion that:

(1) the defendant is not likely to commit further crimes;

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

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

(e) SUPERVISION; PERIOD. When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of supervision, and shall defer further proceedings in the case until the conclusion of the period. The period of supervision shall be reasonable under all of the circumstances of the case, and except as otherwise provided, may not be longer than 2 years. The court shall specify the conditions of supervision as set forth in Section 5-6-3.1 (730 ILCS 5/5-6-3.1). (Source: P.A. 95-1052, eff. 7-1-09.) (730 ILCS 5/5-4.5-80)

Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as otherwise provided, for a business offense:

(a) FINE. **Unless otherwise specified by law, the minimum fine is \$25.** A defendant may be sentenced to pay a fine not to exceed for each offense the amount specified in the statute defining that offense. A fine may be imposed in addition to a sentence of conditional discharge. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. **If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.**



(b) **CONDITIONAL DISCHARGE.** A defendant may be sentenced to a period of conditional discharge. The court shall specify the conditions of conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(c) **RESTITUTION.** A defendant may be sentenced to make restitution to the victim under Section 5-5-6 (730 ILCS 5/5-5-6).

(d) **SUPERVISION; ORDER.** The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may defer further proceedings and the imposition of a sentence and may enter an order for supervision of the defendant. If the defendant is not barred from receiving an order for supervision under Section 5-6-1 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character, and condition of the offender, if the court is of the opinion that:

(1) the defendant is not likely to commit further crimes;

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

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

(e) **SUPERVISION; PERIOD.** When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of supervision, and shall defer further proceedings in the case until the conclusion of the period. The period of supervision shall be reasonable under all of the circumstances of the case, and except as otherwise provided, may not be longer than 2 years. The court shall specify the conditions of supervision as set forth in Section 5-6-3.1 (730 ILCS 5/5-6-3.1). (Source: P.A. 95-1052, eff. 7-1-09.) (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

**Sec. 5-5-3. Disposition.**

(a) (Blank).

(b) (Blank).

(c) (1) (Blank).

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision

(c)(1.5) of Section 401 of that Act which relates to more than 5 grams of a substance containing fentanyl or an analog thereof.

(D-5) A violation of subdivision (c)(1) of Section 401 of the Illinois Controlled Substances Act which relates to 3 or more grams of a substance containing heroin or an analog thereof.

(E) (Blank).

(F) A Class 1 or greater felony if the offender had been convicted of a Class 1 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 1 or greater felony) classified as a Class 1 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-3) A Class 2 or greater felony sex offense or felony firearm offense if the offender had been convicted of a Class 2 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 2 or greater felony) classified as a Class 2 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 or the Criminal Code of 2012 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

- (O) A violation of Section 12-6.1 or 12-6.5 of the Criminal Code of 1961 or the Criminal Code of 2012.
- (P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012.
- (Q) A violation of subsection (b) or (b-5) of Section 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012.
- (R) A violation of Section 24-3A of the Criminal Code of 1961 or the Criminal Code of 2012.
- (S) (Blank).
- (T) (Blank).
- (U) A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state.
- (V) A violation of paragraph (4) of subsection (c) of Section 11-20.1B or paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961, or paragraph
- (6) of subsection (a) of Section 11-20.1 of the Criminal Code of 2012 when the victim is under 13 years of age and the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses.
- (W) A violation of Section 24-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012.
- (X) A violation of subsection (a) of Section 31-1a of the Criminal Code of 1961 or the Criminal Code of 2012.
- (Y) A conviction for unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition.
- (Z) A Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.
- (AA) Theft of property exceeding \$500,000 and not exceeding \$1,000,000 in value.
- (BB) Laundering of criminally derived property of a value exceeding \$500,000.
- (CC) Knowingly selling, offering for sale, holding for sale, or using 2,000 or more counterfeit items or counterfeit items having a retail value in the aggregate of \$500,000 or more.
- (DD) A conviction for aggravated assault under paragraph (6) of subsection (c) of Section 12-2 of the Criminal Code of 1961 or the Criminal Code of 2012 if the firearm is aimed toward the person against whom the firearm is being used.
- (EE) A conviction for a violation of paragraph (2) of subsection (a) of Section 24-3B of the Criminal Code of 2012.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraphs (4.3) and (4.8) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraphs (4.5), (4.6), and (4.9) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) Except as provided in paragraph (4.10) of this subsection (c), a minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.7) A minimum term of imprisonment of not less than 30 consecutive days, or 300 hours of community service, shall be imposed for a violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (b-5) of that Section.

(4.8) A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.

(4.9) A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(4.10) A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-3.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(5) The court may sentence a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code. (5.1) In addition to any other penalties imposed, and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of

the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any other penalties imposed, and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any other penalties imposed, a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of \$100.

(5.5) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of \$100.

(6) (Blank).

(7) (Blank).

(8) (Blank).

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of \$1,000 for a first offense and \$2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(13) A person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery may be required to attend a Partner Abuse Intervention Program under protocols set forth by the Illinois Department of Human Services under such terms and conditions imposed by the court. The costs of such classes shall be paid by the offender.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense. Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 11-0.1 of the Criminal Code of 2012.

(f) (Blank).

(g) Whenever a defendant is convicted of an offense under Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14, 11-14.3, 11-14.4 except for an offense that involves keeping a place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified

causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus

(HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under **the Criminal and Traffic Assessment Act Section 27.5 of the Clerks of Courts Act** .

(j) In cases when prosecution for any violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9, 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,

11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of high school equivalency testing. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed high school equivalency testing. This subsection (j-5) does not apply to a defendant who is determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program.

(k) (Blank).

(l) (A) Except as provided in paragraph (C) of subsection

(l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice. Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to



suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional earned sentence credit as provided under Section 3-6-3.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a, of the Criminal Code of 1961 or the Criminal Code of 2012 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State. (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff. 1-1-18; 100-575, eff. 1-8-18.) (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

Sec. 5-5-6. In all convictions for offenses in violation of the Criminal Code of 1961 or the Criminal Code of 2012 or of Section 11-501 of the Illinois Vehicle Code in which the person received any injury to his or her person or damage to his or her real or personal property as a result of the criminal act of the defendant, the court shall order restitution as provided in this Section. In all other cases, except cases in which restitution is required under this Section, the court must at the sentence hearing determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of an offense. If the court determines that an order directing the offender to make restitution is appropriate, the offender may be sentenced to make restitution. The court may consider restitution an appropriate sentence to be imposed on each defendant convicted of an offense in addition to a sentence of imprisonment. The sentence of the defendant to a term of imprisonment is not a mitigating factor that prevents the court from ordering the defendant to pay restitution. If the offender is sentenced to make restitution the Court shall determine the restitution as hereinafter set forth:

(a) At the sentence hearing, the court shall determine whether the property may be restored in kind to the possession of the owner or the person entitled to possession thereof; or whether the defendant is possessed of sufficient skill to repair and restore property damaged; or whether the defendant should be required to make restitution in cash, for out-of-pocket expenses, damages, losses, or injuries found to have been proximately caused by the conduct of the defendant or another for whom the defendant is legally accountable under the provisions of

Article 5 of the Criminal Code of 1961 or the Criminal Code of 2012.

(b) In fixing the amount of restitution to be paid in cash, the court shall allow credit for property returned in kind, for property damages ordered to be repaired by the defendant, and for property ordered to be restored by the defendant; and after granting the credit, the court shall assess the actual out-of-pocket expenses, losses, damages, and injuries suffered by the victim named in the charge and any other victims who may also have suffered out-of-pocket expenses, losses, damages, and injuries proximately caused by the same criminal conduct of the defendant, and insurance carriers who have indemnified the named victim or other victims for the out-of-pocket expenses, losses, damages, or injuries, provided that in no event shall restitution be ordered to be paid on account of pain and suffering. When a victim's out-of-pocket expenses have been paid pursuant to the Crime Victims Compensation Act, the court shall order restitution be paid to the compensation program. If a defendant is placed on supervision for, or convicted of, domestic battery, the defendant shall be required to pay restitution to any domestic violence shelter in which the victim and any other family or household members lived because of the domestic battery. The amount of the restitution shall equal the actual expenses of the domestic violence shelter in providing housing and any other services for the victim and any other family or household members living at the shelter. If a defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff to seize any real or personal property of a defendant to the extent necessary to satisfy the order of restitution and dispose of the property by public sale. All proceeds from such sale in excess of the amount of restitution plus court costs and the costs of the sheriff in conducting the sale shall be paid to the defendant. The defendant convicted of domestic battery, if a person under 18 years of age was present and witnessed the domestic battery of the victim, is liable to pay restitution for the cost of any counseling required for the child at the discretion of the court.

(c) In cases where more than one defendant is accountable for the same criminal conduct that results in out-of-pocket expenses, losses, damages, or injuries, each defendant shall be ordered to pay restitution in the amount of the total actual out-of-pocket expenses, losses, damages, or injuries to the victim proximately caused by the conduct of all of the defendants who are legally accountable for the offense.

(1) In no event shall the victim be entitled to recover restitution in excess of the actual out-of-pocket expenses, losses, damages, or injuries, proximately caused by the conduct of all of the defendants.

(2) As between the defendants, the court may apportion the restitution that is payable in proportion to each co-defendant's culpability in the commission of the offense.

(3) In the absence of a specific order apportioning the restitution, each defendant shall bear his pro rata share of the restitution.

(4) As between the defendants, each defendant shall be entitled to a pro rata reduction in the total restitution required to be paid to the victim for amounts of restitution actually paid by co-defendants, and defendants who shall have paid more than their pro rata share shall be entitled to refunds to be computed by the court as additional amounts are paid by co-defendants.

(d) In instances where a defendant has more than one criminal charge pending against him in a single case, or more than one case, and the defendant stands convicted of one or more charges, a plea agreement negotiated by the State's Attorney and the defendants may require the defendant to make restitution to victims of charges that have been dismissed or which it is contemplated will be dismissed under the terms of the plea agreement, and under the agreement, the court may impose a sentence of restitution on the charge or charges of which the defendant has been convicted that would require the defendant to make restitution to victims of other offenses as provided in the plea agreement.

(e) The court may require the defendant to apply the balance of the cash bond, after payment of court costs, and any fine that may be imposed to the payment of restitution.

(f) Taking into consideration the ability of the defendant to pay, including any real or personal property or any other assets of the defendant, the court shall determine whether restitution shall be paid in a single payment or in installments, and shall fix a period of time not in excess of 5 years, except for violations of Sections 16-1.3 and 17-56 of the Criminal Code of 1961 or the Criminal Code of 2012, or the period of time specified in subsection (f-1), not including periods of incarceration, within which payment of restitution is to be paid in full. Complete restitution shall be paid in as short a time period as possible. However, if the court deems it necessary and in the best interest of the victim, the court may extend beyond 5 years the period of time within which the payment of restitution is to be paid. If the defendant is ordered to pay restitution and the court orders that restitution is to be paid over a period greater than 6 months, the court shall order that the defendant make monthly payments; the court may waive this requirement of monthly payments only if there is a specific finding of good cause for waiver.

(f-1)(1) In addition to any other penalty prescribed by law and any restitution ordered under this Section that did not include long-term physical health care costs, the court may, upon conviction of any misdemeanor or felony, order a defendant to pay restitution to a victim in accordance with the provisions of this subsection (f-1) if the victim has suffered physical injury as a result of the offense that is reasonably probable to require or has required long-term physical health care for more than 3 months. As used in this subsection (f-1) "long-term physical health care" includes mental health care.

(2) The victim's estimate of long-term physical health care costs may be made as part of a victim impact statement under Section 6 of the Rights of Crime Victims and Witnesses Act or made separately. The court shall enter the long-term physical health care restitution order at the time of sentencing. An order of restitution made under this subsection (f-1) shall fix a monthly amount to be paid by the defendant for as long as long-term physical health care of the victim is required as a result of the offense. The order may exceed the length of any sentence imposed upon the defendant for the criminal activity. The court shall include as a special finding in the judgment of conviction its determination of the monthly cost of long-term physical health care.

(3) After a sentencing order has been entered, the court may from time to time, on the petition of either the defendant or the victim, or upon its own motion, enter an order for restitution for long-term physical care or modify the existing order for restitution for long-term physical care as to the amount of monthly payments. Any modification of the order shall be based only upon a substantial change of circumstances relating to the cost of long-term physical health care or the financial condition of either the defendant or the victim. The petition shall be filed as part of the original criminal docket.

(g) In addition to the sentences provided for in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012, the court may order any person who is convicted of violating any of those Sections or who was charged with any of those offenses and which charge was reduced to another charge as a result of a plea agreement under subsection (d) of this Section to meet all or any portion of the financial obligations of treatment, including but not limited to medical, psychiatric, or rehabilitative treatment or psychological counseling, prescribed for the victim or victims of the offense.

The payments shall be made by the defendant to the clerk of the circuit court and transmitted by the clerk to the appropriate person or agency as directed by the court. Except as otherwise provided in subsection (f-1), the order may require such payments to be made for a period not to exceed 5 years after sentencing, not including periods of incarceration.

(h) The judge may enter an order of withholding to collect the amount of restitution owed in accordance with Part 8 of Article XII of the Code of Civil Procedure.

(i) A sentence of restitution may be modified or revoked by the court if the offender commits another offense, or the offender fails to make restitution as ordered by the court, but no sentence to make restitution shall be revoked unless the court shall find that the offender has had the financial ability to make restitution, and he has wilfully refused to do so. When the offender's ability to pay restitution was established at the time an order of restitution was entered or modified, or when the offender's ability to pay was based on the offender's willingness to make restitution as part of a plea agreement made at the time the order of restitution was entered or modified, there is a rebuttable presumption that the facts and circumstances considered by the court at the hearing at which the order of restitution was entered or modified regarding the offender's ability or willingness to pay restitution have not materially changed. If the court shall find that the defendant has failed to make restitution and that the failure is not wilful, the court may impose an additional period of time within which to make restitution. The length of the additional period shall not be more than 2 years. The court shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the conditions, and to revoke or further modify the sentence if the conditions of payment are violated during the additional period.

(j) The procedure upon the filing of a Petition to Revoke a sentence to make restitution shall be the same as the procedures set forth in Section 5-6-4 of this Code governing violation, modification, or revocation of Probation, of Conditional Discharge, or of Supervision.

(k) Nothing contained in this Section shall preclude the right of any party to proceed in a civil action to recover for any damages incurred due to the criminal misconduct of the defendant.

(l) Restitution ordered under this Section shall not be subject to disbursement by the circuit clerk under **the Criminal and Traffic Assessment Act Section 27.5 of the Clerks of Courts Act** .

(m) A restitution order under this Section is a judgment lien in favor of the victim that:

(1) Attaches to the property of the person subject to the order;

(2) May be perfected in the same manner as provided in Part 3 of Article 9 of the Uniform Commercial Code;

(3) May be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and

(4) Expires in the same manner as a judgment lien created in a civil proceeding. When a restitution order is issued under this Section, the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the charge was filed. Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket.

(n) An order of restitution under this Section does not bar a civil action for:

(1) Damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damages that is the basis of restitution ordered by the court; and

(2) Other damages suffered by the victim. The restitution order is not discharged by the completion of the sentence imposed for the offense.

A restitution order under this Section is not discharged by the liquidation of a person's estate by a receiver. A restitution order under this Section may be enforced in the same manner as judgment liens are enforced under Article XII of the Code of Civil Procedure.

The provisions of Section 2-1303 of the Code of Civil Procedure, providing for interest on judgments, apply to judgments for restitution entered under this Section. (Source: P.A. 96-290, eff. 8-11-09; 96-1551, eff. 7-1-11; 97-482, eff. 1-1-12; 97-817, eff. 1-1-13; 97-1150, eff. 1-25-13.) (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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

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

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

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

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender. The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

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

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

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961 or the Criminal Code of 2012: Sections 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6; 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection

(a) of Section 24-1; (ii) a Class A misdemeanor violation of

Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) a felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

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

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

(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code. (c-5) Subsections (a), (b), and (c) of this Section do not apply to a defendant charged with a second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit or privileges were revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state.

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

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

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

(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement. The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

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

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

(2) assigned supervision for a violation of Section 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal Code of 2012. The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

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

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

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance. The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

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

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

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code. (h-1) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) The provisions of paragraph (c) shall not apply to a defendant charged with violating subsection (i) of Section 70 of the Firearm Concealed Carry Act. (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14; 98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff. 1-1-16.) (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)



Sec. 5-6-3. Conditions of probation and of conditional discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) report to or appear in person before such person or agency as directed by the court;

(3) refrain from possessing a firearm or other dangerous weapon where the offense is a felony or, if a misdemeanor, the offense involved the intentional or knowing infliction of bodily harm or threat of bodily harm;

(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this paragraph (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this paragraph (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This paragraph (7) does not apply to a person who has a high school diploma or has successfully passed high school equivalency testing. This paragraph (7) does not apply to a person who is determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders;

(8.7) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (8.7), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(8.8) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer; (8.9) if convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262), refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;

(9) if convicted of a felony or of any misdemeanor violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012 that was determined, pursuant to Section 112A-11.1 of the Code of Criminal Procedure of 1963, to trigger the prohibitions of 18 U.S.C. 922(g)(9), physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession. The Court shall return to the Department of State Police Firearm Owner's Identification Card Office the person's Firearm Owner's Identification Card;

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present,

not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;

(11) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses;

(12) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense:

(A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and

(B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate; and

(13) if convicted of a hate crime involving the protected class identified in subsection (a) of Section 12-7.1 of the Criminal Code of 2012 that gave rise to the offense the offender committed, perform public or community service of no less than 200 hours and enroll in an educational program discouraging hate crimes that includes racial, ethnic, and cultural sensitivity training ordered by the court.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph

(d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home;

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(8) make restitution as provided in Section 5-5-6 of this Code;

(9) perform some reasonable public or community service;

(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

(i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the probation and court services fund. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and

collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

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

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

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

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (17), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(18) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the subject's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer; and

(19) refrain from possessing a firearm or other dangerous weapon where the offense is a misdemeanor that did not involve the intentional or knowing infliction of bodily harm or threat of bodily harm.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6-month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and

collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred, or which has agreed to provide supervision, may impose probation fees upon receiving the transferred offender, as provided in subsection (i). For all transfer cases, as defined in Section 9b of the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. After the transfer, all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of \$50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is placed in the guardianship or custody of the Department of Children and Family Services under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of \$25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, up to \$5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may reevaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

Public Act 93-970 deletes the \$10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under **the Criminal and Traffic Assessment Act Section 27.5 of the Clerks of Courts Act** .

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(l) The court may order an offender who is sentenced to probation or conditional discharge for a violation of an order of protection be placed under electronic surveillance as provided in Section 5-8A-7 of this Code. (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16; 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff. 1-8-18.) (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

Sec. 5-6-3.1. Incidents and conditions of supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

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

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;



- (4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
- (5) attend or reside in a facility established for the instruction or residence of defendants on probation;
- (6) support his dependents;
- (7) refrain from possessing a firearm or other dangerous weapon;
- (8) and in addition, if a minor:
  - (i) reside with his parents or in a foster home;
  - (ii) attend school;
  - (iii) attend a non-residential program for youth;
  - (iv) contribute to his own support at home or in a foster home; or
  - (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
- (9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;
- (10) perform some reasonable public or community service;
- (11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;
- (12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;
- (13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;
- (14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

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

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code; under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and

(18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter. (c-5) If payment of restitution as ordered has not been made, the victim shall file a petition notifying the sentencing court, any other person to whom restitution is owed, and the State's Attorney of the status of the ordered restitution payments unpaid at least 90 days before the supervision expiration date. If payment as ordered has not been made, the court shall hold a review hearing prior to the expiration date, unless the hearing is voluntarily waived by the defendant with the knowledge that waiver may result in an extension of the supervision period or in a revocation of supervision. If the court does not extend supervision, it shall issue a judgment for the unpaid restitution and direct the clerk of the circuit court to file and enter the judgment in the judgment and lien docket, without fee, unless it finds that the victim has recovered a judgment against the defendant for the amount covered by the restitution order. If the court issues a judgment for the unpaid restitution, the court shall send to the defendant at his or her last known address written notification that a civil judgment has been issued for the unpaid restitution.

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

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in clause

(a)(1)(L) of Section 5.2 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

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

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of \$50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is placed in the guardianship or custody of the Department of Children and Family Services under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of \$25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, not to exceed \$5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar

provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under **the Criminal and Traffic Assessment Act Section 27.5 of the Clerks of Courts Act** .

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed high school equivalency testing. This subsection (k) does not apply to a defendant who is determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of 3 years after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.

(p) An offender placed on supervision for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012 shall refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (p), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012;

and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

(q) An offender placed on supervision for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012 shall, if so ordered by the court, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (q), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

(r) An offender placed on supervision for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983) shall:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the court, except in connection with the offender's employment or search for employment with the prior approval of the court;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the court.

(s) An offender placed on supervision for an offense that is a sex offense as defined in Section 2 of the Sex Offender Registration Act that is committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses.

(t) An offender placed on supervision for a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262) shall refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012.

(u) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred may impose probation fees upon receiving the transferred offender, as provided in subsection (i). The probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 99-797, eff. 8-12-16; 100-159, eff. 8-18-17; 100-201, eff. 8-18-17.) (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

Sec. 5-7-1. Sentence of Periodic Imprisonment.

(a) A sentence of periodic imprisonment is a sentence of imprisonment during which the committed person may be released for periods of time during the day or night or for periods of days, or both, or if convicted of a felony, other than first degree murder, a Class X or Class 1 felony, committed to any county, municipal, or regional correctional or detention institution or facility in this State for such periods of time as the court may direct. Unless the court orders otherwise, the particular times and conditions of release shall be determined by the Department of Corrections, the sheriff, or the Superintendent of the house of corrections, who is administering the program.

(b) A sentence of periodic imprisonment may be imposed to permit the defendant to:

(1) seek employment;

(2) work;

(3) conduct a business or other self-employed occupation including housekeeping;

(4) attend to family needs;

(5) attend an educational institution, including vocational education;

(6) obtain medical or psychological treatment;

(7) perform work duties at a county, municipal, or regional correctional or detention institution or facility;

(8) continue to reside at home with or without supervision involving the use of an approved electronic monitoring device, subject to Article 8A of Chapter V; or

(9) for any other purpose determined by the court.

(c) Except where prohibited by other provisions of this Code, the court may impose a sentence of periodic imprisonment for a felony or misdemeanor on a person who is 17 years of age or older. The court shall not impose a sentence of periodic imprisonment if it imposes a sentence of imprisonment upon the defendant in excess of 90 days.

(d) A sentence of periodic imprisonment shall be for a definite term of from 3 to 4 years for a Class 1 felony, 18 to 30 months for a Class 2 felony, and up to 18 months, or the longest sentence of imprisonment that could be imposed for the offense, whichever is less, for all other offenses; however, no person shall be sentenced to a term of periodic imprisonment longer than one year if he is committed to a county correctional institution or facility, and in conjunction with that sentence participate in a county work release program comparable to the work and day release program provided for in

Article 13 of the Unified Code of Corrections in State facilities. The term of the sentence shall be calculated upon the basis of the duration of its term rather than upon the basis of the actual days spent in confinement. No sentence of periodic imprisonment shall be subject to the good time credit provisions of Section 3-6-3 of this Code.

(e) When the court imposes a sentence of periodic imprisonment, it shall state:

(1) the term of such sentence;

(2) the days or parts of days which the defendant is to be confined;

(3) the conditions.

(f) The court may issue an order of protection pursuant to the Illinois Domestic Violence Act of 1986 as a condition of a sentence of periodic imprisonment. The Illinois Domestic Violence Act of 1986 shall govern the issuance, enforcement and recording of orders of protection issued under this Section. A copy of the order of protection shall be transmitted to the person or agency having responsibility for the case.

(f-5) An offender sentenced to a term of periodic imprisonment for a felony sex offense as defined in the Sex Offender Management Board Act shall be required to undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act.

(g) An offender sentenced to periodic imprisonment who undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all offenders with a sentence of periodic imprisonment. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) All fees and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under **the Criminal and Traffic Assessment Act Section 27.5 of the Clerks of Courts Act** .

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(i) A defendant at least 17 years of age who is convicted of a misdemeanor or felony in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or a felony and who is sentenced to a term of periodic imprisonment may as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward receiving a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The defendant sentenced to periodic imprisonment must attend a public institution of education to obtain the educational or vocational training required by this subsection (i). The defendant sentenced to a term of periodic imprisonment shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall revoke the sentence of periodic imprisonment of the defendant who wilfully fails to comply with this subsection (i). The court shall resentence the defendant whose sentence

of periodic imprisonment has been revoked as provided in Section 5-7-2. This subsection (i) does not apply to a defendant who has a high school diploma or has successfully passed high school equivalency testing. This subsection (i) does not apply to a defendant who is determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program. (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15; 99-797, eff. 8-12-16.) (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

Sec. 5-9-1. Authorized fines.

(a) An offender may be sentenced to pay a fine as provided in Article 4.5 of Chapter V.

(b) (Blank: ).

(c) **(Blank)**. There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of \$15 for each \$40, or fraction thereof, of fine imposed. The additional penalty of \$15 for each \$40, or fraction thereof, of fine imposed, if not otherwise assessed, shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, and conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act.

Such additional amounts shall be assessed by the court imposing the fine and shall be collected by the Circuit Clerk in addition to the fine and costs in the case. Each such additional penalty shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer. The State Treasurer shall deposit \$1 for each \$40, or fraction thereof, of fine imposed into the LEADS Maintenance Fund. The State Treasurer shall deposit \$3 for each \$40, or fraction thereof, of fine imposed into the Law Enforcement Camera Grant Fund. The remaining surcharge amount shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, unless the fine, costs or additional amounts are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act. Such additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c) during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in imposing a fine against an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for herein shall be computed on the amount remaining after deducting from the gross amount levied all fees of the Circuit Clerk, the State's Attorney and the Sheriff. After deducting from the gross amount levied the fees and additional penalty provided for herein, less any other additional penalties provided by law, the clerk shall remit the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "fees of the Circuit Clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act and the fee, if applicable, payable to the county in which the violation occurred pursuant to Section 5-1101 of the Counties Code.

(c-5) **(Blank)**. In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional \$100 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-5) during the preceding calendar year.



The Circuit Clerk may accept payment of fines and costs by credit card from an offender who has been convicted of a traffic offense, petty offense or misdemeanor and may charge the service fee permitted where fines and costs are paid by credit card provided for in Section 27.3b of the Clerks of Courts Act.

(c-7) (Blank). In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional \$5 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-7) during the preceding calendar year.

(c-9) (Blank).

(d) In determining the amount and method of payment of a fine, except for those fines established for violations of Chapter 15 of the Illinois Vehicle Code, the court shall consider:

- (1) the financial resources and future ability of the offender to pay the fine; and
  - (2) whether the fine will prevent the offender from making court ordered restitution or reparation to the victim of the offense; and
  - (3) in a case where the accused is a dissolved corporation and the court has appointed counsel to represent the corporation, the costs incurred either by the county or the State for such representation.
- (e) The court may order the fine to be paid forthwith or within a specified period of time or in installments.

(f) (Blank). All fines, costs and additional amounts imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act. (Source: P.A. 99-352, eff. 1-1-16.) (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

Sec. 5-9-1.4. (a) "Crime laboratory" means any not-for-profit laboratory registered with the Drug Enforcement Administration of the United States Department of Justice, substantially funded by a unit or combination of units of local government or the State of Illinois, which regularly employs at least one person engaged in the analysis of controlled substances, cannabis, methamphetamine, or steroids for criminal justice agencies in criminal matters and provides testimony with respect to such examinations.

(b) (Blank). When a person has been adjudged guilty of an offense in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Steroid Control Act, in addition to any other disposition, penalty or fine imposed, a criminal laboratory analysis fee of \$100 for each offense for which he was convicted shall be levied by the court. Any person placed on probation pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 10 of the Steroid Control Act or placed on supervision for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act or the Steroid Control Act shall be assessed a criminal laboratory analysis fee of \$100 for each offense for which he was charged. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(c) In addition to any other disposition made pursuant to the provisions of the Juvenile Court Act of 1987, any minor adjudicated delinquent for an offense which if committed by an adult would constitute a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Steroid Control Act shall be **required to pay assessed** a criminal laboratory analysis **assessment fee** of \$100 for each adjudication. Upon verified petition of the minor, the court may suspend payment of all or part of the **assessment fee** if it finds that the minor does not have the ability to pay the **assessment fee**. The parent, guardian or legal custodian of the minor may pay some or all of such **assessment fee** on the minor's behalf.

(d) All criminal laboratory analysis fees provided for by this Section shall be collected by the clerk of the court and forwarded to the appropriate crime laboratory fund as provided in subsection (f).

(e) Crime laboratory funds shall be established

as follows:

(1) Any unit of local government which maintains a crime laboratory may establish a crime laboratory fund within the office of the county or municipal treasurer.

(2) Any combination of units of local government which maintains a crime laboratory may establish a crime laboratory fund within the office of the treasurer of the county where the crime laboratory is situated.

(3) The State Crime Laboratory Fund is hereby created as a special fund in the State Treasury.

(f) The analysis **assessment fee** provided for in ~~subsection (b) and~~ subsections (b) and (c) of this Section shall be forwarded to the office of the treasurer of the unit of local government that performed the analysis if that unit of local government has established a crime laboratory fund, or to the State Crime Laboratory Fund if the analysis was performed by a laboratory operated by the Illinois State Police. If the analysis was performed by a crime laboratory funded by a combination of units of local government, the analysis **assessment fee** shall be forwarded to the treasurer of the county where the crime laboratory is situated if a crime laboratory fund has been established in that county. If the unit of local government or combination of units of local government has not established a crime laboratory fund, then the analysis **assessment fee** shall be forwarded to the State Crime Laboratory Fund. ~~The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.~~

(g) **Moneys Fees** deposited into a crime laboratory fund created pursuant to paragraphs (1) or (2) of subsection (e) of this Section shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of the crime laboratory. These uses may include, but are not limited to, the following:

(1) costs incurred in providing analysis for controlled substances in connection with criminal investigations conducted within this State;

(2) purchase and maintenance of equipment for use in performing analyses; and

(3) continuing education, training and professional development of forensic scientists regularly employed by these laboratories.

(h) **Moneys Fees** deposited in the State Crime Laboratory Fund created pursuant to paragraph (3) of subsection (d) of this Section shall be used by State crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of State

crime laboratories. These uses may include those enumerated in subsection (g) of this Section. (Source: P.A. 94-556, eff. 9-11-05.) (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

Sec. 5-9-1.7. Sexual assault fines.

(a) Definitions. The terms used in this Section shall have the following meanings ascribed to them:

(1) "Sexual assault" means the commission or attempted commission of the following: sexual exploitation of a child, criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, indecent solicitation of a child, public indecency, sexual relations within families, promoting juvenile prostitution, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, obscenity, child pornography, aggravated child pornography, harmful material, or ritualized abuse of a child, as those offenses are defined in the Criminal Code of 1961 or the Criminal Code of 2012.

(2) **(Blank)**. "Family member" shall have the meaning ascribed to it in Section 11-0.1 of the Criminal Code of 2012.

(3) "Sexual assault organization" means any not-for-profit organization providing comprehensive, community-based services to victims of sexual assault. "Community-based services" include, but are not limited to, direct crisis intervention through a 24-hour response, medical and legal advocacy, counseling, information and referral services, training, and community education.

(b) **(Blank)**. Sexual assault fine; collection by clerk.

~~(1) In addition to any other penalty imposed, a fine of \$200 shall be imposed upon any person who pleads guilty or who is convicted of, or who receives a disposition of court supervision for, a sexual assault or attempt of a sexual assault. Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine.~~

~~(2) Sexual assault fines shall be assessed by the court imposing the sentence and shall be collected by the circuit clerk. The circuit clerk shall retain 10% of the penalty to cover the costs involved in administering and enforcing this Section. The circuit clerk shall remit the remainder of each fine within one month of its receipt to the State Treasurer for deposit~~

~~as follows:~~

~~(i) for family member offenders, one-half to the Sexual Assault Services Fund, and one-half to the Domestic Violence Shelter and Service Fund; and~~

~~(ii) for other than family member offenders, the full amount to the Sexual Assault Services Fund.~~

(c) Sexual Assault Services Fund; administration. There is created a Sexual Assault Services Fund. Moneys deposited into the Fund under **Section 15-20 and 15-40 of the Criminal and Traffic Assessment Act** ~~this Section~~ shall be appropriated to the Department of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall make grants of these moneys from the Fund to sexual assault organizations with whom the Department has contracts for the purpose of providing community-based services to victims of sexual assault.

Grants made under this Section are in addition to, and are not substitutes for, other grants authorized and made by the Department. (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.) (730 ILCS 5/5-9-1.9)

Sec. 5-9-1.9. DUI analysis fee.

(a) "Crime laboratory" means a not-for-profit laboratory substantially funded by a single unit or combination of units of local government or the State of Illinois that regularly employs at least one person engaged in the DUI analysis of blood, other bodily substance, and urine for criminal justice agencies in criminal matters and provides testimony with respect to such examinations.

"DUI analysis" means an analysis of blood, other bodily substance, or urine for purposes of determining whether a violation of Section 11-501 of the Illinois Vehicle Code has occurred.

(b) ~~(Blank). When a person has been adjudged guilty of an offense in violation of Section 11-501 of the Illinois Vehicle Code, in addition to any other disposition, penalty, or fine imposed, a crime laboratory DUI analysis fee of \$150 for each offense for which the person was convicted shall be levied by the court for each case in which a laboratory analysis occurred. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.~~

(c) In addition to any other disposition made under the provisions of the Juvenile Court Act of 1987, any minor adjudicated delinquent for an offense which if committed by an adult would constitute a violation of Section 11-501 of the Illinois Vehicle Code shall ~~pay~~ ~~be assessed~~ a crime laboratory DUI analysis ~~assessment~~ fee of \$150 for each adjudication. Upon verified petition of the minor, the court may suspend payment of all or part of the ~~assessment~~ fee if it finds that the minor does not have the ability to pay the ~~assessment~~ fee. The parent, guardian, or legal custodian of the minor may pay some or all of the ~~assessment~~ fee on the minor's behalf.

(d) All crime laboratory DUI analysis ~~assessments~~ fees provided for by this Section shall be collected by the clerk of the court and forwarded to the appropriate crime laboratory DUI fund as provided in subsection (f).

(e) Crime laboratory funds shall be established

as follows:

(1) A unit of local government that maintains a crime laboratory may establish a crime laboratory DUI fund within the office of the county or municipal treasurer.

(2) Any combination of units of local government that maintains a crime laboratory may establish a crime laboratory DUI fund within the office of the treasurer of the county where the crime laboratory is situated.

(3) The State Police DUI Fund is created as a special fund in the State Treasury.

(f) The analysis ~~assessment~~ fee provided for in ~~subsection subsections (b) and~~ (c) of this Section shall be forwarded to the office of the treasurer of the unit of local government that performed the analysis if that unit of local government has established a crime laboratory DUI fund, or to the State Treasurer for deposit into the State Police ~~DUH~~ **Operations Assistance** Fund if the analysis was performed by a laboratory operated by the Department of State Police. If the analysis was performed by a crime laboratory funded by a combination of units of local government, the analysis ~~assessment~~ fee shall be forwarded to the treasurer of the county where the crime laboratory is situated if a crime laboratory DUI fund has been established in that county. If the unit of local government or combination of units of local government has not established a crime laboratory DUI fund, then the analysis ~~assessment~~ fee shall be forwarded to the State Treasurer for

deposit into the State Police **Operations Assistance Fund DUI Fund**. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section .

(g) **Moneys Fees** deposited into a crime laboratory DUI fund created under paragraphs (1) and (2) of subsection (e) of this Section shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of the crime laboratory. These uses may include, but are not limited to, the following:

- (1) Costs incurred in providing analysis for DUI investigations conducted within this State.
- (2) Purchase and maintenance of equipment for use in performing analyses.
- (3) Continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(h) **Moneys Fees** deposited in the State Police **Operations Assistance DUI Fund** created under paragraph (3) of subsection

~~(e) of this Section~~ shall be used by State crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made according to existing law and shall be designated for the exclusive use of State crime laboratories. These uses may include those enumerated in subsection (g) of this Section. (Source: P.A. 99-697, eff. 7-29-16.) (730 ILCS 5/5-9-1.11)

Sec. 5-9-1.11. **Domestic Violence Abuser Services Violation of an order of protection; Fund.**

(a) **(Blank)**. In addition to any other penalty imposed, a fine of \$20 shall be imposed upon any person who is convicted of or placed on supervision for violation of an order of protection; provided that the offender and victim are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

~~The additional amount shall be assessed by the court imposing sentence and shall be collected by the Circuit Clerk in addition to the fine, if any, and costs in the case. Each such additional penalty shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer for deposit into the Domestic Violence Abuser Services Fund. The Circuit Clerk shall retain 10% of the penalty to cover the costs incurred in administering and enforcing this Section. The additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.~~

~~The State Treasurer shall deposit into the Domestic Violence Abuser Services Fund each fine received from circuit clerks under Section 5-9-1.5 of the Unified Code of Corrections.~~

~~Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine.~~

~~Not later than March 1 of each year the Clerk of the Circuit Court shall submit to the State Comptroller a report of the amount of funds remitted by her or him to the State Treasurer under this Section during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in sentencing an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for in this Section shall be collected from the~~

~~amount remaining after deducting from the gross amount levied all fees of the Circuit Clerk, the State's Attorney, and the Sheriff. After deducting from the gross amount levied the fees and additional penalty provided for in this Section, less any other additional penalties provided by law, the clerk shall remit the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "Fees of the Circuit Clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act and the fee, if applicable, payable to the county in which the violation occurred under Section 5-1101 of the Counties Code.~~

(b) Domestic Violence Abuser Services Fund; administration. There is created a Domestic Violence Abuser Services Fund in the State Treasury. Moneys deposited into the Fund under **Section 15-70 of the Criminal and Traffic Assessments Act** ~~this Section~~ shall be appropriated to the Department of Human Services for the purpose of providing services specified by this Section. Upon appropriation of moneys from the Domestic Violence Abuser Services Fund, the Department of Human Services shall set aside 10% of all appropriated funds for the purposes of program training, development and assessment. The Department shall make grants of all remaining moneys from the Fund to qualified domestic violence abuser services programs through a competitive application process. A "qualified domestic violence abuser services program" is one which the Department determines is in compliance with protocols for abuser services promulgated by the Department. To the extent possible the Department shall ensure that moneys received from penalties imposed by courts in judicial districts are returned to qualified abuser services programs serving those districts. (Source: P.A. 90-241, eff. 1-1-98.) (730 ILCS 5/5-9-1.16)

Sec. 5-9-1.16. Protective order violation **service provider** fees.

(a) ~~(Blank). There shall be added to every penalty imposed in sentencing for a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 an additional fee to be set in an amount not less than \$200 to be imposed upon a plea of guilty or finding of guilty resulting in a judgment of conviction.~~

(b) ~~(Blank). Such additional amount shall be assessed by the court imposing sentence and shall be collected by the Circuit Clerk in addition to the fine, if any, and costs in the case to be used by the supervising authority in implementing the domestic violence surveillance program. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probations Officers Act.~~

(c) The supervising authority of a domestic violence surveillance program under Section 5-8A-7 of this Act shall assess a person either convicted of, or charged with, the violation of an order of protection an additional **service provider** fee to cover the costs of providing the equipment used and the additional supervision needed for such domestic violence surveillance program. If the court finds that the fee would impose an undue burden on the victim, the court may reduce or waive the fee. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fee.

When the supervising authority is the court or the probation and court services department, the fee shall be collected by the circuit court clerk. The clerk of the circuit court shall pay all monies collected from this fee and all other required probation fees that are assessed to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probations Officers Act. In counties with a population of 2 million or more, when the supervising authority is the court or the probation and court services department, the fee shall be collected by the supervising authority. In these counties, the supervising authority shall pay all monies collected from this fee and all other required probation fees that are assessed, to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probations Officers Act.

When the supervising authority is the Department of Corrections, the Department shall collect the fee for deposit into the Department of Corrections Reimbursement and Education Fund. ~~The Circuit Clerk shall retain 10% of such penalty~~

and deposit that percentage into the Circuit Court Clerk Operation and Administrative Fund to cover the costs incurred in administering and enforcing this Section.

(d) (Blank).

(e) (Blank). (Source: P.A. 99-933, eff. 1-27-17.) (730 ILCS 5/5-9-1.21)

Sec. 5-9-1.21. Specialized Services for Survivors of Human Trafficking Fund.

(a) There is created in the State treasury a Specialized Services for Survivors of Human Trafficking Fund. Moneys deposited into the Fund under this Section shall be available for the Department of Human Services for the purposes in this Section.

(b) **(Blank)**. Each plea of guilty, stipulation of facts, or finding of guilt resulting in a judgment of conviction or order of supervision for an offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of the Criminal Code of 2012 that results in the imposition of a fine shall have a portion of that fine deposited into the Specialized Services for Survivors of Human Trafficking Fund.

(c) **(Blank)**. If imposed, the fine shall be collected by the circuit court clerk in addition to any other imposed fee. The circuit court clerk shall retain \$50 to cover the costs in administering and enforcing this Section. The circuit court clerk shall remit the remainder of the fine within one month of its receipt

as follows:

(1) \$300 shall be distributed equally between all State law enforcement agencies whose officers or employees conducted the investigation or prosecution that resulted in the finding of guilt; and

(2) the remainder of the fine shall be remitted to the Department of Human Services for deposit into the Specialized Services for Survivors of Human Trafficking Fund.

(d) Upon appropriation of moneys from the Specialized Services for Survivors of Human Trafficking Fund, the Department of Human Services shall use these moneys to make grants to non-governmental organizations to provide specialized, trauma-informed services specifically designed to address the priority service needs associated with prostitution and human trafficking. Priority services include, but are not limited to, community based drop-in centers, emergency housing, and long-term safe homes. The Department shall consult with prostitution and human trafficking advocates, survivors, and service providers to identify priority service needs in their respective communities.

(e) Grants made under this Section are in addition to, and not substitutes for, other grants authorized and made by the Department.

(f) Notwithstanding any other law to the contrary, the Specialized Services for Survivors of Human Trafficking Fund is not subject to sweeps, administrative charge-backs, or any other fiscal maneuver that would in any way transfer any amounts from the Specialized Services for Survivors of Human Trafficking Fund into any other fund of the State. (Source: P.A. 98-1013, eff. 1-1-15.) (730 ILCS 5/5-9-1.1 rep.) (730 ILCS 5/5-9-1.1-5 rep.) (730 ILCS 5/5-9-1.5 rep.) (730 ILCS 5/5-9-1.6 rep.) (730 ILCS 5/5-9-1.10 rep.) (730 ILCS 5/5-9-1.12 rep.) (730 ILCS 5/5-9-1.14 rep.) (730 ILCS 5/5-9-1.15 rep.) (730 ILCS 5/5-9-1.17 rep.) (730 ILCS 5/5-9-1.18 rep.) (730 ILCS 5/5-9-1.19 rep.) (730 ILCS 5/5-9-1.20 rep.)

Section 905-93. The Unified Code of Corrections is amended by repealing Sections 5-9-1.1, 5-9-1.1-5, 5-9-1.5, 5-9-1.6, 5-9-1.10, 5-9-1.12, 5-9-1.14, 5-9-1.15, 5-9-1.17, 5-9-1.18, 5-9-1.19, and 5-9-1.20.

Section 905-95. The County Jail Act is amended by changing Section 17

as follows: (730 ILCS 125/17) (from Ch. 75, par. 117)

Sec. 17. Bedding, clothing, fuel, and medical aid; reimbursement for medical expenses. The Warden of the jail shall furnish necessary bedding, clothing, fuel, and medical services for all prisoners under his charge, and keep an accurate account of the same. When services that result in qualified medical expenses are required by any person held in custody, the county, private hospital, physician or any public agency which provides such services shall be entitled to obtain reimbursement from the county for the cost of such services. The county board of a county may adopt an ordinance or resolution providing for reimbursement for the cost of those services at the Department of Healthcare and Family Services' rates for medical assistance. To the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit programs available to such person, he or she shall reimburse the county or arresting authority. If such person has already been determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is detained, the cost of such services, to the extent such cost exceeds \$500, shall be reimbursed by the Department of Healthcare and Family Services under that Code. A reimbursement under any public or private program authorized by this Section shall be paid to the county or arresting authority to the same extent as would have been obtained had the services been rendered in a non-custodial environment.

The sheriff or his or her designee may cause an application for medical assistance under the Illinois Public Aid Code to be completed for an arrestee who is a hospital inpatient. If such arrestee is determined eligible, he or she shall receive medical assistance under the Code for hospital inpatient services only. An arresting authority shall be responsible for any qualified medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff. However, the arresting authority shall not be so responsible if the arrest was made pursuant to a request by the sheriff. When medical expenses are required by any person held in custody, the county shall be entitled to obtain reimbursement from the County Jail Medical Costs Fund to the extent moneys are available from the Fund. To the extent that the person is reasonably able to pay for that care, including reimbursement from any insurance program or from other medical benefit programs available to the person, he or she shall reimburse the county.

~~The county shall be entitled to a \$10 fee for each conviction or order of supervision for a criminal violation, other than a petty offense or business offense. The fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction or entry of an order of supervision. The fee shall not be considered a part of the fine for purposes of any reduction in the fine.~~

~~All such fees collected shall be deposited by the county in a fund to be established and known as the County Jail Medical Costs Fund. Moneys in the Fund shall be used solely for reimbursement to the county of costs for medical expenses and administration of the Fund.~~

For the purposes of this Section, "arresting authority" means a unit of local government, other than a county, which employs peace officers and whose peace officers have made the arrest of a person. For the purposes of this Section, "qualified medical expenses" include medical and hospital services but do not include (i) expenses incurred for medical care or treatment provided to a person on account of a self-inflicted injury incurred prior to or in the course of an arrest, (ii) expenses incurred for medical care or treatment provided to a person on account of a health condition of that person which existed prior to the time of his or her arrest, or

(iii) expenses for hospital inpatient services for arrestees enrolled for medical assistance under the Illinois Public Aid Code. (Source: P.A. 95-842, eff. 8-15-08; 96-1280, eff. 7-26-10.)



Section 905-100. The Code of Civil Procedure is amended by changing Section 5-105

as follows: (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

Sec. 5-105. **Waiver of court fees, costs, and charges** ~~Leave to sue or defend as an indigent person~~ .

(a) As used in this Section:

(1) "Fees, costs, and charges" means payments imposed on a party in connection with the prosecution or defense of a civil action, including, but not limited to: **fees set forth in Section 27.1b of the Clerks of Courts Act** ~~filing fees; appearance fees~~ ; fees for service of process and other papers served either within or outside this State, including service by publication pursuant to Section 2-206 of this Code and publication of necessary legal notices; motion fees; ~~jury demand fees~~; charges for participation in, or attendance at, any mandatory process or procedure including, but not limited to, conciliation, mediation, arbitration, counseling, evaluation, "Children First", "Focus on Children" or similar programs; fees for supplementary proceedings; charges for translation services; guardian ad litem fees; ~~charges for certified copies of court documents~~; and all other processes and procedures deemed by the court to be necessary to commence, prosecute, defend, or enforce relief in a civil action.

(2) "Indigent person" means any person who meets one or more of the following criteria:

(i) He or she is receiving assistance under one or more of the following **means based governmental** public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), **Supplemental Nutrition Assistance Program (SNAP)** ~~Food Stamps~~ , General Assistance, Transitional Assistance, or State Children and Family Assistance.

(ii) His or her available **personal** income is **200%** ~~125%~~ or less of the current poverty level ~~as established by the United States Department of Health and Human Services~~ , unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are of a nature and value that the court determines that the applicant is able to pay the fees, costs, and charges.

(iii) He or she is, in the discretion of the court, unable to proceed in an action without payment of fees, costs, and charges and whose payment of those fees, costs, and charges would result in substantial hardship to the person or his or her family.

(iv) He or she is an indigent person pursuant to Section 5-105.5 of this Code.

(3) "**Poverty level**" means the **current poverty level as established by the United States Department of Health and Human Services**.

(b) On the application of any person, before, or after the commencement of an action: ~~a~~

(1) **If the court finds, on finding** that the applicant is an indigent person, **the court shall grant the applicant a full fees, costs, and charges waiver entitling him or her leave** to sue or defend the action without payment of **any of** the fees, costs, and charges. ~~of the action~~

(2) **If the court finds that the applicant satisfies any of the criteria contained in items (i), (ii), or (iii) of this subdivision (b)(2), the court shall grant the applicant a partial fees, costs, and charges waiver entitling him or her to sue or defend the action upon payment of the applicable percentage of the assessments, costs, and charges of the action,**

as follows:

(i) the court shall waive 75% of all fees, costs, and charges if the available income of the applicant is greater than 200% but does not exceed 250% of the poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of the fees, costs, and charges;

(ii) the court shall waive 50% of all fees, costs, and charges if the available income is greater than 250% but does not exceed 300% of the poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of the fees, costs, and charges; and

(iii) the court shall waive 25% of all fees, costs, and charges if the available income of the applicant is greater than 300% but does not exceed 400% of the current poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of the fees, costs, and charges.

(c) An application for waiver of court fees, costs, and charges leave to sue or defend an action as an indigent person shall be in writing and signed supported by the affidavit of the applicant, or, if the applicant is a minor or an incompetent adult, by the affidavit of another person having knowledge of the facts. The contents of the application for waiver of court fees, costs, and charges, and the procedure for the decision of the applications, affidavit shall be established by Supreme Court Rule. Factors to consider in evaluating an application shall include:

(1) the applicant's receipt of needs based governmental public benefits, including Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled

(ADBD); Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP or "food stamps"); General Assistance; Transitional Assistance; or State Children and Family Assistance;

(2) the employment status of the applicant and amount of monthly income, if any;

(3) income received from the applicant's pension, Social Security benefits, unemployment benefits, and other sources;

(4) income received by the applicant from other household members;

(5) the applicant's monthly expenses, including rent, home mortgage, other mortgage, utilities, food, medical, vehicle, childcare, debts, child support, and other expenses; and

(6) financial affidavits or other similar supporting documentation provided by the applicant showing that payment of the imposed fees, costs, and charges would result in substantial hardship to the applicant or the applicant's family. (c-5) The court shall provide, through the office of the clerk of the court, the application for waiver of court fees, costs, and charges simplified forms consistent with the requirements of this Section and applicable Supreme Court Rules to any person seeking to sue or defend an action who indicates an inability to pay the fees, costs, and charges of the action. The application and supporting affidavit may be incorporated into one simplified form. The clerk of the court shall post in a conspicuous place in the courthouse a notice no smaller than 8.5 x 11 inches, using no smaller than 30-point typeface printed in English and in Spanish, advising the public that they may ask the court for permission to sue or defend a civil action without payment of fees, costs, and charges. The notice shall be substantially

as follows: "If you are unable to pay the fees, costs, and charges of an action you may ask the court to allow you to proceed without paying them. Ask the clerk of the court for forms."

(d) **(Blank)**. ~~The court shall rule on applications under this Section in a timely manner based on information contained in the application unless the court, in its discretion, requires the applicant to personally appear to explain or clarify information contained in the application. If the court finds that the applicant is an indigent person, the court shall enter an order permitting the applicant to sue or defend without payment of fees, costs, or charges. If the application is denied, the court shall enter an order to that effect stating the specific reasons for the denial. The clerk of the court shall promptly mail or deliver a copy of the order to the applicant.~~

(e) The clerk of the court shall not refuse to accept and file any complaint, appearance, or other paper presented by the applicant if accompanied by an application **for waiver of court fees, costs, and charges to sue or defend in forma pauperis**, and those papers shall be considered filed on the date the application is presented. If the application is denied **or a partial fees, costs, and charges waiver is granted**, the order shall state a date certain by which the necessary fees, costs, and charges must be paid. ~~For The court, for~~ good cause shown, **the court** may allow an applicant **who receives a partial fees, costs, and charges waiver whose application is denied** to defer payment of fees, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order. The court may dismiss the claims or **strike the** defenses of any party failing to pay the fees, costs, **and or** charges within the time and in the manner ordered by the court. **A judicial ruling on an application for waiver of court assessments does not constitute a decision of a substantial issue in the case under Section 2-1001 of this Code** ~~A determination concerning an application to sue or defend in forma pauperis shall not be construed as a ruling on the merits.~~

(f) ~~The court may order granting a full or partial fees, costs, and charges waiver shall expire after one year. Upon expiration of the waiver, or a reasonable period of time before expiration, the party whose fees, costs, and charges were waived may file another application for waiver and the court shall consider the application in accordance with the applicable Supreme Court Rule. an indigent person to pay all or a portion of the fees, costs, or charges waived pursuant to this Section out of moneys recovered by the indigent person pursuant to a judgment or settlement resulting from the civil action. However, nothing in this Section shall be construed to limit the authority of a court to order another party to the action to pay the fees, costs, or charges of the action.~~

**(f-5) If, before or at the time of final disposition of the case, the court obtains information, including information from the court file, suggesting that a person whose fees, costs, and charges were initially waived was not entitled to a full or partial waiver at the time of application, the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the initial waiver might be reconsidered. The court may require the applicant to provide reasonably available evidence, including financial information, to support his or her eligibility for the waiver, but the court shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subdivisions (b)(1) or (b)(2) of this Section. If the court finds that the person was not initially entitled to any waiver, the person shall pay all fees, costs, and charges relating to the civil action, including any previously-waived fees, costs, and charges. The order may state terms of payment in accordance with subsection (e). The court shall not conduct a hearing under this subsection more often than once every 6 months.**

**(f-10) If, before or at the time of final disposition of the case, the court obtains information, including information from the court file, suggesting that a person who received a full or partial waiver has experienced a change in financial condition so that he or she is no longer eligible for that waiver, the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the waiver might be reconsidered. The court may require the person to provide reasonably available evidence, including financial information, to support his or her continued eligibility for the waiver, but shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subsections (b)(1) and**

**(b)(2) of this Section. If the court enters an order finding that the person is no longer entitled to a waiver, or is entitled to a partial waiver different than that which the person had previously received, the person shall pay the requisite fees, costs, and charges from the date of the order going forward. The order may state terms of payment in accordance with subsection (e) of this Section. The court shall not conduct a hearing under this subsection more often than once every 6 months.**

**(g) A court, in its discretion, may appoint counsel to represent an indigent person, and that counsel shall perform his or her duties without fees, charges, or reward.**

**(h) Nothing in this Section shall be construed to affect the right of a party to sue or defend an action in forma pauperis without the payment of fees, costs, or charges, or the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court. Nothing in this Section shall be construed to limit the authority of a court to order another party to the action to pay the fees, costs, and charges of the action.**

**(h-5) If a party is represented by a civil legal services provider or an attorney in a court-sponsored pro bono program as defined in Section 5-105.5 of this Code, the attorney representing that party shall file a certification with the court in accordance with Supreme Court Rule 298 and that party shall be allowed to sue or defend without payment of fees, costs, and charges without filing an application under this Section.**

**(h-10) If an attorney files an appearance on behalf of a person whose fees, costs, and charges were initially waived under this Section, the attorney must pay all fees, costs, and charges relating to the civil action, including any previously waived fees, costs, and charges, unless the attorney is either a civil legal services provider, representing his or her client as part of a court-sponsored pro bono program as defined in Section 5-105.1 of this Code, or appearing under a limited scope appearance in accordance with Supreme Court Rule 13(c)(6).**

**(i) The provisions of this Section are severable under**

Section 1.31 of the Statute on Statutes. (Source: P.A. 97-689, eff. 6-14-12; 97-813, eff. 7-13-12.)

Article 999. Effective Date

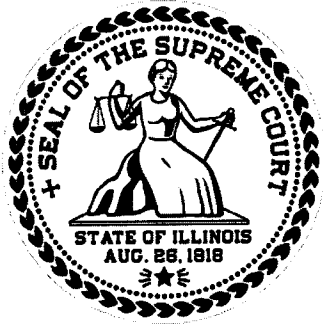
Section 999-99. Effective date. This Act takes effect July 1, 2019, except that this Section and Article 900 takes effect on July 1, 2018.

---

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.

**NETSCAN**



# STATUTORY COURT FEE TASK FORCE

## Illinois Court Assessments

Findings and Recommendations  
for Addressing Barriers to Access  
to Justice and Additional Issues  
Associated with Fees and Other  
Court Costs in Civil, Criminal,  
and Traffic Proceedings

June 1, 2016

# Table of Contents

	Page
I. Executive Summary .....	1
II. History of the Task Force.....	5
III. Introduction .....	7
IV. Definitions .....	9
V. Court Assessments: An Overview .....	10
Civil Assessments.....	10
Criminal/Traffic Assessments .....	12
Legislative Process for Creating New Fees and Fines.....	14
VI. Court Assessments: Four Key Findings.....	16
Finding #1: The nature and purpose of assessments have changed over time, leading to a byzantine system that attempts to pass an increased share of the cost of court administration onto the parties to court proceedings .....	17
Finding #2: Court fines and fees are constantly increasing and outpacing inflation .....	20
Finding #3: There is excessive variation across the state in the amount of assessments for the same type of proceedings .....	22
Finding #4: The cumulative impact of the assessments imposed on parties to civil lawsuits and defendants in criminal and traffic proceedings imposes severe and disproportionate impacts on low- and moderate-income Illinois residents.....	30
VII. Core Principles .....	32
VIII. Recommendations.....	33
Civil Proceedings.....	33
Criminal and Traffic Proceedings .....	34
General Recommendations.....	35
IX. Conclusion.....	36
APPENDIX.....	37
Appendix A – Proposed Court Clerk Assessment Act.....	38
Appendix B – Proposed Amended Civil Assessment Waiver Statute .....	46
Appendix C – Proposed Amended Civil Assessment Waiver Rule .....	54
Appendix D – Proposed Criminal/Traffic Assessment Act .....	59
Appendix E – Proposed Criminal Assessment Waiver Statute .....	75
Appendix F – Proposed Criminal Assessment Waiver Rule .....	78
Appendix G – Proposed Amendments to Illinois Supreme Court Rule 529 .....	81
Appendix H – Recommended Legislative Checklist .....	85

## I. Executive Summary

Illinois imposes a dizzying array of filing fees on civil litigants and court costs on defendants in criminal and traffic cases. Skyrocketing fees in civil cases in recent years have effectively priced many of our state's most economically vulnerable citizens out of the opportunity to participate in the court system. Similar increases in court costs for criminal and traffic proceedings now often result in financial impacts that are excessive for the offense in question and disproportionate to the fines that are intended to impose an appropriate punishment for the offense. In virtually all civil, traffic, and criminal proceedings, wide county-to-county variations in the fees and costs for the same type of proceedings injects additional arbitrariness and unfairness into the system.

Solutions to these problems have been identified. The Access to Justice Act created the Statutory Court Fee Task Force (hereafter "Task Force") - with members appointed by representatives of all three branches of Illinois government and both political parties - to study the current system of fees, fines, and other court costs (collectively, "assessments") and propose recommendations to the Illinois General Assembly and the Illinois Supreme Court to address this growing problem. Drawing upon the broad and varied experience of its members, whose numbers include legislators, judges, lawyers, and court clerks, the Task Force developed the package of recommendations contained in this Report. The members of the Task Force unanimously support adoption and implementation of these recommendations.

The recommendations address the problems summarized in four key findings by the Task Force presented below. The Task Force developed guiding principles, also summarized below, to articulate a comprehensive and internally consistent philosophy for addressing the findings. The Task Force eventually developed, refined, and finalized six recommendations that collectively will simplify the imposition, collection, and distribution of assessments while making them more transparent, affordable, and fair.

The four key findings of the Task Force are as follows:

1. *The nature and purpose of assessments have changed over time, leading to a byzantine system that attempts to pass an increased share of the cost of court administration onto the parties to court proceedings.*

The notion of a self-funded court system has gained increased currency in recent years, resulting in a complex web of filing fees, fines, surcharges, and other costs levied against civil litigants and criminal defendants. Cumulatively substantial despite often being individually modest, these assessments undermine the state's commitment to provide its citizens with access to the courts in civil proceedings, while distorting and unduly increasing the financial repercussions associated with criminal and traffic charges.

These problems have been exacerbated by the ability of various special interest groups to finance aspects of their operations on the backs of court users. Today, it is all too common for litigants to pay for services through additional assessments that are wholly unrelated to the court system.

2. *Court fines and fees are constantly increasing and are outpacing inflation.*

There has been a tremendous growth in the assessments imposed on the parties to court proceedings. Plaintiffs generally pay several hundred dollars simply to file a case. Civil defendants, who lack any say in whether to become involved in litigation, are often required to pay hundreds of dollars to defend themselves or risk a default judgment. Criminal and traffic defendants frequently leave court with hundreds, or even thousands, of dollars in assessments on top of what are supposed to be the only financial consequences intended to punish, namely, fines imposed by the court. The trend shows no sign of abating, as each new

legislative session brings with it fresh proposals for increased or additional assessments. At a time when many wages are stagnant, these additional assessments are creating further financial strain on low- and moderate-income litigants.

3. *There is excessive variation across the state in the amount of assessments for the same type of proceedings.*

The fairness of a court system is often measured in part by its consistency. It is therefore troubling that civil and criminal assessments in our state are wildly inconsistent from county to county. A civil litigant may pay three times as much as a resident in a neighboring county for the exact same court service. Criminal defendants may find that their sentences can be severely impacted by something as insignificant as the side of the street on which their arrest occurred. The resulting inconsistency threatens the fairness, both actual and perceived, of the current system.

4. *The cumulative impact of the assessments imposed on parties to civil lawsuits and defendants in criminal and traffic proceedings imposes severe and disproportionate impacts on low- and moderate-income Illinois residents.*

The collective impact of the current system of assessments is significant on financially insecure Illinois residents. Individuals and families in need of a legal remedy may go without if the costs of using the courts are too high. Criminal defendants may find their reentry into society severely burdened if their court debt is unmanageable. Without relief from runaway court costs, more and more Illinois residents will be forced to decide between protecting their legal rights and paying their basic living expenses.

These findings led the Task Force to adopt five core principles, which informed and influenced all of its recommendations:

1. *Role of Assessments in Funding the Courts.*

Courts should be substantially funded from general government revenue sources. Court users may be required to pay reasonable assessments to offset a portion of the cost of the courts borne by the public-at-large.

2. *Relationship between Assessments and Access to the Courts.*

The amount of assessments should not impede access to the courts and should be waived, to the extent possible, for indigent litigants and the working poor.

3. *Transparency and Uniformity.*

Assessments should be simple, easy to understand, and uniform to the extent possible.

4. *Relationship between Assessments and Their Underlying Rationale.*

Assessments should be directly related to the operation of the court system. Assessments imposed for a particular purpose should be limited to the types of court proceedings that are related to that purpose. Monies raised by assessments intended for a specific purpose should be used only for that purpose.

5. *Periodic Review.*

The General Assembly should periodically review all assessments to determine if they should be adjusted or repealed.



The Task Force developed six recommendations, in accordance with these core principles, to address the findings summarized above. The recommendations are as follows:

1. *The Illinois General Assembly should enact a schedule for court assessments that promotes affordability and transparency.*

The Task Force proposes enactment of the Court Clerk Assessment Act, a statute that will codify in one place all court assessments other than those imposed in connection with the disposition of criminal and traffic proceedings. The proposed legislation recognizes four classes of civil cases and creates different assessment schedules for each class. The Supreme Court would assign each type of civil case to one of the four classes. For assessments imposed in connection with the filing of a complaint by a plaintiff or an appearance by a defendant, the various permissible assessments are grouped into three categories based on the recipient of those funds (the Court Clerk, the County Treasurer, and the State Treasurer), and a maximum assessment amount for each category is established.

Depending on the category or assessment in question, the county board, clerk of court, or Supreme Court would be authorized to set the applicable category or fee amount, up to the maximum allowed by the Act. Generally speaking, the amount for each category would function akin to a block grant, with the recipient of the fees possessing discretion to decide how to allocate those funds among the purposes authorized by the Act.

While the Court Clerk Assessment Act would not create uniform assessments throughout the State - a goal that the Task Force has concluded cannot realistically be achieved in the immediate future - the Act would reduce variations across counties and would significantly improve the simplicity and transparency of the imposition, collection, and distribution of assessments in civil proceedings.

2. *The General Assembly and the Supreme Court should authorize amendments to the current civil fee waiver statute and related Supreme Court Rule, respectively, to provide financial relief from assessments in civil cases to Illinois residents living in or near poverty.*

The Task Force proposes expansion of the existing civil fee waiver statute. The current statute uses the federal poverty level as a benchmark, providing automatic waivers to individuals living under 125% of the federal poverty level or otherwise qualifying for public benefits tied to poverty. The Task Force proposes expanding waivers of assessments in civil cases by creating a sliding scale waiver that offers a partial waiver of assessments to individuals earning between 125% and 200% of the federal poverty level.

The Task Force also recommends providing for periodic review of assessment waivers and giving judges authority to reconsider or revoke waivers. That authority will combat potential fraud in obtaining assessment waivers and will enable judges to better tailor partial or complete waivers to individual needs as they may vary over time.

These amendments to the civil fee waiver statute would be implemented by corresponding amendments to the applicable Supreme Court Rule.

3. *The General Assembly should authorize a uniform assessment schedule for criminal and traffic case types that is consistent throughout the state.*

The Task Force proposes enactment of the Criminal/Traffic Assessment Act, a statute that would codify in one place all of the current assessments imposed in connection with the disposition of traffic or criminal charges. Much like the proposed Court Clerk Assessment Act, the legislature would establish fees for various classes of cases (the Criminal/Traffic Assessment Act would create 12 such classes) and the Supreme Court

would assign each type of case to the appropriate schedule based on the nature of the alleged offense. Unlike assessments under the Court Clerk Assessment Act, however, assessments imposed under the Criminal/Traffic Assessment Act would be uniform statewide, and counties and circuit clerks would play no role in setting the amounts of those assessments.

4. *The General Assembly and the Supreme Court should authorize the waiver or reduction of assessments, but not judicial fines, imposed on criminal defendants living in or near poverty.*

The Task Force proposes the enactment of an assessment waiver statute for criminal cases similar to that recommended for civil proceedings. Implemented by Supreme Court Rule, the waivers would *not* include assessments pertaining to alleged violations of the Illinois Vehicle Code or punitive fines or restitution ordered by the court.

5. *The General Assembly and the Supreme Court should modify the process by which fines for minor traffic offenses are calculated under Supreme Court Rule 529.*

Current Supreme Court Rule 529 provides that, upon a plea of guilty to a minor traffic violation not requiring a court appearance, all fines, penalties, and costs are to be set equal to bail. The Task Force proposes severing the link between bail and fine amounts. Instead, the Criminal/Traffic Assessment Act proposed by the Task Force fixes the total assessment at \$150 in all minor traffic cases in which the defendant chooses to plead guilty without coming to court.

6. *The General Assembly should routinely consult a checklist of important considerations before proposing new assessments, and should periodically consult the checklist in reviewing existing assessments.*

The Task Force has developed a checklist to guide legislators in (1) developing or reviewing new assessment proposals, and (2) periodically reviewing existing assessments to determine whether they should be modified or repealed. The checklist is intended to help ensure that the improvements produced by the Task Force's other recommendations are not eroded over time and that future assessments decisions are well-considered, consistent, and transparent.

## II. History of the Task Force

This Report is the result of one year of intensive study and analysis by the Statutory Court Fee Task Force (“Task Force”) – a statutorily created body with bipartisan representation from all three branches of Illinois government. The Access to Justice Act<sup>1</sup> created the Task Force to conduct a thorough review of the various statutory fees and fines imposed on civil litigants and on defendants in criminal and traffic proceedings. The Task Force was directed to submit this Report, containing its findings and recommendations, to the General Assembly and the Supreme Court by June 1, 2016.

The 15 members of the Task Force were appointed as follows: one each by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate; two by the Governor; two by the Illinois Association of Court Clerks; and one by each of the seven Justices of the Illinois Supreme Court. The resulting group included judges, retired judges, legislators, circuit clerks, and members of the private bar from across the state.

### Members of the Task Force

- Chair: Steven F. Pflaum, Neal, Gerber & Eisenberg LLP
- Representative Steven Andersson, Illinois General Assembly (R-Geneva)
- Chasity Boyce, Office of the Governor
- (Ret.) Judge Steven Culliton, Circuit Court of DuPage County
- Judge Thomas Donnelly, Circuit Court of Cook County
- (Ret.) Judge John P. Freese, Circuit Court of McLean County
- Maureen Josh, Circuit Clerk of DeKalb County
- Judge James L. Kaplan, Circuit Court of Cook County
- Katherine M. Keefe, Circuit Clerk of McHenry County
- John Maki, Illinois Criminal Justice Information Authority
- Senator John G. Mulroe, Illinois General Assembly (D-Chicago)
- Representative Elaine Nekritz, Illinois General Assembly (D-Buffalo Grove)
- Senator Dale Righter, Illinois General Assembly (R-Mattoon)
- Dawn Sallerson, Hinshaw & Culbertson LLP
- Adam Vaught, Hinshaw & Culbertson LLP

---

<sup>1</sup>Access to Justice Act, 705 ILCS 95/25, available at <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=070500950K25>.

The first meeting of the Task Force was held on June 23, 2015, and members met every month thereafter. Civil and criminal/traffic subcommittees were created to focus on issues unique to those kinds of court proceedings. The civil subcommittee was chaired by Judge James L. Kaplan and the criminal/traffic subcommittee was chaired by Circuit Clerk Katherine M. Keefe. The subcommittees met frequently, often several times a month, and developed recommendations that were reviewed and revised by the full Task Force.

### **Acknowledgments**

The members of the Task Force wish to express their gratitude for the invaluable research support and insight provided by Linda Zetterberg, Dewey Hartman, and Lisa Goodwin, from the DuPage County Circuit Clerk's office, and Tom Lawson, from the Winnebago County Circuit Clerk's office.

The members of the Task Force also wish to express their appreciation for the assistance of the following individuals: Chief Judge Michael J. Sullivan of the Twenty-Second Judicial Circuit; John Amdor, from the Office of Representative Elaine Nekritz; Robin Murphy, from the Illinois Criminal Justice Information Authority; Caroline Chapman, from LAF; Malcolm Rich, Ali Abid, Matt Daniels, and Robert Dolehide, from the Chicago Appleseed Fund for Justice; *pro bono* research assistants Zach Zarnow and Stephanie Snow; and Holly L. Barocio and Allan J. Nacapuy of Neal, Gerber & Eisenberg LLP for their assistance with the layout and design of the print and electronic versions of this report.

The work of the Task Force would not have been possible without research, administrative, and drafting support from the Administrative Office of Illinois Courts. Special thanks go to Danielle Hirsch, Todd Schroeder, Alison Spanner, Samira Nazem, Angela Miner, Dan Mueller, and Tammy Sours of the AOIC, as well as to AOIC Director Michael Tardy.

### III. Introduction

Eight hundred years ago, the drafters of the Magna Carta recognized the importance of even-handed access to justice when they proclaimed “to no one will we refuse or delay, right or justice.” This theme has echoed throughout American history, from the provisions in the Bill of Rights protecting the right to jury trial, the right to counsel, and the prohibition against excessive fines, to the declaration in the Illinois Constitution that every person “shall obtain justice by law, freely, completely, and promptly.”<sup>3</sup>

Today, Illinois is facing a serious threat to this fundamental right of equal access to justice. Skyrocketing filing fees in civil cases and a host of fees, costs, and fines in criminal and traffic proceedings are pricing our most vulnerable citizens out of full participation in the court system and imposing excessive financial burdens on all who do participate. This undermines the legitimacy of the court system, both actual and perceived, and its capacity to disseminate fair and equal justice to all.

Historically, court fees were intended simply to offset a portion of the cost of the services being provided.<sup>4</sup> Recognizing that the court system benefitted *all* members of society, a majority of funding came from taxpayer revenue. Today, civil litigants and defendants in criminal and traffic proceedings still pay fees designed to cover the costs associated with administering their cases. However, they are now required to cover many additional costs, including, but not limited to, those associated with court security, law libraries, and children’s waiting rooms, as well as programs completely unrelated to the administration of justice like roadside memorials and after-school programs. Over the years, more and more costs have been passed on to court patrons through an elaborate web of fees and fines that are next to impossible to decipher and severely lacking in uniformity and transparency.

This Report explores in depth the shortcomings of the current system and its impact on Illinois citizens. The Report concludes with a series of recommendations to address those problems.

---

<sup>2</sup> Reginald Heber Smith, *Justice and the Poor*, 1919, p.5.

<sup>3</sup> Ill. Const. of 1970, art. I, section 12.

<sup>4</sup> See generally, *Crocker v. Finley*, 99 Ill. 2d 444 (1984); Ella Baker Center for Human Rights, *Who Pays? The True Cost of Incarceration of Families*, September 2015, p.15, available at <http://whopaysreport.org/who-pays-full-report/>.

**A Note about the Scope of This Report**

This Report focuses exclusively on the assessments charged to litigants in the Illinois circuit courts by circuit clerks or judges. It does not address the imposition of similar costs in non-judicial administrative hearings. Administrative hearings in Illinois take place in many different administrative bodies pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/). Such hearings are administered by independent quasi-judicial bodies and operate outside of the state court system. Illinois residents appearing in front of administrative law hearing officers may encounter similar financial challenges and barriers to those appearing in the circuit courts as many municipalities, in particular, are increasingly using administrative hearings to collect revenue from residents. While it often appears to the public that administrative hearings are a part of the court system, the fines, fees, or other costs collected through administrative hearings are not used to fund the court system, are outside the control of the state judiciary, and are beyond the scope of this Report.

## IV. Definitions

**Assessments** include all fees, costs, and other charges imposed on (a) parties to civil cases and (b) defendants in criminal and traffic proceedings, with the exception of fines that are ordered by a judge as punishment in the exercise of his or her discretion.

**Fees** are charges imposed on a party to reimburse the cost of a specific court activity or program. Fees are intended to support the operational costs of the justice system as a whole, in addition to reimbursing costs related to litigation, supervision, or incarceration in a particular case. The Illinois Supreme Court has held that some charges labeled as “fees” truly function as taxes because “...a charge having no relation to the services rendered, assessed to provide general revenue rather than compensation, is a tax.” Fees are assessed by a clerk.

**Fines** are monetary punishments for infractions, misdemeanors, or felonies. Fines are primarily intended to deter crime and punish offenders. Fines can be mandatory or discretionary. Mandatory fines are fixed amounts that are included in what this Report terms “assessments.” Discretionary fines may be ordered by a judge depending on the specific facts of the case and are not considered to be “assessments.” The Illinois Supreme Court has held that some charges in criminal proceedings labeled as “fees” actually function as fines if the charges do not compensate the State for the cost of prosecuting the defendant. Fines are assessed by a judge.

---

<sup>5</sup> *Crocker v. Finley*, 99 Ill.2d 444, 452 (1984).

<sup>6</sup> *People v. Graves*, 235 Ill. 2d 244, 255 (2009) (holding that a \$10 mental health court fee and a \$5 youth diversion/peer court fee “although labeled as ‘fees,’ are in fact fines, which are punitive in nature”).

## V. Court Assessments: An Overview

The process by which court assessments are calculated has become more complex over time. What was once a simple dollar amount directly related to the cost of processing the case before the court has become a much more complicated calculation that can involve hundreds, or even thousands, of dollars divvied up among dozens of recipients. The following discussion describes the process by which court assessments are proposed, authorized, and ultimately assessed against litigants. The first two sections will describe the composition of civil and criminal assessments, respectively. The last section will explain the process by which assessments are proposed and authorized.

### Civil Assessments

To participate in civil litigation, each party must first pay the applicable court assessments. While the total amount can vary widely – by both case type and the county in which the case is pending – each county follows the same basic formula in calculating civil assessments.

As shown in Figure 1, an assessment in a civil case is actually a composite of many different categories of fees, each one intended to defray the cost of a different aspect of the court's operations. A civil assessment is akin to a recipe that combines a number of ingredients. The first ingredient is the filing fee for plaintiffs or the appearance fee for defendants. The base filing fee or appearance fee is intended to reimburse the court for the cost of adding one more case to the docket. This fee currently varies in amount depending on case type and county size and forms the baseline cost to which everything else is added.<sup>7</sup>

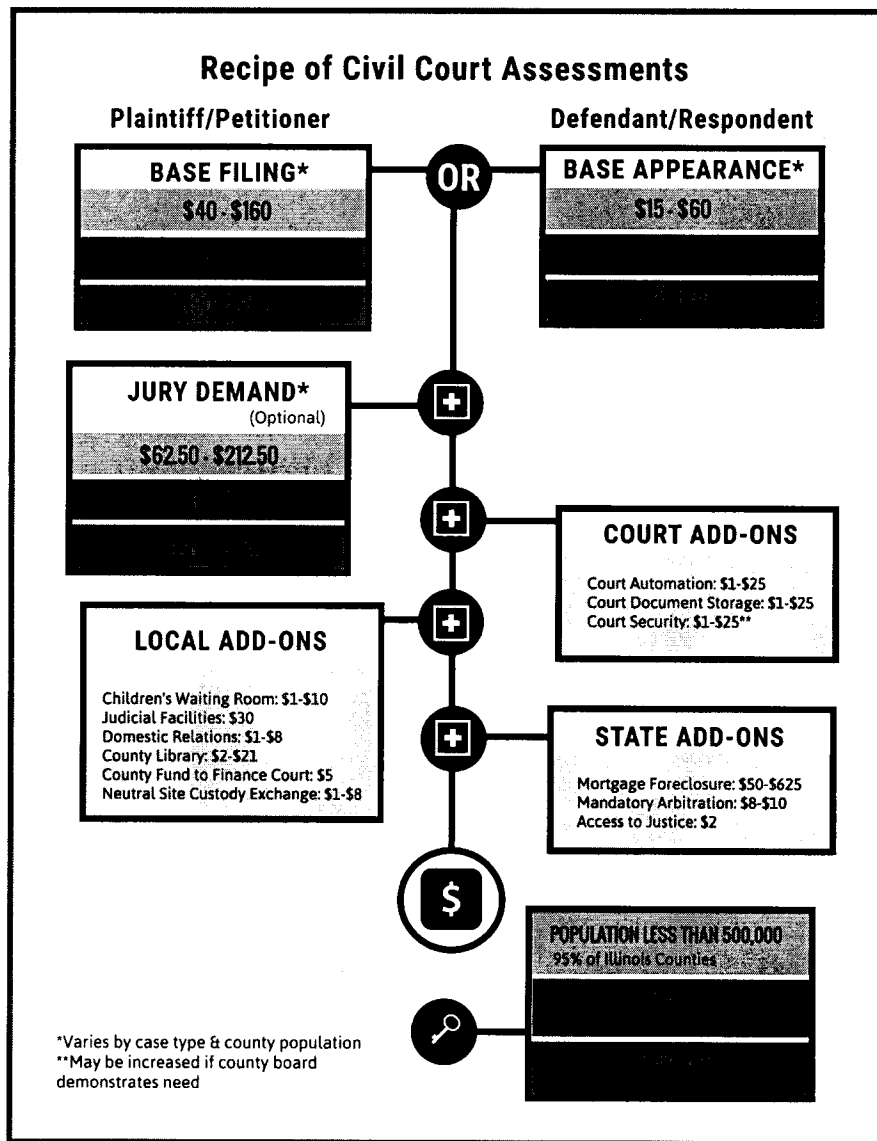


Figure 1

<sup>7</sup> The base filing/appearance fees are labeled as a "Clerk Filing Fee," in 705 ILCS 105/27.1a 2. However, these fees are directed to the county's general revenue fund, not the Circuit Clerk.



If either party elects to request a jury trial, that party incurs a jury demand fee. Next, a number of court add-on fees are added to the mix (e.g., court automation or document storage). The revenue collected from the court add-on fees is used to fund court operations.

Local and state add-on fees are the final ingredients. The local add-on fees cover services that are specific to a particular jurisdiction (e.g., a law library fee or children's waiting room fee if the local courthouse has one), while the state add-on fees cover broader services (e.g., Access to Justice Fee). The revenue collected from local fees stay in the county where the case is heard, while the money collected from state fees go to the state. Some of these add-on fees are mandated by law in all counties and case types, but others are discretionary and, when imposed, vary in amount from county to county.

It should be noted that most fees are collected twice in each civil case, once from the plaintiff/petitioner and once from the defendant/respondent if he or she chooses to participate.

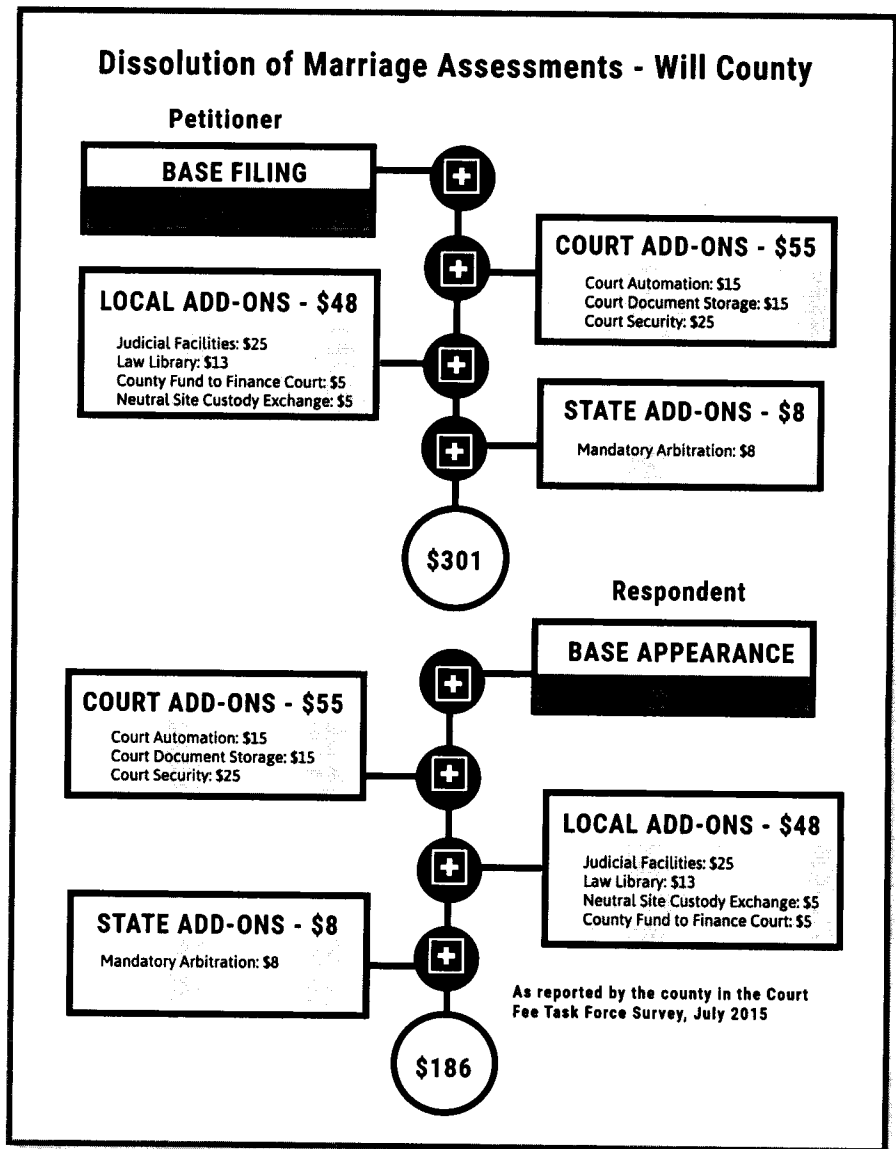


Figure 2

To understand how this works, consider the following example taken from a recent case involving a married couple in Will County who were seeking to dissolve their marriage. As shown in Figure 2, the petitioner paid a \$190 base filing fee, \$55 in court fees (\$15 Court Automation Fund, \$15 Document Storage Fund, and \$25 Court Security Fee), \$8 in state fees (\$8 Mandatory Arbitration Fee), and \$48 in local fees (\$25 Judicial Facilities Fee, \$13 Law Library Fee, \$5 County Fund to Finance the Court, and \$5 Neutral Site Custody Exchange). Once all of the extra court fees and state and local add-ons are calculated, the initial \$190 base fee increased by almost 60%, to a total of \$301.

The respondent in the Will County proceeding paid a total of \$186 to participate in the lawsuit. The \$186 in court assessments consists of a \$75 appearance fee and the same court, state, and local add-on fees paid by the petitioner (\$55 court add-on fees, \$8 state add-on fees, and \$48 local add-on fees). While the base appearance fee is only \$75, the amount paid by the respondent more than doubled once the entire assessment was calculated.

## Criminal/Traffic Assessments

In criminal and traffic proceedings, assessments are imposed at the conclusion of a case and are not a prerequisite for participation, as they are in civil litigation. Criminal and traffic assessments are a combination of mandatory fines and fees. Restitution and discretionary fines may be imposed by a judge as part of a criminal defendant's punishment and are not included in the court assessments; instead, those costs are tailored to the nature of the crime and the judge has broad discretion to set them within the parameters laid out by statute. Mandatory court fees and fines, however, are set amounts fixed by the county board or authorized by state statute.<sup>8</sup> The mandatory amounts are applied, without discretion, to all criminal defendants regardless of the specific facts of their cases.

Similar to a civil litigant's assessments, a criminal defendant's assessments are calculated by adding a variety of state and local charges to the baseline filing fee. Because fines also must be

considered on the criminal side, the recipe for calculating criminal and traffic assessments involves more ingredients. The recipe is harder to generalize than that for assessments in civil cases because there is far more variance, both from county to county and from case type to case type. Nevertheless, it is still useful to examine the core costs included in the assessments imposed in criminal and traffic cases.

As shown in Figure 3, the first ingredient in calculating criminal court assessments is the base fee which is paid by the criminal defendant and varies by offense and county population size. Payment of the base fee essentially requires a criminal defendant to subsidize the prosecution's costs in bringing the case against him or her. Next, the defendant is charged the same court fees that civil litigants are assessed in every courthouse across the state (e.g., court security and document storage). Depending on the jurisdiction and case type, the defendant may also have to pay fees to cover the cost of attorneys involved in the case, including both the costs of the public defender's office

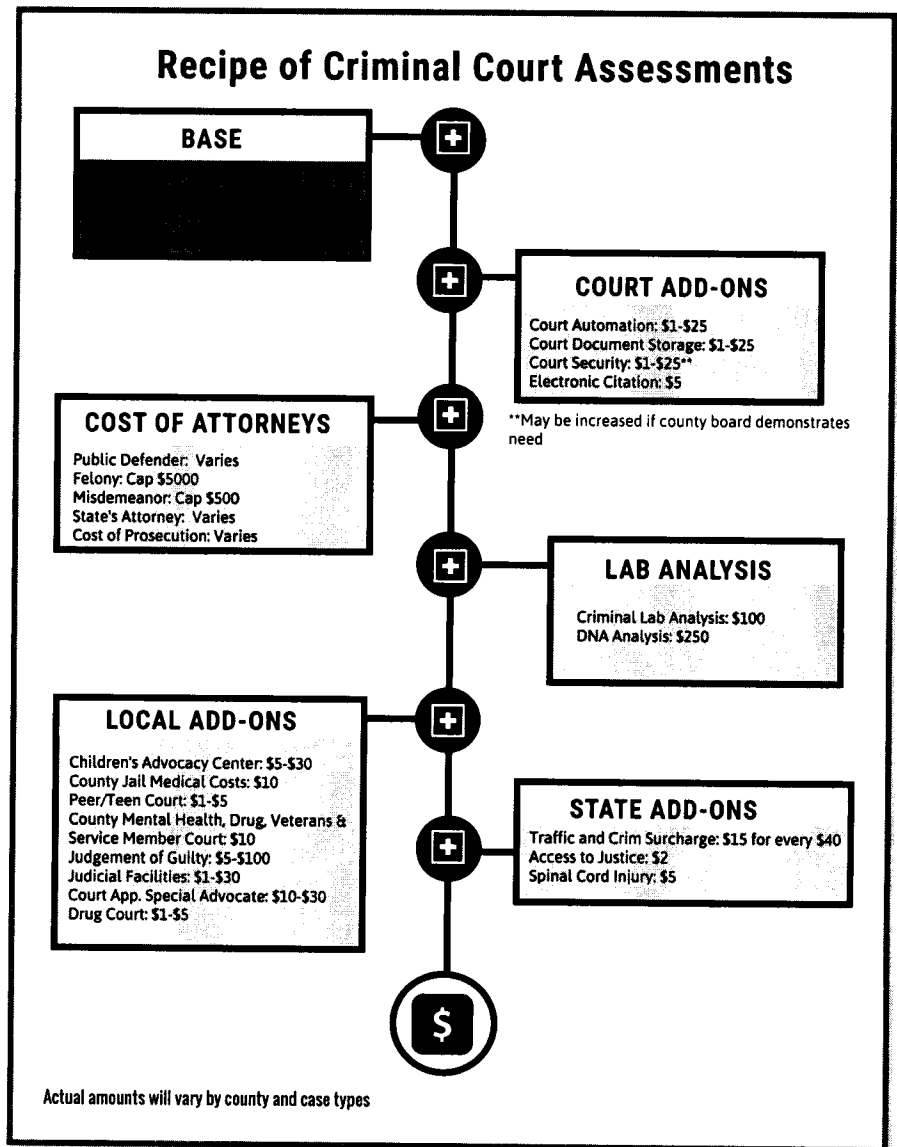


Figure 3

<sup>8</sup> Illinois law caps the amount of a discretionary fine at \$25,000 for a felony; \$2,500 for a Class A misdemeanor; and \$1,500 for all other misdemeanors. See 730 Ill. Comp. Stat. 5/5-4.5-50(b), 730 Ill. Comp. Stat. 5/5-4.5-55(e), 730 Ill. Comp. Stat. 5/5-4.5-60(e).

defending the case and the state's attorney's office prosecuting it, and to the police department to subsidize the costs of the arresting officer's time. In addition, a defendant is often assessed DNA and/or lab analysis fees, which cover the costs of any lab fees involved in prosecution of the case.

Mandatory state and local add-on fees and fines come next. These are amounts authorized by the state or county (some the same as the local add-ons for civil cases, some unique to criminal proceedings), and are usually relatively small in size but large in number. It is not uncommon for a traffic or criminal defendant to be charged dozens of these "minor" fines which can, in the aggregate, create a significant financial burden. The number of fines varies depending on location and case type, but every criminal and traffic defendant can expect to face some of them at the time of conviction. The total criminal assessment is calculated once all of the additional court, state, and local statutory fees are added to the base filing fee. However, this amount does not include any judicial fines or restitution ordered in the judge's discretion as punishment for the defendant's crime.

Consider the recent example of a defendant in McHenry County who was convicted of Driving Under the Influence (DUI) and fined \$150 by the judge. That defendant paid a total of \$1,625 in court assessments (in addition to the \$150 fine imposed by the judge). As illustrated in Figure 4, this amount is calculated by assessing \$75 as a base fee and then adding \$90 in court fees (\$15 Court Automation Fee, \$15 Court Document Storage Fee, \$25 Court Security Fee, and \$5 E-Citation Fee) and \$12 for the cost of attorneys (\$2 State's Attorney Automation Fee and \$10 State's Attorney Fee). Finally, the defendant was assessed a series of 11 state and local add-on fees totaling \$1,448 (including fees for

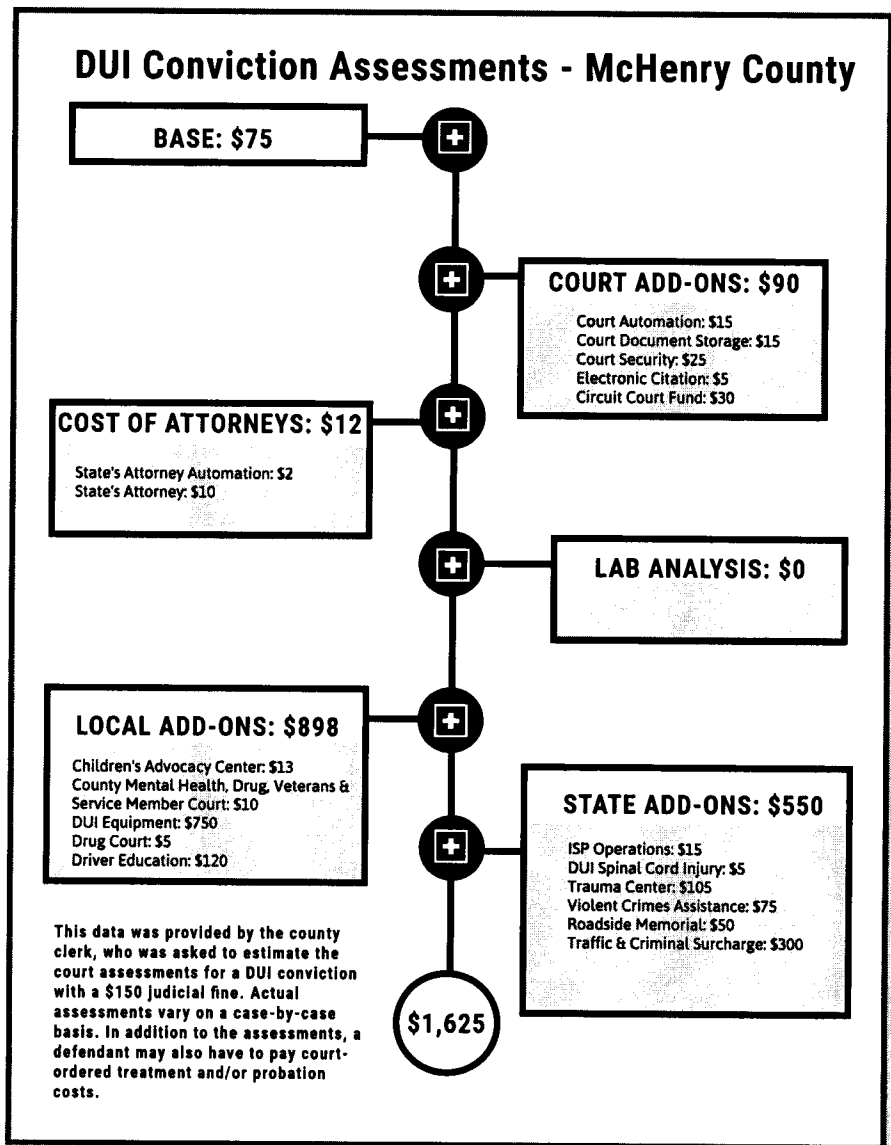


Figure 4

<sup>9</sup> Shriver Center, *Debt Arising from Illinois' Criminal Justice System: Making Sense of the Ad Hoc Accumulation of Financial Obligations*, November 2009, p.9-19, available at <http://povertylaw.org/sites/default/files/files/webinars/criminaldebt/debt-report.pdf>.

<sup>10</sup> *Id.* at 18-20.

<sup>11</sup> Illinois law caps the amount of a discretionary fine at \$25,000 for a felony; \$2,500 for a Class A misdemeanor; and \$1,500 for all other misdemeanors. See 730 Ill. Comp. Stat. 5/5-4.5-50(b), 730 Ill. Comp. Stat. 5/5-4.5-55(e), 730 Ill. Comp. Stat. 5/5-4.5-60(e).

Children's Advocacy Centers, Drug Court, Driver Education, Spinal Cord Research, and Roadside Memorial Funds, among others). All told, the assessments totaled \$1,625, increasing the base filing fee of \$75 by more than 2,000%. The total assessments were more than ten times the \$150 judge-ordered fine. This example highlights the disconnect that can occur between the discretionary fine ordered by a judge as punishment and the fixed costs – ostensibly not intended to punish – which are unrelated to the specific offense and set by statute.

On top of the judicial fine and court assessments, the defendant will also be charged for mandatory DUI treatment, a program which routinely costs several thousands of dollars. Similar requirements exist for defendants convicted on Domestic Violence charges. Some criminal charges also add on a surcharge, an additional cost calculated as a percentage of the fine, at the end of the case. For example, the Criminal and Traffic Surcharge provides that a court may assess an additional \$15 fine for every \$40 in fines assessed, or a 37.5% surcharge, against a defendant as part of the punishment. It is not uncommon for a criminal defendant to leave court with total expenses in the thousands of dollars.

As these examples demonstrate, under the current system court fees are complicated to understand and calculate. The final cost assessed against a litigant often bears little or no relation to the actual cost of the court in administering the case. This Report will explain in more detail what the consequences of the current system are and how they negatively impact court users and the courts, before proposing a number of recommendations to address these issues.

### **Legislative Process for Creating New Fees and Fines**

Any county, branch of government, agency, or special interest group can lobby a legislator to sponsor a bill that would add a new cost to be assessed against civil litigants, traffic or criminal defendants, or both. All such bills must include a provision for distributing the revenue to the appropriate county, agency, or special interest group after it is paid by the litigants and collected by the court.

As illustrated in Figure 5, court assessments originate as bills which must be passed by the General Assembly and signed by the governor. Many bills then require the additional step of a county ordinance before the assessment can be collected. Statutory fines, however, do not require local approval; the law itself typically sets out to which entity the fine is remitted. Once the new law authorizing the fee or fine goes into effect, the clerk (for fees) or the judge (for fines) is tasked with assessing the cost against all applicable litigants.

Consider, for example, the new Judicial Facilities Fees enacted in 2015.<sup>13</sup> The Judicial Facilities Fee allows two counties – Will and Kane Counties – to assess a fee of up to \$30 in all civil matters at the time of filing and in criminal and traffic matters at the time of conviction if the defendant appeared in court. The fee is intended to help fund the construction of new judicial facilities. At the time of this writing, Will County is the only county that has enacted a Judicial Facilities Fee, approving a \$25 fee in all civil and criminal proceedings.<sup>14</sup> While the current statutory authority restricts the application of a Judicial Facilities Fee to those two counties, there is little reason to believe the collection of a Judicial Facilities Fee will be limited to Will or Kane Counties. In fact, in this legislative session alone, there are two pending bills in the General Assembly that would allow Montgomery County<sup>15</sup> and Lake County<sup>16</sup>, respectively, to have the authority to impose a Judicial Facilities Fee not to exceed \$30.

---

<sup>13</sup> 55 ILCS 5/5-1101.3.

<sup>14</sup> *Ordinance Establishing the Judicial Facilities Fee and the Judicial Facilities Construction Fund*, Will County Ordinance 15-23 (2015).

<sup>15</sup> SB2503.

<sup>16</sup> SB2784.

As these examples show, there is no one entity responsible for proposing and administering court fees. Nor is there one statute that lays out all of the existing fees. Instead, dozens of different agencies have proposed fees that are codified in dozens of different statutes – which has allowed filing fees to take on broader and broader purposes that are less directly related to litigation and court administration. The next section of the Report will discuss this practice in greater detail and the impact that it has on court patrons.

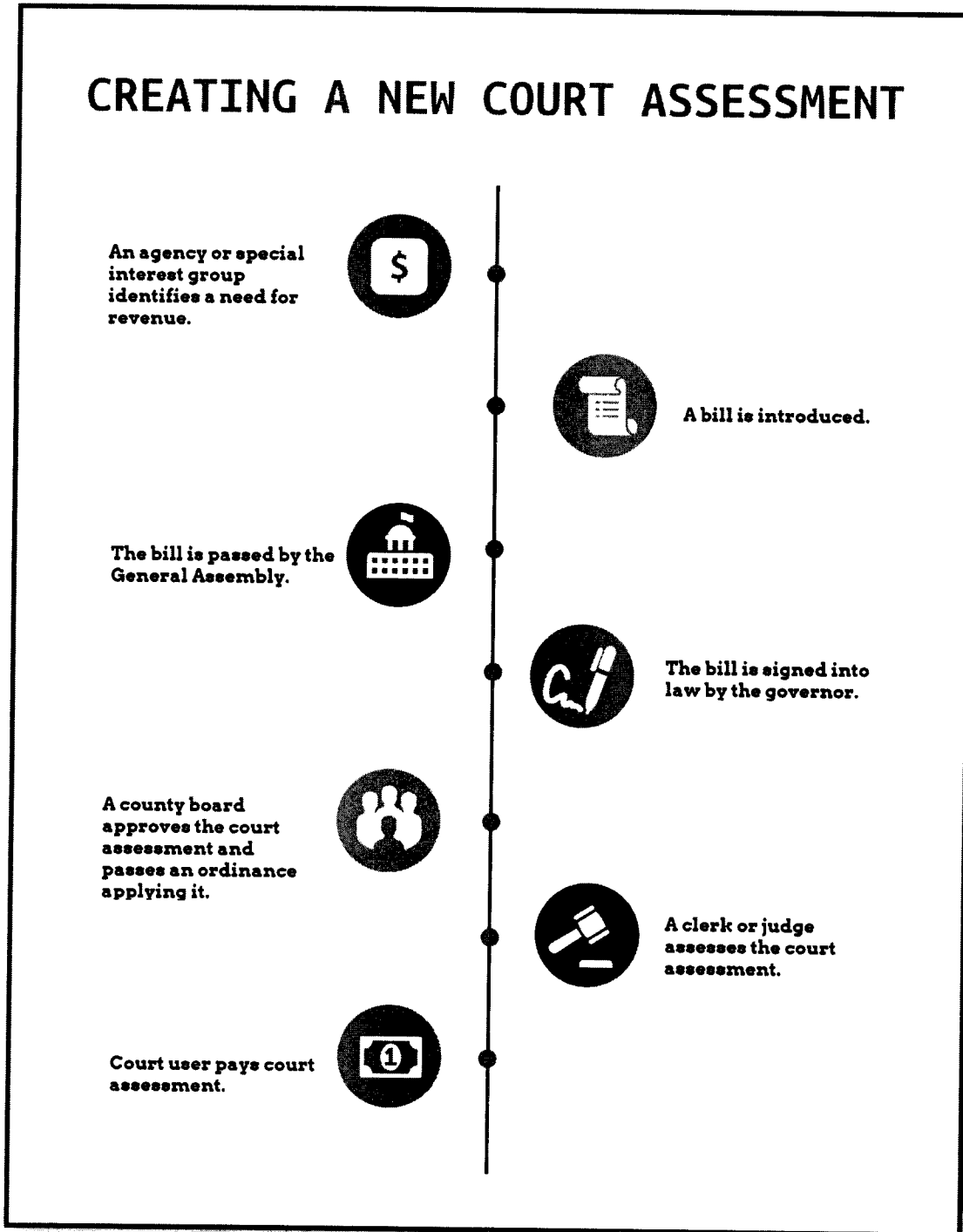


Figure 5

## VI. Court Assessments: Four Key Findings

After a yearlong study, the Task Force made four key findings regarding the current system of imposing, collecting, and disbursing court assessments. The current system charges litigants an increasing number of assessments that are imposed in a manner that is opaque and inconsistent. The end result places an undue burden on litigants, impedes access to justice for civil litigants and reentry into society for criminal defendants, creates an administrative nightmare for court clerks responsible for collecting and disbursing assessments, and erodes public confidence in the judicial system.

The four key findings are as follows:

1. *The nature and purpose of assessments have changed over time, leading to a byzantine system that attempts to pass an increased share of the cost of court administration onto the parties to court proceedings.*
2. *Court fines and fees are constantly increasing and are outpacing inflation.*
3. *There is excessive variation across the state in the amount of assessments for the same type of proceedings.*
4. *The cumulative impact of the assessments imposed on parties to civil lawsuits and defendants in criminal and traffic proceedings imposes severe and disproportionate impacts on low- and moderate-income Illinois residents.*

Each of these findings is discussed below.

**Finding #1: The nature and purpose of assessments have changed over time, leading to a byzantine system that attempts to pass an increased share of the cost of court administration onto the parties to court proceedings.**

Most litigants are unaware that their court costs are comprised of a number of fees intended to fund a variety of services and projects. With growing frequency, counties are passing the costs of operating their court systems on to parties to civil cases and defendants in criminal and traffic cases. A complex network of add-on fees intended to fund specific programs and special interests, often increasing the final cost to court users exponentially, is now added to the baseline filing fees that were initially designed to reimburse a court for the cost of adding one more case to its docket. Courts are increasingly treated as revenue generators – and litigants by extension as revenue providers.

***Civil Proceedings***

Many assessments in civil cases are not true user fees, but instead function as taxes levied against civil litigants to fund public welfare programs for the general good.<sup>17</sup> For example, many counties charge all civil litigants a fee to fund the children’s waiting room. It does not matter if the litigant has young children, or if those children use the waiting room. Instead, the fee, like many others, acts as a tax imposed on all civil litigants alike, regardless of their level of interaction with the court system.<sup>18</sup> Because these court assessments are generally bundled together and presented to the litigant as one lump sum, there is no transparency and it is extremely difficult for litigants to know what it is they have just “purchased” with their court assessments. Many litigants would presumably be shocked to learn what a small percentage of their court assessments are actually used to fund the cost of administering their case.

As state and local budgets have become tighter over the years, circuit courts have increasingly turned to their “customer base” of litigants to raise funds for their own operations. Consider the Judicial Facilities Fees described above. This new fee, assessed against litigants in Will County, is intended to raise funds “for the sole purpose of funding in whole or in part the costs associated with building new judicial facilities within the county.”<sup>19</sup> This is a prime example of the legislature attempting to “shift some of the costs of facility expansion from property taxes to user fees.”<sup>20</sup> Furthermore, there is no sunset date for the fee, so it could, theoretically, be assessed indefinitely, even after the new courthouse is built.<sup>21</sup>

---

<sup>17</sup> See *Crocker v. Finley*, 99 Ill. 2d 444, 452 (1984) (“court charges imposed on a litigant are fees if assessed to defray the expenses of his litigation. On the other hand, a charge having no relation to the services rendered, assessed to provide general revenue rather than compensation, is a tax.”)

<sup>18</sup> *Id.*

<sup>19</sup> 55 ILCS 5/5-1101.3.

<sup>20</sup> “SB 1336 Would Allow Kane to Charge \$40 Fee to Help Pay for Judicial Facilities,” *Kane County Connects* (February 24, 2015), Available at <http://kanecountyconnects.com/2015/02/new-state-senate-bill-would-allow-kane-to-charge-fees-pay-for-facilities/>.

<sup>21</sup> *Id.*

### ***Criminal/Traffic Proceedings***

On the criminal and traffic side, defendants routinely face dozens of fees and fines that fund any number of programs. Assessments fund special interest projects ranging from providing bridge loans to burn victims,<sup>22</sup> to offering zero-interest loans to local fire departments for new fire trucks,<sup>23</sup> to supporting spinal cord injury research.<sup>24</sup> While many of these add-on court assessments are small in size – only a few dollars each – the collective impact can be staggering, especially to indigent defendants. In addition, the burden imposed by this proliferation of assessments extends to court clerks and others responsible for distributing the revenues generated by these add-ons to the designated recipients.

For example, a defendant recently convicted of Driving Under the Influence (DUI) in McLean County paid court assessments to be distributed to 25 separate funds for varying local, county, and state purposes. As Figure 6 explains, of the \$1,752 collected from that defendant, only \$135 (8%) was actually used to reimburse the court for specific costs associated with the case and general overhead. That means over 90% of the total assessment was earmarked for programs and services that were unrelated to the pending litigation.

At the county level, \$163.63 goes to cover other county expenses associated with the criminal justice system including county jail medical costs, probation services, and a state's attorney records automation fund, among other services and costs. The bulk of the money, \$1,101.37, is distributed to the state to fund services and programs including the Illinois State Police, maintenance of the Law Enforcement Agencies Data System (LEADS), trauma centers, fire truck safety, and roadside memorials. One of the newest such costs assessed to convicted DUI defendants is called the George Bailey Memorial Fund, whose proceeds are to be used to provide burn victims with less than 18 months to live with a loan equal to five months of Social Security Disability payments that the burn victim will receive from the Social Security Office after a five-month waiting period.<sup>25</sup> Finally, the municipality where the defendant was prosecuted receives \$352 of the total amount for the arresting agency to defray its costs.

None of the foregoing is intended to question the value of the various funded programs to society at large. However, many, if not most, of the programs have an attenuated connection to a DUI conviction or even the criminal justice system. In this DUI example (and countless others), there must be a mechanism to ensure that the system does not impose unreasonable financial obligations to fund other governmental services, and that court assessments are not simply an alternate and hidden form of taxation.

---

<sup>22</sup> Public Act 99-0455.

<sup>23</sup> 20 ILCS 3501/825-80.

<sup>24</sup> 30 ILCS 105/6z-50.

<sup>25</sup> Public Act 99-0455.



### Distribution of the Statutory Fees and Fines in a DUI Case in McLean County

As reported in the August 2015 IVC Fees Three Violations Survey, the Manual on Fines and Fees, and Compiled Statutes.

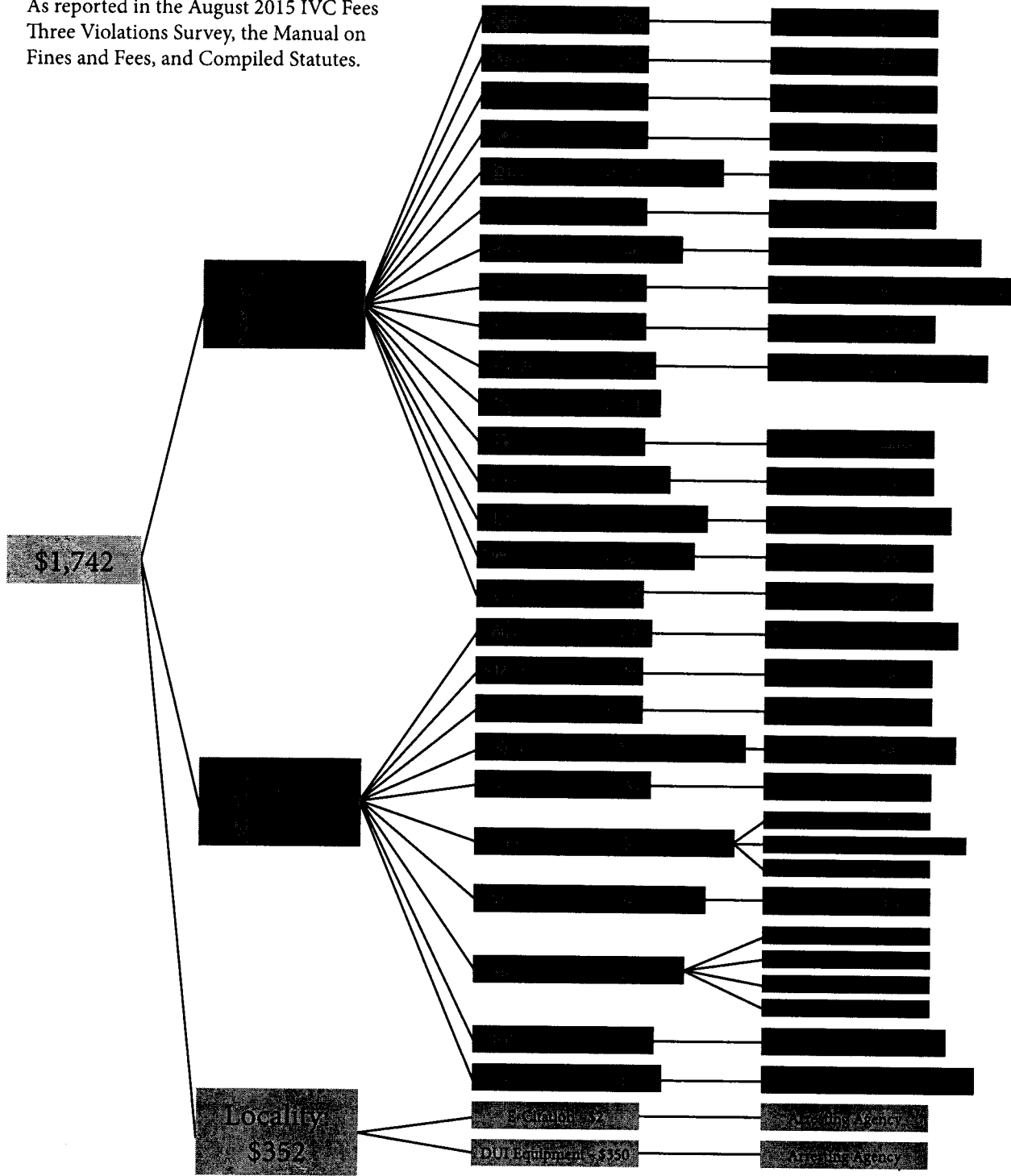


Figure 6

## Finding #2: Court fines and fees are constantly increasing and outpacing inflation.

Relying on litigants to fund court operations and programs with little or no connection with the courts has led to significant increases in court assessments. As a policy matter, there is growing concern that mounting assessments in civil cases threatens the viability of the courts as an economically feasible method for dispute resolution. For defendants in traffic or criminal proceedings, the financial repercussions associated with assessments are often disproportionate to the offense and to the fine that is intended to constitute the appropriate punishment.

### Civil Proceedings

On the civil side, the steady trend of rising court assessments is exemplified by the maximum filing fee authorized for large counties (like Will or Kane). Figure 7 reveals that this fee has grown by approximately 80% since 2000. At the other end of the litigation spectrum, consider a small claims action with an amount in controversy of \$450. Small claims actions are intended to be relatively straightforward and easy methods for resolving minor disputes like failure to return a security deposit or to fix a car correctly. In 2015, in DeKalb County, it cost \$118 to file the case as a plaintiff, and \$113 to respond as a defendant. In 2016, only one year later, the cost had increased to \$148 to file the case as a plaintiff and \$143 to respond. While the \$30 increases may not seem significant, they constitute increases in excess of 25% in the span of a single year. The total payment to the court by the parties equals \$291, which could very well eclipse the value of the amount in controversy.

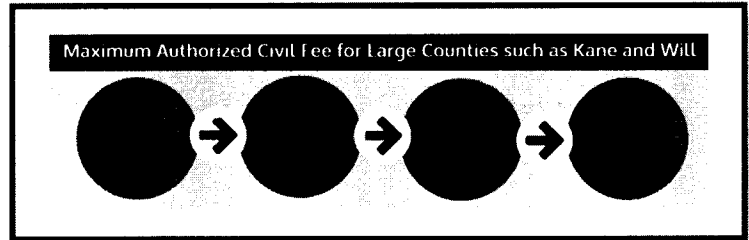


Figure 7

This trend shows no signs of abating. In September 2015, an amendment to the Access to Justice Act authorized an additional \$2 fee to be collected from every litigant, civil and criminal, to finance legal services for veterans and active duty service members.<sup>26</sup> In the 2015-2016 legislative session that followed, at least eight bills were introduced proposing new assessments or increases to the maximum amount collectable under existing laws. The civil side saw two counties seeking a Judicial Facilities Fee of up to \$30, plus proposals for a statewide \$9 EBusiness<sup>27</sup> fee and a \$15 Juror Services<sup>28</sup> fee. If all these bills are enacted, in the coming year all civil litigants could see at least a \$24 increase in initial filing fees; and civil litigants in Montgomery and Lake counties could see an increase of up to \$54.

Some existing assessments have also recently been increased. For example, the Bureau County Board recently approved a resolution to increase the Court Security Fee charged to every litigant from \$25 to \$75.<sup>29</sup> This three-fold increase is allowed under the state law which caps court security fees at \$25 unless the county requesting the increase conducts an “acceptable cost study.”<sup>30</sup>

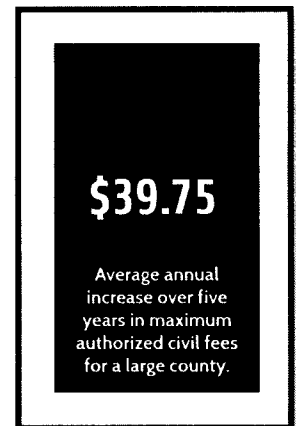


Figure 8

<sup>26</sup> 705 ILCS 105/27.3g

<sup>27</sup> SB3162.

<sup>28</sup> HB 5742.

<sup>29</sup> See Goldie Rapp, “New \$\$\$ for Courthouse Security,” *Bureau County Republican*, August 10, 2015, available at <http://www.bcrnews.com/2015/08/10/new-for-courthouse-security/aiwx71n/>; Bureau County Board Agenda, April 14, 2016, available at [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwjG\\_KmpysPMAhWHdR4KHxVsAvIQFggpMAL&url=http%3A%2F%2Fbureaucountyil.iqm2.com%2FCitizens%2FFileOpen.aspx%3FTYPE%3D14%26ID%3D1014&usg=AFOjCNERLGEdxHb9SoqnFSyR4XKlOT1s6w&sig2=mTqKQAazazO77\\_eCh0xDHw](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwjG_KmpysPMAhWHdR4KHxVsAvIQFggpMAL&url=http%3A%2F%2Fbureaucountyil.iqm2.com%2FCitizens%2FFileOpen.aspx%3FTYPE%3D14%26ID%3D1014&usg=AFOjCNERLGEdxHb9SoqnFSyR4XKlOT1s6w&sig2=mTqKQAazazO77_eCh0xDHw).

<sup>30</sup> 55 ILCS 5/5-1103.

### ***Criminal/Traffic Proceedings***

The growth in the number and amount of assessments has been even steeper on the criminal side. Consider the example of DUI convictions. Under the current system, statutory maximums are set by population size. As shown in Figure 9, the maximum amount in large counties has grown by more than 300 percent since 2000, with much of that growth happening within the past five years. Taking the example of a defendant convicted of a DUI in DuPage County, from 1995 to 2015, the number of add-on fees increased from nine to 27. The amount of those fees also increased – from \$300 to \$2,172. That is an increase of more than 600% in just 20 years. Furthermore, as Figure 10 demonstrates, DuPage County is not an outlier. This same kind of growth is happening in every county throughout the state.

It should also be recognized that, in addition to court assessments, court users may incur other significant costs in connection with judicial proceedings. Such “hidden” costs may relate to transportation to and from court, parking, time off work, and child care obligations. In addition, court-ordered fees may be incurred after the filing of a civil action or sentencing in a criminal action, such as fees for service of process, court-ordered mediation, court-ordered parenting classes, or probation costs. Defendants found guilty of a DUI or domestic battery are required to pay for treatment which can cost several thousand dollars. And of course, litigants who can afford to retain an attorney can incur significant additional expense if they choose to do so.

The cumulative amount of assessments and hidden costs undermines the economic viability of civil litigation and the reasonableness of the economic burdens associated with criminal and traffic proceedings. In light of the fact that the benefits derived from the efficient administration of justice are not limited to the parties to court proceedings, there must be a recalibration of the balance between the growing desire for additional government revenue and the cumulative cost of litigation.

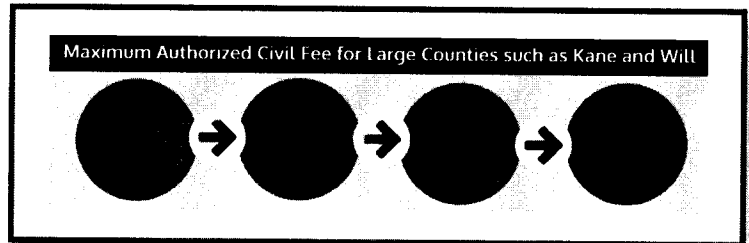


Figure 9

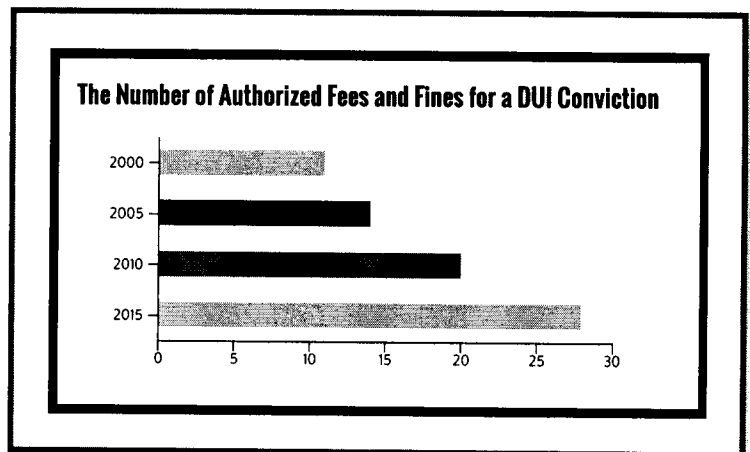


Figure 10

### Finding #3: There is excessive variation across the state in the amount of assessments for the same type of proceedings.

We have previously explained how counties play a large role in setting the amount of court assessments. The price for county discretion, however, is a lack of statewide uniformity. County control over what rates to charge and which add-on fees to collect has led to wildly different court assessments and fines throughout the state for the same type of civil, traffic, or criminal proceedings.

#### Civil Proceedings

By statute, the baseline filing and appearance fees are tied to county size, so a litigant in a county with a larger population will pay higher fees than a litigant in a county with a smaller population. Many of the other components of a total filing fee are authorized by county boards at varying levels across the state, producing a pronounced lack of uniformity.

Figures 11-14 demonstrate at a glance the vastly different financial obligations imposed on litigants depending on their location. In Illinois, two parties wishing to dissolve their marriage will face substantially different financial burdens based on nothing more than the county in which they happen to file their case. To see how this plays out in practice, we will examine the costs recently faced by three married couples seeking to dissolve their marriages in Knox County, Will County, and Cook County, respectively.

Figure 11 shows that, relatively speaking, the Knox County couple received a bargain, paying only \$280 in combined court costs to dissolve their marriage (the petitioner initiating the case will pay \$165 and the respondent will pay \$115). In contrast, as Figure 13 shows, the Will County couple paid a combined \$487 in court costs to dissolve their marriage (\$301 from the petitioner and \$186 from the respondent). The Will County petitioner's filing fees of \$301 are almost twice the amount charged to the Knox County petitioner to initiate the exact same case.

Finally, consider the financial burden faced by the Cook County couple. As the most populous county in the state, Cook County is also the most expensive for many types of litigation. Figure 14 shows that the dissolution case cost the Cook County petitioner and respondent \$342 and \$206, respectively, or a combined \$548 in court assessments. Cook County also has the highest concentration of residents living in or near poverty of anywhere in the state. A potential petitioner who could barely afford the \$165 fee to initiate a case in Knox County may have to think twice, or pass altogether, before initiating the same case in Cook County.

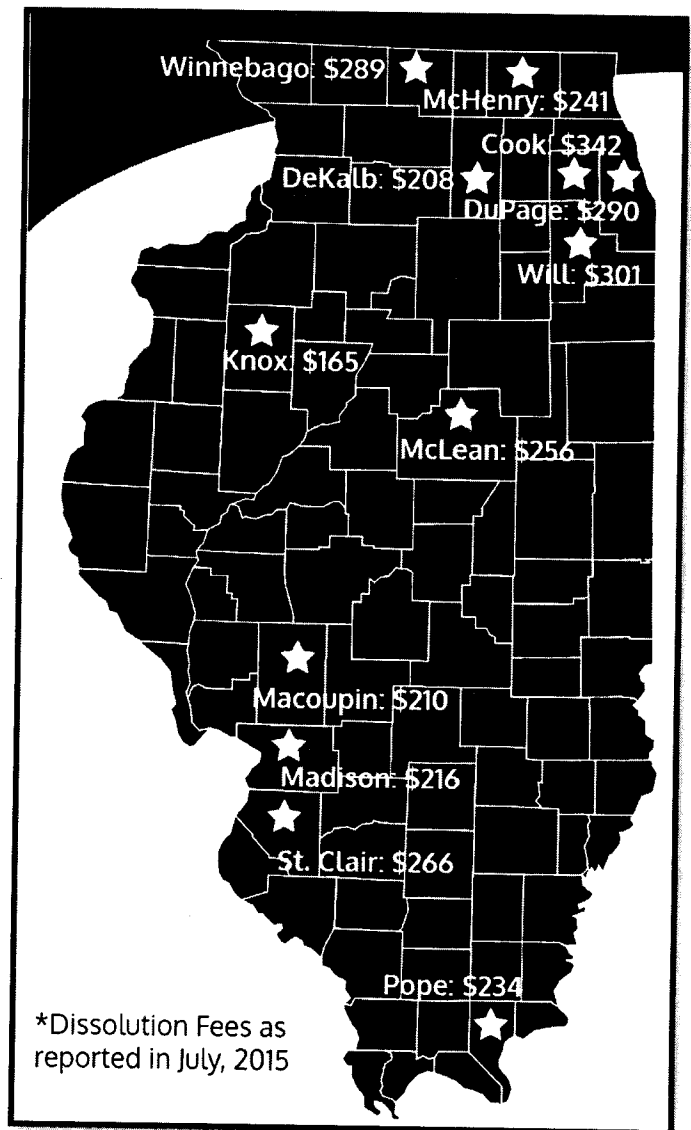


Figure 11

# Dissolution of Marriage Assessments - Knox County

## Petitioner

**BASE FILING**  
\$75

**LOCAL ADD-ONS - \$15**  
Law Library: \$10  
County Fund to Finance Court: \$5

**COURT ADD-ONS - \$75**  
Court Automation: \$25  
Court Document Storage: \$25  
Court Security: \$25

**STATE ADD-ONS - \$0**

**\$165**

## Respondent

**BASE APPEARANCE**  
\$25

**COURT ADD-ONS - \$75**  
Court Automation: \$25  
Court Document Storage: \$25  
Court Security: \$25

**LOCAL ADD-ONS - \$15**  
Law Library: \$10  
County Fund to Finance Court: \$5

**STATE ADD-ONS - \$0**

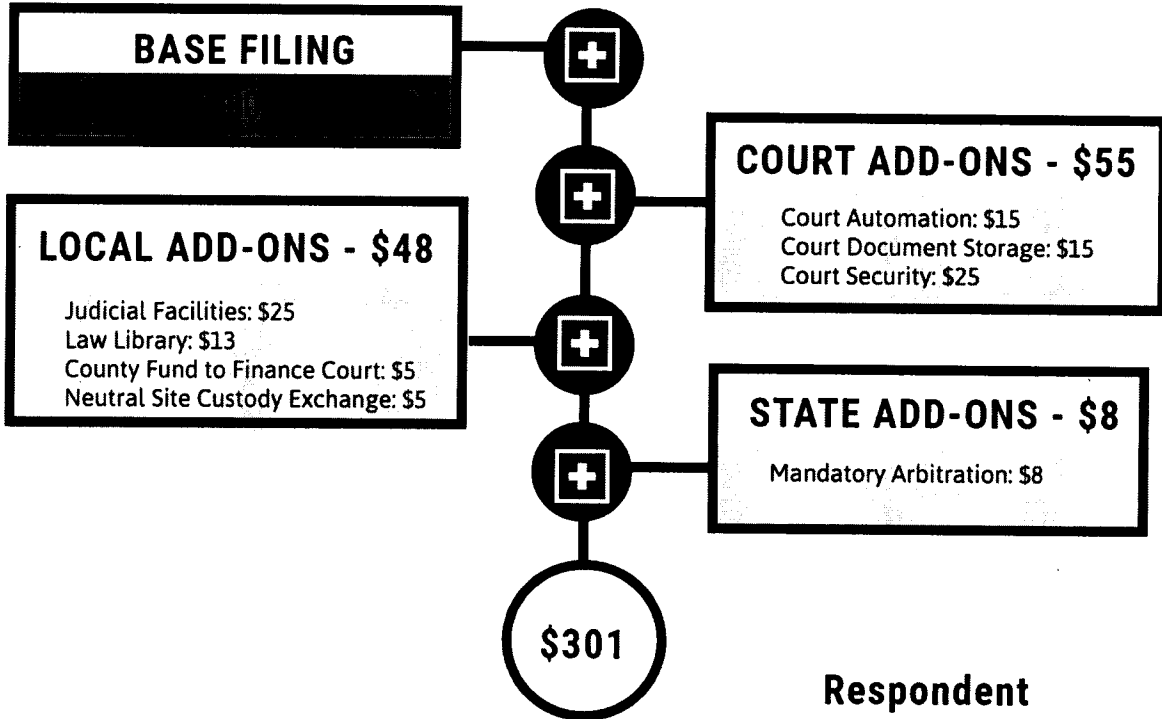
**\$115**

As reported by the county in the Court Fee Task Force Survey, July 2015

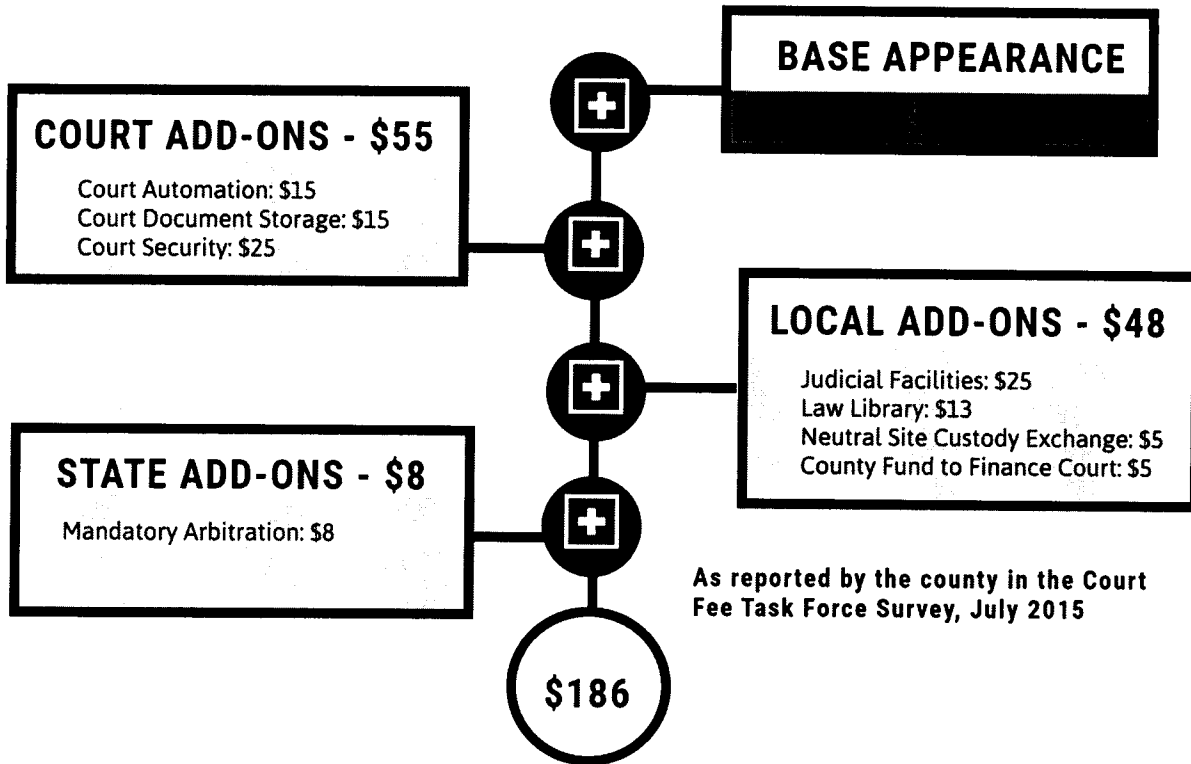
Figure 12

# Dissolution of Marriage Assessments - Will County

## Petitioner



## Respondent



As reported by the county in the Court Fee Task Force Survey, July 2015

Figure 13

# Dissolution of Marriage Assessments - Cook County

## Petitioner

**BASE FILING**

**LOCAL ADD-ONS - \$37**  
 Law Library: \$21  
 County Fund to Finance Court: \$5  
 Children's Waiting Room: \$10  
 Dispute Resolution: \$1

**COURT ADD-ONS - \$55**  
 Court Automation: \$15  
 Court Document Storage: \$15  
 Court Security: \$25

**STATE ADD-ONS - \$10**  
 Mandatory Arbitration: \$10

**\$342**

## Respondent

**BASE APPEARANCE**

**COURT ADD-ONS - \$55**  
 Court Automation: \$15  
 Court Document Storage: \$15  
 Court Security: \$25

**LOCAL ADD-ONS - \$31**  
 Law Library: \$21  
 Children's Waiting Room: \$10

**STATE ADD-ONS - \$10**  
 Mandatory Arbitration: \$10

**\$206**

As reported by the county in the Court Fee Task Force Survey, July 2015

Figure 14

These examples are endemic of the landscape of civil assessments across Illinois. Figure 15 summarizes how the base filing and appearance fees in marriage dissolution cases vary from county to county, even before any of the court and local add-ons are thrown into the mix. The steps involved in the case, however, are the same in all counties (petition, service, response, financial investigation, trial). The judicial salaries are also the same. Yet we see huge disparities in assessments that are exacerbated as more counties use local add-on fees as a source of revenue.

2015 Fines and Fees County Survey					
As Reported by Circuit Clerk's Office in July 2015					
Civil Fees	Stat. Range	Cook	DeKalb	DuPage	Knox
Circuit Clerk Fee - Filing	\$10-\$240	\$22-\$240	\$10-\$150	\$15-\$190	\$10-\$75
Circuit Clerk Fee - Appearance	\$15-\$110	\$80-\$110	\$5-\$50	\$40-\$75	\$10-\$25
Court Automation Fee	\$1-\$25	\$15.00	\$25.00	\$15.00	\$25.00
Document Storage Fee	\$1-\$25	\$15.00	\$25.00	\$15.00	\$25.00
Court Fee	\$5	\$5.00	\$5.00	\$5.00	\$5.00
Court Security Fee	\$0-\$25	\$25.00	\$25.00	\$25.00	\$25.00
Law Library Fee	\$2-\$21	\$21.00	\$10.00	\$13.00	\$10.00
Mandatory Arbitration Fee	\$8 or \$10	\$10.00	\$0.00	\$8.00	\$0.00
Neutral Custody Fee	\$1-\$10	\$0.00	\$8.00	\$8.00	\$0.00
Children's Waiting Room Fee	\$0-\$10	\$10.00	\$10.00	\$3.00	\$0.00
Dispute Resolution Fee	\$1	\$1.00	\$0.00	\$0.00	\$0.00
Misc. Fees Specific to County				\$8.00	\$5.00
<b>Total Filing Fee</b>		<b>\$22-\$240</b>	<b>\$10-\$150</b>	<b>\$15-\$190</b>	<b>\$10-\$75</b>
<b>Total Appearance Fee</b>		<b>\$80-\$110</b>	<b>\$5-\$50</b>	<b>\$40-\$75</b>	<b>\$10-\$25</b>
Jury Demand Fee	\$12.50-\$230	\$12.50-\$230	\$12.50-\$212.50	\$12.50-\$212.50	\$12.50-\$210
Alt Juror Fee		\$0.00	\$25.00	\$0.00	\$0 or \$250

Civil Fees	Stat. Range	Macoupin	Madison	McHenry	McLean
Circuit Clerk Fee - Filing	\$10-\$240	\$15-\$131	\$10-\$160	\$10-\$160	\$10-\$160
Circuit Clerk Fee - Appearance	\$15-\$110	\$35-\$56	\$20-\$60	\$30-\$60	\$30-\$60
Court Automation Fee	\$1-\$25	\$5-\$15	\$5.00	\$15.00	\$20.00
Document Storage Fee	\$1-\$25	\$5-\$15	\$15.00	\$15.00	\$15.00
Court Fee	\$5	\$5.00	\$5.00	\$5.00	\$5.00
Court Security Fee	\$0-\$25	\$5-\$25	\$15.00	\$20.00	\$25.00
Law Library Fee	\$2-\$21	\$5-\$19	\$6.00	\$18.00	\$10.00
Mandatory Arbitration Fee	\$8 or \$10	\$0.00	\$8.00	\$8.00	\$8.00
Neutral Custody Fee	\$1-\$10	\$0.00	\$2.00	\$0.00	\$8.00
Children's Waiting Room Fee	\$0-\$10	\$0.00	\$0.00	\$0.00	\$5.00
Dispute Resolution Fee	\$1	\$0.00	\$0.00	\$0.00	\$0.00
Misc. Fees Specific to County			\$5.00		\$5.00
<b>Total Filing Fee</b>		<b>\$15-\$131</b>	<b>\$10-\$160</b>	<b>\$10-\$160</b>	<b>\$10-\$160</b>
<b>Total Appearance Fee</b>		<b>\$35-\$56</b>	<b>\$20-\$60</b>	<b>\$30-\$60</b>	<b>\$30-\$60</b>
Jury Demand Fee	\$12.50-\$230	\$12.50-\$212.50	\$12.50-\$212.50	\$12.50-\$212.50	\$12.50-\$212.50
Alt Juror Fee		\$0.00	\$0.00	\$0.00	\$0 or \$35

Civil Fees	Stat. Range	Peoria	St. Clair	Will
Circuit Clerk Fee - Filing	\$10-\$240	\$10-\$160	\$10-\$160	\$15-\$190
Circuit Clerk Fee - Appearance	\$15-\$110	\$30-\$60	\$30-\$60	\$40-\$75
Court Automation Fee	\$1-\$25	\$15.00	\$25.00	\$15.00
Document Storage Fee	\$1-\$25	\$15.00	\$25.00	\$15.00
Court Fee	\$5	\$5.00	\$5.00	\$5.00
Court Security Fee	\$0-\$25	\$25.00	\$25.00	\$25.00
Law Library Fee	\$2-\$21	\$13.00	\$13.00	\$13.00
Mandatory Arbitration Fee	\$8 or \$10	\$0.00	\$8.00	\$8.00
Neutral Custody Fee	\$1-\$10	\$0.00	\$5.00	\$5.00
Children's Waiting Room Fee	\$0-\$10	\$0.00	\$0.00	\$0.00
Dispute Resolution Fee	\$1	\$1.00	\$0.00	\$0.00
Misc. Fees Specific to County			\$5.00	\$25.00
<b>Total Filing Fee</b>		<b>\$10-\$160</b>	<b>\$10-\$160</b>	<b>\$15-\$190</b>
<b>Total Appearance Fee</b>		<b>\$30-\$60</b>	<b>\$30-\$60</b>	<b>\$40-\$75</b>
Jury Demand Fee	\$12.50-\$230	\$12.50-\$212.50	\$12.50-\$106.25	\$12.50-\$212.50
Alt Juror Fee		\$0.00	\$0.00	\$0 or \$2.50

Figure 15



## Criminal/Traffic Proceedings

This large variation between counties regarding the amount of assessments imposed in the same kind of cases is not unique to civil actions and, in fact, is more pronounced in criminal cases. As in the civil context, counties have some discretion over which charges to assess, and the size of those charges. This local discretion precludes uniformity and means that criminal defendants facing the exact same charges can have very different assessments imposed on them, depending on the county in which the case is heard.

Figures 16-18 illustrate this variability. Figures 17 and 18 examine the amount of assessments that were recently imposed in Macoupin and McLean Counties, respectively, with respect to defendants who received a \$150 fine for driving under the influence of alcohol. Both counties started with a base fee of \$75. Both counties charged the defendants fees to subsidize the cost of court automation, document storage, and court security. Both counties also charged the defendants a fee for the state's attorney's office that prosecuted the case. The substantial discrepancy between the total assessments imposed by the two counties relates to the local and state add-on fees. While Macoupin County added seven state and local fees totaling \$197, McLean County added 15 state and local fees totaling \$1560. The \$75 base fee of the McLean County defendant thereby increased by more than 2,400% and that defendant paid nearly five times more than the Macoupin County defendant for the exact same offense.

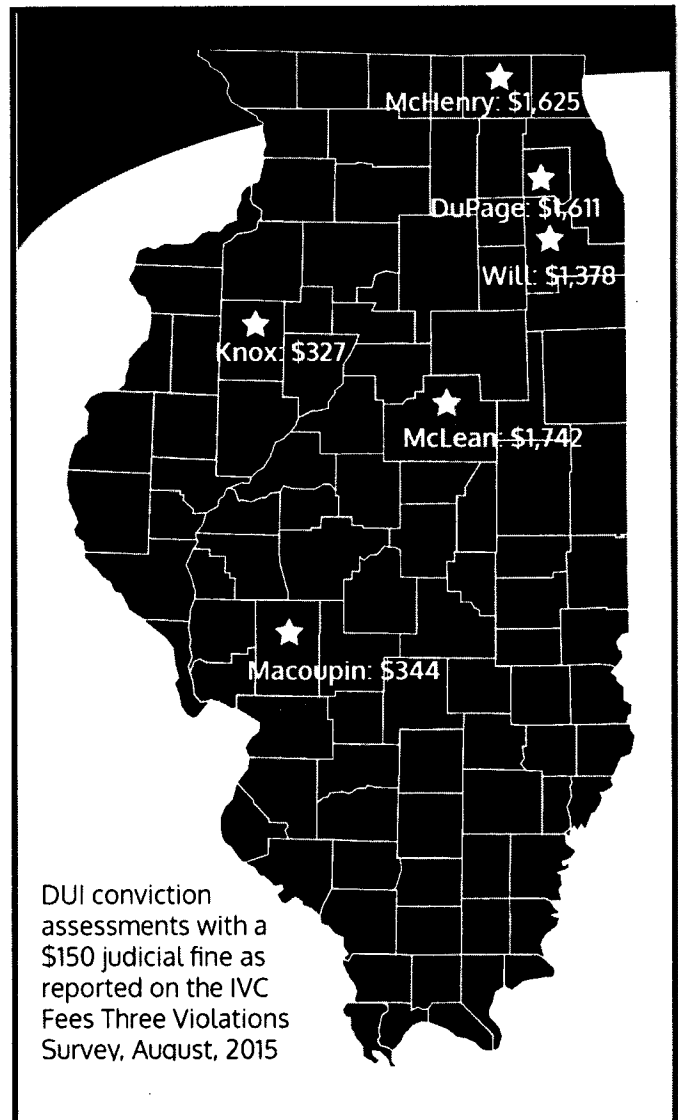
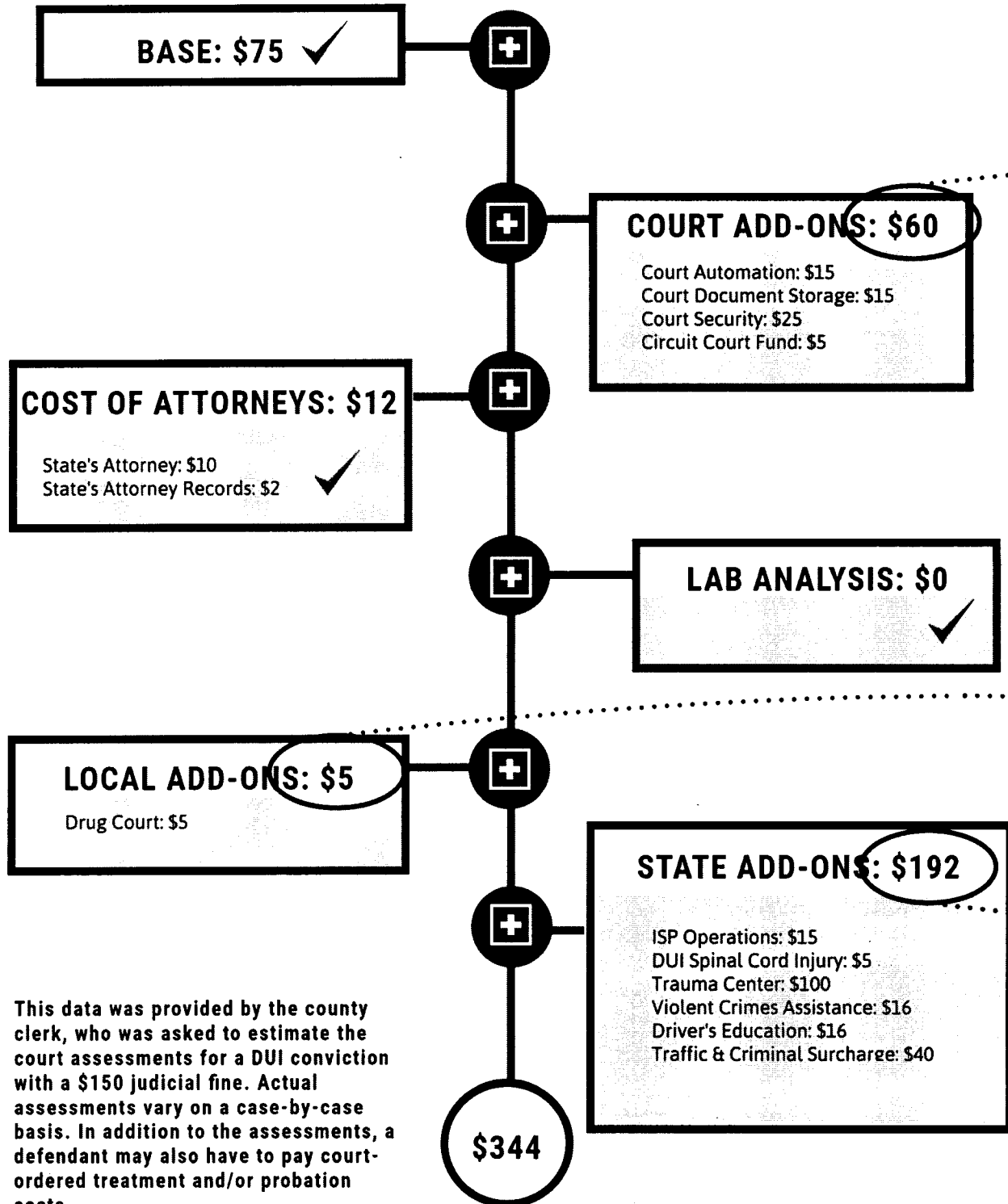


Figure 16

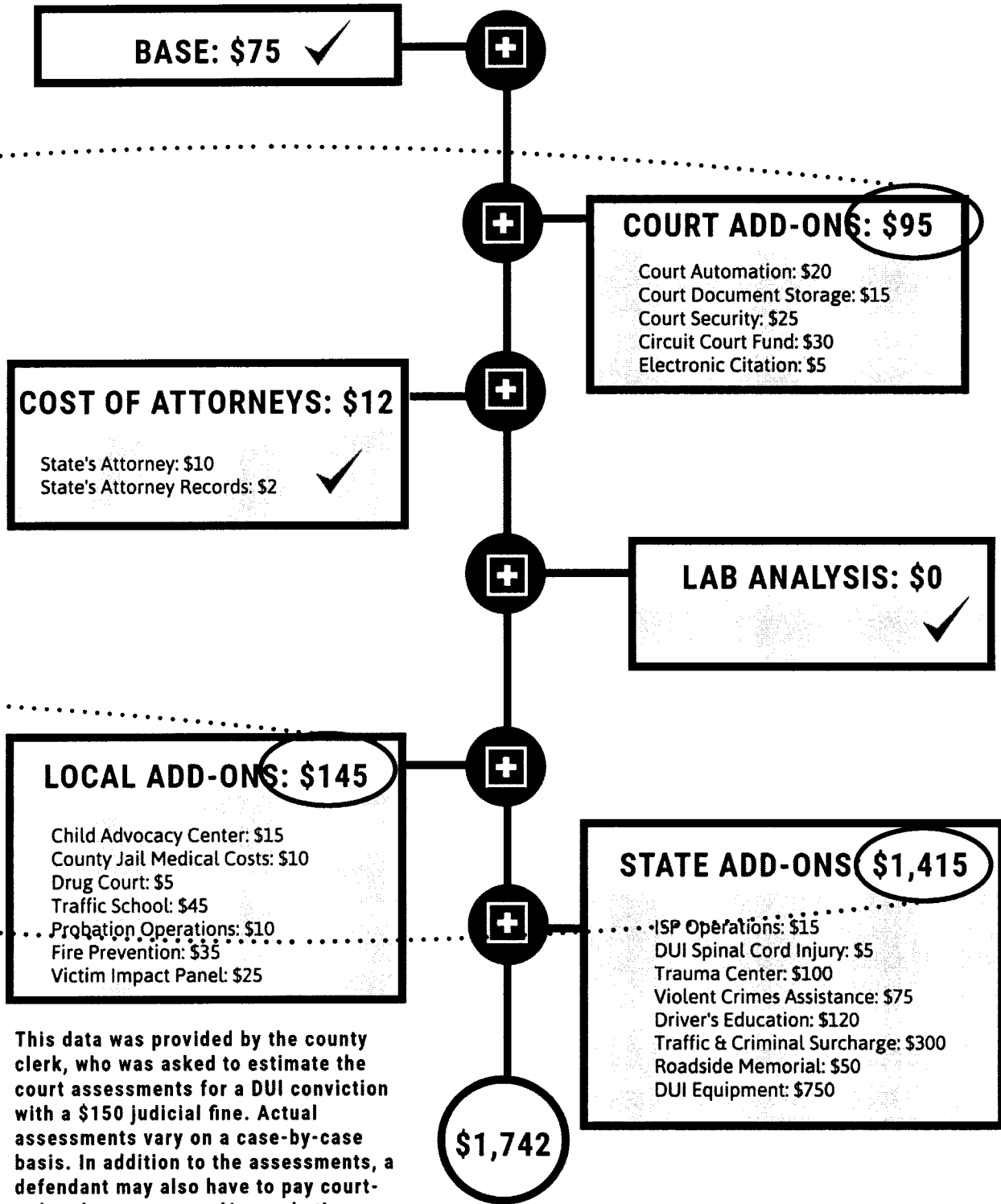
# DUI Conviction Assessments - Macoupin County



This data was provided by the county clerk, who was asked to estimate the court assessments for a DUI conviction with a \$150 judicial fine. Actual assessments vary on a case-by-case basis. In addition to the assessments, a defendant may also have to pay court-ordered treatment and/or probation costs.

Figure 17

# DUI Conviction Assessments - McLean County



This data was provided by the county clerk, who was asked to estimate the court assessments for a DUI conviction with a \$150 judicial fine. Actual assessments vary on a case-by-case basis. In addition to the assessments, a defendant may also have to pay court-ordered treatment and/or probation costs.

Figure 18

**Finding #4: The cumulative impact of the assessments imposed on parties to civil lawsuits and defendants in criminal and traffic proceedings imposes severe and disproportionate impacts on low- and moderate-income Illinois residents.**

The rapid rise of court assessments has caused financial and other hardships which are disproportionately borne by modest and low-income litigants. In the criminal courts, where there is currently no formal process in place for waiving or reducing fees, an indigent defendant may be forced to decide between paying court debt or covering basic living expenses like rent and medical bills. In the case of civil litigation, high filing fees may force financially insecure litigants to opt out of participation in important civil cases altogether.

The 2016 Federal Poverty Guidelines set the poverty threshold at an annual income of \$11,880 for a family of one and \$24,300 for a family of four.<sup>31</sup> In 2014, 14.4% of Illinois residents lived below the poverty line.<sup>32</sup> Yet another 17.2% of the population, over 2 million individuals, lived between 100% and 200% of the federal poverty threshold.<sup>33</sup> Between 1997 and 2011, the share of working families in Illinois living at or below 200% of the federal poverty guideline increased by 5%, one of the largest increases in the nation.<sup>34</sup> The increased number of working poor can be seen in courthouses across the country on a daily basis as the number of litigants appearing without attorneys continues to rise.<sup>35</sup> These litigants, already struggling to navigate a complex and confusing legal system during times of crisis, often face hundreds of dollars in court fees simply to participate in the process.

Illinois has taken modest steps to address this growing problem. Under Illinois Supreme Court Rule 298 and ILCS 735 ILCS 5/5-105, civil courts will consider fee waiver applications from indigent civil litigants, defined as individuals receiving certain federal benefits or earning less than 125% of the federal

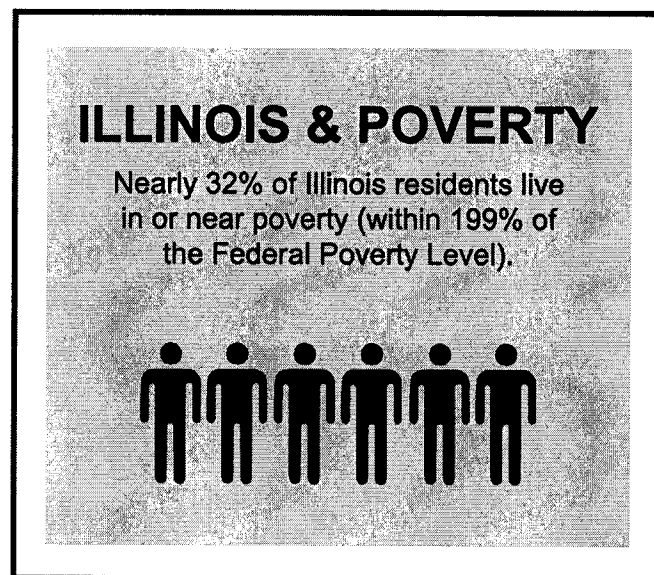
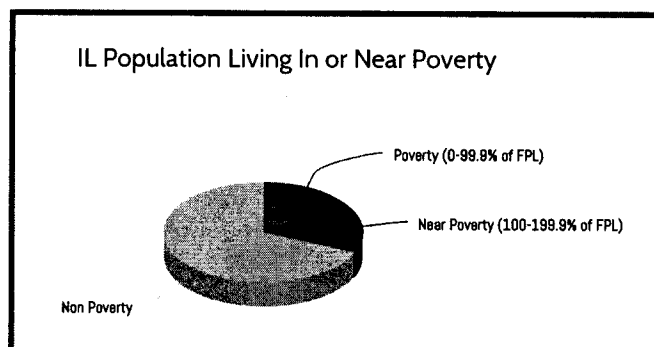


Figure 19



Nearly one-third of Illinois residents are living in or near poverty. 14.4% are living below poverty level, and 31.6% are living within 199% of the poverty level.

Figure 20

<sup>31</sup> U.S. Department of Health and Human Services, *HHS Poverty Guidelines for 2016* (January 2016), available at <https://aspe.hhs.gov/poverty-guidelines>.

<sup>32</sup> Social Impact Research Center, *Poor by Comparison: Report on Illinois Poverty* (January 2015), p.2; available at <http://www.ilpovertyreport.org/>.

<sup>33</sup> *Id.*

<sup>34</sup> The Working Poor Families Project, *Low-Income Working Families: The Growing Economic Gap*, p.6; available at [http://www.workingpoorfamilies.org/wp-content/uploads/2013/01/Winter-2012\\_2013-WFPF-Data-Brief.pdf](http://www.workingpoorfamilies.org/wp-content/uploads/2013/01/Winter-2012_2013-WFPF-Data-Brief.pdf).

<sup>35</sup> An estimated 60% of civil litigants nationwide are self-represented. See generally, <http://www.srln.org/>.

poverty level set annually by the United States Department of Health and Human Services. While the civil fee waiver provision has been an important and much needed first step in promoting equal access to the courts, the current rule still excludes far too many people, including all criminal defendants (including those who would have qualified for a civil fee waiver) and the rapidly growing class of Illinois residents who can be described as the working poor. Many of those individuals and families earn too much to qualify for the extremely low poverty cutoffs used by most legal aid and pro bono programs, but earn too little to pay hefty court fees without suffering serious financial hardship.

In 2015, as exemplified in the discussion above, the initial filing fees for a dissolution of marriage case in Illinois ranged from \$165 in Knox County to \$342 in Cook County. For an individual living on only \$1,250 a month, for example, these court fees can present an insurmountable barrier to accessing the court system. Despite the obvious financial challenges, that same individual would not qualify for a fee waiver, a reduction in court costs, or for assistance from a legal aid organization or pro bono program that uses the standard 125% federal poverty level cutoff. Furthermore, while the poorest civil litigants currently receive some relief from the rising court fees, there is no analogous provision for criminal fee waivers. Rule 298 does not extend to indigent criminal defendants, who may qualify for free legal representation through the public defender's office but still find themselves hundreds or even thousands of dollars in debt at the conclusion of the case.

Criminal court fees can have the unintended and counterproductive consequence of burdening a criminal defendant's reentry into society and increasing the potential for recidivism.<sup>36</sup> Court-imposed fees impact credit scores, making it difficult for criminal defendants to rent or purchase homes. Unpaid fees also interfere with efforts to expunge or seal criminal records, which can in turn lead to termination from employment or additional hurdles that must be cleared to secure new employment. On top of that, a criminal defendant may risk suspension of their driver's license if they cannot afford to pay the fees, further burdening their ability to reintegrate into society and return to school or work. Without stable housing, employment, and transportation, a formerly incarcerated individual may return to criminal activity to cover their expenses, including crippling court debt.<sup>37</sup> Furthermore, these fees do not take into account the punitive criminal fines that may attach at the end of criminal litigation and create additional financial burdens.

A relatively small percentage of assessments imposed in criminal cases is ever collected. Compared to any revenue that they generate, the administrative burden that such assessments impose on court clerks is substantial because criminal cases are not closed if assessments have not been paid.

---

<sup>36</sup> U.S. Department of Health and Human Services, *HHS Poverty Guidelines for 2016* (January 2016), available at <https://aspe.hhs.gov/poverty-guidelines>.

<sup>37</sup> Social Impact Research Center, *Poor by Comparison: Report on Illinois Poverty* (January 2015), p.2; available at <http://www.ilpovertyreport.org/>.

<sup>38</sup> Center for Justice, *Criminal Justice Debt: A Barrier to Reentry*, 27-30 (2010), available at <http://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf>.

## VII. Core Principles

In developing proposed legislation and court rules to address the problems identified in the findings discussed in the preceding section of this Report, the Task Force was guided by the following core principles. The Task Force appreciates the tension between some of these principles and the realities of government, the state of the Illinois economy, and the difficulty of effecting change that in certain respects may require a culture shift. Accordingly, these core principles can be viewed as guideposts that the Task Force hopes will direct reasoned and constructive thinking towards renewed balance among competing interests bearing on the system of court assessments in our state.

1. **Role of Assessments in Funding the Courts.** Courts should be substantially funded from general government revenue sources. Court users may be required to pay reasonable assessments to offset a portion of the cost of the courts borne by the public-at-large.
2. **Relationship Between Assessments and Access to the Courts.** The amount of assessments should not impede access to the courts and should be waived, to the extent possible, for indigent litigants and the working poor.
3. **Transparency and Uniformity.** Assessments should be simple, easy to understand, and uniform to the extent possible.
4. **Relationship Between Assessments and Their Underlying Rationale.** Assessments should be directly related to the operation of the court system. Assessments imposed for a particular purpose should be limited to the types of court proceedings that are related to that purpose. Monies raised by assessments intended for a specific purpose should be used only for that purpose.
5. **Periodic Review.** The General Assembly should periodically review all assessments to determine if they should be adjusted or repealed.

## VIII. Recommendations

### Civil Proceedings

1. **The General Assembly should authorize an assessment schedule for civil cases that promotes affordability and transparency.**

The Task Force proposes simplifying and streamlining the current system by creating a new Court Clerk Assessment Act that replaces all statutory fees currently scattered throughout the Illinois Compiled Statutes. Set forth in Appendix A to this Report, the Act contains four assessment schedules, each with a maximum filing fee, appearance fee, and other authorized fees. The Supreme Court would assign each case type to one of the assessment schedules.

Each of the filing fees and appearance fees authorized under the new Act would be broken down into three components: the Court Fee; the County Fee; and the State Fee. The Act provides discretion to set the amount of each of those three fees, within the overall limits for the filing fee and appearance fee established by the Act for the applicable assessment schedule. The Act also provides discretion to allocate the Court Fee, the County Fee, and the State Fee among the different purposes authorized by the Act. In that way, assessments would generally no longer be earmarked by state law for special funds or projects, but would instead be collected akin to a block grant that would afford counties broader discretion regarding the purposes for which assessments are collected and the amount devoted to each of those purposes.

The Task Force recommends that the amounts set forth in the Act serve as maximums, rather than fixed amounts, thereby authorizing the counties to charge less if they wish to do so. While the Task Force appreciates that uniformity is an important goal, it also recognizes that affordability is an equally important one and cannot recommend requiring counties to charge more than they need for no reason other than consistency.

The proposed Court Clerk Assessment Act also includes some assessments – such as fees for copying court records, providing certified copies, and mailing documents – that are not limited to civil actions.

2. **The General Assembly and the Supreme Court should authorize amendments to the current civil fee waiver statute and related Supreme Court Rule to provide financial relief from assessments in civil cases to Illinois residents living in or near poverty.**

The Task Force proposes broadening the current fee waiver statute and related Supreme Court Rule by adding a sliding scale fee waiver based on income. Litigants whose income is 125% or less of the current poverty level, or who are otherwise eligible for fee waivers under existing law, would continue to be eligible for full waivers. Litigants whose income is between 125% and 200% of the poverty level would be eligible for waivers on a sliding scale ranging from 75% to 25%. This will extend financial protections already offered to indigent civil litigants to the working poor.

Clean and redlined versions of the proposed civil fee waiver statute, with the redlining identifying amendments to the current fee waiver statute, are contained in Appendix B to this Report. Clean and redlined versions of Supreme Court Rule 298, the rule concerning fee waivers in civil cases, are contained in Appendix C.

Fee waivers will not eliminate all of the financial burdens and other obstacles faced by litigants trying to participate fully in the justice system. Many litigants will still struggle to take time off from work, secure child care, and pay for transportation to and parking at the courthouse. However, waiving or reducing fees for the poorest litigants is a logical step forward in aspiring to ensure that all Illinois residents can access the court system in a fair and equitable manner, and that no one is forced to choose between being able to participate in court proceedings and pay their basic living expenses.

The Task Force also proposes expanding a judge's discretion to reconsider the fee waiver prior to the final disposition of the case if the judge has reason to believe the litigant was not entitled to the initial fee waiver or if there has been change in circumstances such that the litigant is able to pay fees going forward. Additionally, the Task Force proposes that the fee waiver expires after one year, but can be renewed upon a showing of continued eligibility.

## **Criminal/Traffic Proceedings**

3. **The General Assembly should authorize a uniform assessment schedule for criminal and traffic case types that is consistent throughout the state.**

The Task Force proposes creating a new criminal assessment schedule system to promote uniformity, consistency, and a reasonable connection between the assessment and the crime. Contained in Appendix D to this Report, the proposed Criminal/Traffic Assessment Act would codify in one statute all of the court fees and fines imposed at the conclusion of those proceedings. Every offense would be assigned to a particular assessment schedule. Every court in the state would follow the same schedule.

This proposal would make the process of calculating fees and fines more transparent – all of the costs would be clearly explained in one place rather than the current piecemeal system where they are buried in dozens of pieces of legislation. This would also create statewide consistency.

Additionally, the Task Force recommends eliminating some currently authorized court assessments to reduce the overall financial burden imposed on defendants and ensure that existing assessments have an appropriate nexus to the crime so that a defendant is not paying for something unrelated to the offense.

4. **The General Assembly and the Supreme Court should authorize the waiver or reduction of assessments, but not fines, imposed on criminal defendants living in or near poverty.**

The Task Force proposes creation of a criminal assessment waiver statute with a sliding scale that would be similar to the proposed amendment to the civil fee waiver statute. The statute would be complemented by a Supreme Court Rule analogous to the rule that implements the civil fee waiver statute. The proposed criminal assessment waiver statute and Supreme Court Rule 404 are contained in Appendices E and F, respectively, of this Report.

The proposed statute and rule would extend the financial protections offered to indigent civil litigants to their counterparts in the criminal justice system. The criminal assessment waiver would cover all assessments authorized by the new Criminal/Traffic Assessment Act, but would not cover punitive fines or restitution ordered by a judge. This would ensure that criminal defendants still face meaningful punishment if convicted. It would also encourage judges to tailor punishments to more carefully fit the crime by using their discretionary powers to assess fines based on the nature of the crime committed, rather than simply letting court assessments act as punitive fines.

While criminal defendants should face meaningful punishment for committing a crime, it is unjust and unwise to burden indigent criminal defendants with court assessments that are beyond their ability to pay and that create a disproportionate and counterproductive barrier to their reentry into society. Rather than levy such assessments, which also impose administrative burdens on court clerks that are unwarranted by the potential amounts to be collected, it is preferable to allow judges to grant waivers. Such waivers would facilitate judges' ability to impose fines (that, unlike fees, are designed to punish) at amounts that are commensurate with the crime. Moreover, unlike assessments, in appropriate cases judges can authorize fines to be worked off through community service or similar programs.



**5. The General Assembly and the Supreme Court should modify the process by which minor traffic offense fines are calculated under Supreme Court Rule 529.**

Current Supreme Court Rule 529 provides that all fines, penalties, and costs are to be set equal to bail upon a plea of guilty to a minor traffic violation not requiring a court appearance. Since the early 1980s, the General Assembly has enacted many new user fees and surcharges on minor traffic violations. This has reduced the amount of revenue for counties and local law enforcement agencies since the total ticket fines, penalties, and costs are fixed (tied to bail), but the ticket revenue is now shared with many additional public bodies. The Supreme Court has responded by increasing bail, which helps with counties and local law enforcement agencies, but creates tension with the objective of setting bail at the minimum amount necessary to ensure the defendant's appearance at trial.

To address this tension, the Task Force proposes severing the link between the amount of bail and the fine in minor traffic cases. Instead, Schedule 12 of the proposed Criminal/Traffic Assessment Act (Appx. D hereto), sets the amount of fines, penalties and costs at a uniform amount of \$150. Related proposed revisions to Supreme Court Rule 529 are contained in Appendix G.

## **General Recommendations**

**6. The Illinois General Assembly should routinely consult a checklist of important considerations before proposing new assessments, and should periodically consult the checklist in reviewing existing assessments.**

To support the consolidation of all assessments in a single act and in an effort to alleviate some of the confusion in implementing certain assessments, the Task Force proposes a Checklist for Review of New Assessment Legislation for the General Assembly to consult before creating new assessments. Contained in Appendix H to this Report, the checklist is intended to guide the General Assembly in ensuring that: any new assessment is added to the correct part of the statute; implementation dates are consistent; the statute clearly describes the recipients of the new assessment; the triggering event for collecting the assessment is clear; and the statute clearly states whether the new assessment impacts the total value of a schedule or whether it modifies distribution of the existing amount.

## IX. Conclusion

This report documents pervasive and fundamental problems with the imposition of court assessments in judicial proceedings in our state. Implementation of the recommendations developed by the Task Force is urgently needed to address the barriers to access to justice and excessive financial burdens associated with court assessments that are undermining the court system's ability to provide fair and equal justice for all.

Respectfully submitted,

STATUTORY COURT FEE TASK FORCE

Steven F. Pflaum, Chair

Representative Steven Andersson

Chasity Boyce

(Ret.) Judge Steven Culliton

Judge Thomas Donnelly

(Ret.) Judge John P. Freese

Circuit Clerk Maureen Josh

Judge James L. Kaplan

Circuit Clerk Katherine M. Keefe

John Maki

Senator John G. Mulroe

Representative Elaine Nekritz

Senator Dale Righter

Dawn Sallerson

Adam Vaught

# APPENDIX

**Appendix A – Proposed Court Clerk Assessment Act**

## Proposed Court Clerk Assessment Act, 705 ILCS 105/27.1

**(This Act replaces the provisions of the Clerk of Courts Act that authorize fees for the services performed by clerks of the circuit court described in this statute)**

**Sec. 27.1.** Notwithstanding any other provision of law, all fees charged by the clerks of the circuit court for the services described in this Section shall be established, collected, and disbursed in accordance with this Section. All such fees shall be paid in advance and disbursed by each clerk on a monthly basis. Unless otherwise specified in this Section, the amount of a fee shall be determined by ordinance or resolution of the county board and remitted to the County Treasurer to be used for purposes related to the operation of the court system in the county.

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action shall be governed by one of the following schedules in accordance with case categories established by the Supreme Court.

(1) Schedule 1 – not to exceed a total of \$280.00

The fees collected from this schedule shall be disbursed as follows:

- A. The clerk shall retain a sum, in an amount not to exceed \$45.00 determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.
- B. The clerk shall remit up to \$12.00 to the State Treasurer with instructions to deposit the appropriate amounts into the following funds:
  - i. Up to \$10.00, as specified by the Supreme Court in relation to its authorization for a county to utilize mandatory arbitration, to the Mandatory Arbitration Fund; and
  - ii. \$2.00 to the Access to Justice Fund.
- C. The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$223.00 specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(2) Schedule 2 – not to exceed a total of \$180.00

The fees collected from this schedule shall be disbursed as follows:

- A. The clerk shall retain a sum, in an amount not to exceed \$45.00 determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.
- B. The clerk shall remit up to \$12.00 to the State Treasurer with instructions to deposit the appropriate amounts into the following funds:
  - i. Up to \$10.00, as specified by the Supreme Court in relation to its authorization for a county to utilize mandatory arbitration, to the Mandatory Arbitration Fund; and
  - ii. \$2.00 to the Access to Justice Fund.
- C. The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$123.00 specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

## (3) Schedule 3 – not to exceed a total of \$80.00

The fees collected from this schedule shall be disbursed as follows:

- A. The clerk shall retain a sum, in an amount not to exceed \$22.00 determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.
- B. The clerk shall remit \$2.00 to the State Treasurer for deposit into the Access to Justice Fund.
- C. The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$56.00 specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

## (4) Schedule 4 - \$0.00

## (b) Appearance.

The fee for filing an appearance in a civil action shall be governed by one of the following schedules in accordance with case categories established by the Supreme Court.

## (1) Schedule 1 – not to exceed a total of \$140.00

The fees collected from this schedule shall be disbursed as follows:

- A. The clerk shall retain a sum, in an amount up to \$28.00 determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.
- B. The clerk shall remit up to \$12.00 to the State Treasurer with instructions for the Treasurer to deposit the appropriate amounts into the following funds:
  - i. Up to \$10.00, as specified by the Supreme Court in relation to its authorization for a county to utilize mandatory arbitration; and
  - ii. \$2.00 to the Access to Justice Fund.
- C. The clerk shall remit a sum to the County Treasurer, in an amount up to \$100.00 specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

## (2) Schedule 2 – not to exceed a total of \$40.00

The fees collected from this schedule shall be disbursed as follows:

- A. The clerk shall retain a sum, in an amount up to \$10.00 determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.
- B. The clerk shall remit a sum to the County Treasurer, in an amount up to \$30.00 specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

## (3) Schedule 3 - \$0.00

## (c) Counterclaim or Third-Party Complaint.

When any defendant files a counterclaim or third-party complaint as part of the defendant's answer or otherwise, the defendant shall pay a filing fee for each counterclaim or third-party complaint in an amount equal to the filing fee the defendant would have had to pay had the defendant brought a separate action for the relief sought

in the counterclaim or third-party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third-party complaint is filed.

(d) Alias Summons.

There shall be a fee not to exceed \$5.00 for each alias summons or citation issued by the clerk.

(e) Jury Services

The clerk shall be entitled to receive, in addition to other fees allowed by law, a sum not to exceed \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(f) Change of Venue.

In connection with a change of venue:

(1) The clerk of the jurisdiction from which the case is transferred may charge a fee, not to exceed \$40.00, for the preparation and certification of the record; and

(2) The clerk of the jurisdiction to which the case is transferred may charge the same filing fee as if it were the commencement of a new suit.

(g) Petition to Vacate or Modify.

(1) In a proceeding involving a petition to vacate or modify any final judgment or order filed within 30 days after the judgment or order was entered – except for a forcible entry and detainer case, small claims case, petition to reopen an estate, petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding – the fee shall not exceed \$50.00.

(2) In a proceeding involving a petition to vacate or modify any final judgment or order filed more than 30 days after the judgment or order was entered – except for a petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding – the fee shall not exceed \$75.00.

(3) In a proceeding involving a motion to vacate or amend a final order, motion to vacate an *ex parte* judgment, judgment of forfeiture, or “failure to appear” or “failure to comply” notices sent to the Secretary of State, the fee shall equal \$40.00.

(h) Appeals Preparation.

The fee for preparation of a record on appeal shall be based on the number of pages, as follows:

(1) If the record contains less than 100 pages, the fee shall not exceed \$50.00;

(2) If the record contains between 100 and 200 pages, the fee shall not exceed \$100.00; and

(3) If the record contains more than 200 pages, there may be an additional fee not to exceed 25 cents per page.

(i) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the

reinstatement. Parties shall have the same right to a jury trial on remand and reinstatement that they had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(j) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition proceedings, if the amount in controversy in the proceeding:

- (1) Does not exceed \$1,000.00, the fee may not exceed \$15.00;
- (2) Is between \$1,000.01 and \$5,000.00, the fee may not exceed \$30.00; and
- (3) Exceeds \$5,000.00, the fee may not exceed \$50.00.

(k) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, the clerk may collect a fee of up to 2.5% of the amount collected and turned over.

(2) In child support and maintenance cases, the clerk may collect an annual fee of up to \$36.00 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, *ex-officio*, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(3) The clerk shall also be entitled to a fee of \$5.00 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(l) Mailing.

The fee for the clerk mailing documents shall not exceed \$10.00 plus the cost of postage.

(m) Certified Copies.

The fee for each certified copy of a judgment, after the first copy, shall not exceed \$10.00.

(n) Certification, Authentication, and Reproduction.

(1) The fee for each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office shall not exceed \$6.00.

(2) The fee for reproduction of any document contained in the clerk's files shall not exceed:

- A. \$2.00 for the first page;
- B. 50 cents per page for the next 19 pages; and
- C. 25 cents per page for all additional pages.

(o) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee not to exceed \$6.00 for each year searched.



## (p) Hard Copy

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee not to exceed \$6.00.

## (q) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

## (r) Performing a marriage.

There shall be a \$10.00 fee for performing a marriage in court.

## (s) Voluntary Assignment.

For filing each deed of voluntary assignment, a fee not to exceed \$20.00; for recording the same, a fee not to exceed 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

## (t) Expungement Petition.

The clerk shall be entitled to receive a fee not to exceed \$60.00 for each expungement petition filed and an additional fee not to exceed \$4.00 for each certified copy of an order to expunge arrest records.

## (u) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

## (v) Probate filings.

(1) For each account (other than one final account) filed in the estate of a decedent, or ward, the fee shall not exceed \$25.00.

(2) For filing a claim in an estate when the amount claimed is between \$150.00 and \$500.00, the fee shall not exceed \$25.00; when the amount claimed is between \$500.01 and \$10,000.00, the fee shall not exceed \$40.00; and when the amount claimed is more than \$10,000.00, the fee shall not exceed \$60.00; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(3) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, the fee shall not exceed \$60.00.

(4) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, there shall be no fee.

(5) For each jury demand, the fee shall not exceed \$137.50.

(6) For each certified copy of letters of office, of court order or other certification, the fee shall not exceed \$2.00 per page.

(7) For each exemplification, the fee shall not exceed \$2.00, plus the fee for certification.

(8) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(9) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(10) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, the fee shall not exceed \$25.00.

(x) Miscellaneous.

(1) Interest earned on any fees collected by the clerk shall be turned over to the county general fund as an earning of the office.

(2) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, there shall be a fee of \$25.00.

(y) Other Fees.

The clerk of the circuit court may provide services in connection with the operation of the clerk's office, other than those services mentioned in this Section, as may be requested by the public and agreed to by the clerk and approved by the Chief Judge. Any charges for such additional services shall be as agreed to between the clerk and the party making the request and approved by the Chief Judge. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(z) Exceptions.

(1) No fee authorized by this Section shall apply to:

A. Police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney;

B. Any unit of local government or school district;

C. Any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection;

D. Any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code;

E. A petitioner in any order of protection proceeding including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service, certifying, modifying, vacating, or photocopying any orders of protection; or

F. Proceedings for the appointment of a confidential intermediary under the Adoption Act.

(2) No fee other than the filing fee contained in the applicable schedule in subsection (a) shall be charged to any person in connection with an adoption proceeding.

(3) Upon good cause shown, the court may waive any fees associated with a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

**Appendix B – Proposed Amended Civil Assessment Waiver Statute**

# Proposed Amendments to Civil Assessment Waiver Statute, 735 ILCS 5/5-105

## Clean Version

### Sec. 5-105. Leave to sue or defend as an indigent person.

(a) As used in this Section:

(1) "Assessments, costs, and charges" means payments imposed on a party in connection with the prosecution or defense of a civil action, including, but not limited to: assessment set forth in 705 ILCS 105/27.1; fees for service of process and other papers served either within or outside this State, including service by publication pursuant to Section 2-206 of this Code and publication of necessary legal notices; motion fees; charges for participation in, or attendance at, any mandatory process or procedure including, but not limited to, conciliation, mediation, arbitration, counseling, evaluation, "Children First", "Focus on Children" or similar programs; fees for supplementary proceedings; charges for translation services; guardian ad litem fees; and all other processes and procedures deemed by the court to be necessary to commence, prosecute, defend, or enforce relief in a civil action.

(2) "Indigent person" means any person who meets one or more of the following criteria:

(i) He or she is receiving assistance under one or more of the following means based governmental public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), General Assistance, Transitional Assistance, or State Children and Family Assistance.

(ii) His or her available income is 125% or less of the current poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are of a nature and value that the court determines that the applicant is able to pay the assessments, costs, and charges.

(iii) He or she is, in the discretion of the court, unable to proceed in an action without payment of assessments, costs, and charges and whose payment of those assessments, costs, and charges would result in substantial hardship to the person or his or her family.

(iv) He or she is an indigent person pursuant to Section 5-105.5 of this Code.

(3) "Poverty level" means the current poverty level as established by the United States Department of Health and Human Services.

(b) On the application of any person, before or after the commencement of an action:

(1) If the court finds that the applicant is an indigent person, the applicant shall be granted a full assessment waiver entitling him or her to sue or defend the action without payment of any assessments, costs, or charges.

(2) If the court finds that the applicant satisfies any of the criteria contained in subsections (i), (ii), or (iii), the applicant shall be granted a partial assessment waiver entitling him or her to sue or defend the action upon payment of the applicable percentage of the assessments, costs, and charges of the action, as follows:

(i) 75% of all assessments, costs, and charges shall be waived if the applicant's available income is between 125% and 150% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of such assessments, costs, and charges;

(ii) 50% of all assessments, costs, and charges shall be waived if the applicant's available income is between 150.1% and 175% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of such assessments, costs, and charges; and

(iii) 25% of all assessments, costs and charges shall be waived if his or her available income is between 175.1% and 200% of the current poverty level as established by the United States Department of Health and Human Services, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of such assessments, costs, and charges.

(c) An Application for Waiver of Court Assessments shall be in writing and signed by the applicant, or, if the applicant is a minor or an incompetent adult, by another person having knowledge of the facts. The contents of the Application for Waiver of Court Assessments, and the procedure for decision of such Applications, shall be established by Supreme Court Rule 298. The court shall provide, through the office of the clerk of the court, the Application for Waiver of Court Assessments to any person seeking to sue or defend an action who indicates an inability to pay the assessments, costs, and charges of the action. The clerk of the court shall post in a conspicuous place in the courthouse a notice no smaller than 8.5 x 11 inches, using no smaller than 30-point typeface printed in English and in Spanish, advising the public that they may ask the court for permission to sue or defend a civil action without payment of assessments, costs, and charges. The notice shall be substantially as follows:

"If you are unable to pay the assessments, costs, and charges of an action you may ask the court to allow you to proceed without paying them. Ask the clerk of the court for forms."

(d) The clerk of the court shall not refuse to accept and file any complaint, appearance, or other paper presented by the applicant if accompanied by an Application for Waiver of Court Assessments, and those papers shall be considered filed on the date the application is presented. If the application is denied or a partial assessment waiver is granted, the order shall state a date certain by which the necessary assessments, costs, and charges must be paid. For good cause shown, the court may allow an applicant who receives a partial assessment waiver to defer payment of assessments, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order. The court may dismiss the claims or strike the defenses of any party failing to pay the assessments, costs, or charges within the time and in the manner ordered by the court. (e) A judicial ruling on an Application for Waiver of Court Assessments shall not be considered to constitute a decision of a substantial issue in the case under 735 ILCS 5/1001.

(f) The order granting a full or partial assessment waiver shall expire after one year. Upon expiration of the assessment waiver, or a reasonable period of time before expiration, the party whose assessments, costs, and charges were previously waived may file another Application for Waiver of Court Assessments and the court shall consider the Application in accordance with the applicable Supreme Court Rule.

(g) If, before or at the time of final disposition of the case, the court obtains information, including information from the court file, suggesting that a person whose assessments, costs, and charges were initially waived was not entitled to a full or partial assessment waiver at the time of application the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the initial assessment waiver might be reconsidered. The court may require the applicant to provide reasonably available evidence, including financial information, to support his or her eligibility for the assessment waiver, but shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subsections (b)(1) or (b)(2), above. If the court finds that the person was not initially entitled to any assessment waiver, the person shall pay all assessments, costs and charges relating to the civil action including any previously waived assessments, costs, and charges. The order may state terms of payment in accordance with subsection (e). The court shall not conduct a hearing pursuant to this subsection more often than once every six months.

(h) If, before or at the time of final disposition of the case, the court obtains information, including information from the court file, suggesting that a person who received a full or partial assessment waiver has experienced a change in financial condition so that he or she is no longer eligible for that waiver, the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the assessment waiver might be reconsidered. The court may require the person to provide reasonably

available evidence, including financial information, to support his or her continued eligibility for the assessment waiver, but shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subsections (b)(1) and (b)(2), above. If the court enters an order finding that the person is no longer entitled to an assessment waiver, or is henceforth entitled to a partial assessment waiver different than that which they had previously received, the person shall pay the requisite assessments, costs, and charges from the date of the order going forward. The order may state terms of payment in accordance with subsection (e). The court shall not conduct a hearing pursuant to this subsection more often than once every six months.

(i) A court, in its discretion, may appoint counsel to represent an indigent person, and that counsel shall perform his or her duties without fees, charges, or reward.

(j) Nothing in this Section shall be construed to affect the right of a party to sue or defend an action *in forma pauperis* without the payment of assessments, costs, or charges, or the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court. Nothing in this Section shall be construed to limit the authority of a court to order another party to action to pay the assessments, costs, or charges of the action.

(k) In any case where a party is represented by a civil legal services provider or an attorney in a court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5, the attorney representing that party shall file a certification with the court in accordance with Supreme Court Rule 298 and that party shall be allowed to sue or defend without payment of assessments, costs, or charges without necessity of an Application.

(l) If an attorney files an appearance on behalf of a person whose assessments, costs, and charges were initially waived pursuant to 735 ILCS 5/5-105, the attorney must pay all assessments, costs, and charges relating to the civil action, including any previously waived assessments, costs, and charges, unless the attorney is either a civil legal services provider, representing their client pro bono as defined in 735 ILCS 5/5-105.5, or appearing pursuant to a Limited Scope Appearance in accordance with Supreme Court Rule 13(c)(6).

(m) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

# Proposed Amendments to Civil Assessment Waiver Statute, 735 ILCS 5/5-105

## Redlined Version

### Sec. 5-105. ~~Leave to sue or defend as an indigent person.~~

~~□□□□~~

#### (a) ~~As used in this Section:~~

~~□□□□□□~~

(1) ~~“Fees, assessments, costs, and charges” means payments imposed on a party in connection with the prosecution or defense of a civil action, including, but not limited to: assessment set forth in 705 ILCS 105/27.1; fees for service of process and other papers served either within or outside this State, including service by publication pursuant to Section 2-206 of this Code and publication of necessary legal notices; motion fees; ~~jury demand fees~~; charges for participation in, or attendance at, any mandatory process or procedure including, but not limited to, conciliation, mediation, arbitration, counseling, evaluation, “Children First”, “Focus on Children” or similar programs; fees for supplementary proceedings; charges for translation services; guardian ad litem fees; and all other processes and procedures deemed by the court to be necessary to commence, prosecute, defend, or enforce relief in a civil action.~~

(2) ~~“Indigent person” means any person who meets one or more of the following criteria:~~

(i) ~~He or she is receiving assistance under one or more of the following means-based governmental public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), ~~Food Stamps~~, Supplemental Nutrition Assistance Program (SNAP), General Assistance, Transitional Assistance, or State Children and Family Assistance.~~

(ii) ~~His or her available income is 125% or less of the current poverty level, as established by the United States Department of Health and Human Services, unless the applicant’s assets that are not exempt under Part 9 or 10 of Article XII of this Code are of a nature and value that the court determines that the applicant is able to pay the fees, assessments, costs, and charges.~~

(iii) ~~He or she is, in the discretion of the court, unable to proceed in an action without payment of fees, assessments, costs, and charges and whose payment of those fees, assessments, costs, and charges would result in substantial hardship to the person or his or her family.~~

~~(iv) He or she is an indigent person pursuant to Section 5-105.5 of this Code.~~



(3) "Poverty level" means the current poverty level as established by the United States Department of Health and Human Services. ¶

(b) On the application of any person, before, or after the commencement of an action, a:

(1) If the court, on finding finds that the applicant is an indigent person, shall grant the applicant leave shall be granted a full assessment waiver entitling him or her to sue or defend the action without payment of any assessments, costs, or charges. ¶

(2) If the court finds that the applicant satisfies any of the criteria contained in subsections (i), (ii), or (iii), the applicant shall be granted a partial assessment waiver entitling him or her to sue or defend the action upon payment of the applicable percentage of the fees assessments, costs, and charges of the action. ¶

as follows: ¶

(i) 75% of all assessments, costs, and charges shall be waived if the applicant's available income is between 125% and 150% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of such assessments, costs, and charges. ¶

(ii) 50% of all assessments, costs, and charges shall be waived if the applicant's available income is between 150.1% and 175% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of such assessments, costs, and charges; and ¶

(iii) 25% of all assessments, costs and charges shall be waived if his or her available income is between 175.1% and 200% of the current poverty level as established by the United States Department of Health and Human Services, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of such assessments, costs, and charges. ¶

(c) An application for leave to sue or defend an action as an indigent person Application for Waiver of Court Assessments shall be in writing and supported signed by the affidavit of the applicant, or, if the applicant is a minor or an incompetent adult, by the affidavit of another person having knowledge of the facts. The contents of the affidavit Application for Waiver of Court Assessments, and the procedure for decision of such Applications, shall be established by Supreme Court Rule 298. The court shall provide, through the office of the clerk of the court, simplified forms consistent with the requirements of this Section and applicable Supreme Court Rules the Application for Waiver of Court Assessments to any person seeking to sue or defend an action who indicates an inability to pay the fees assessments, costs, and charges of the action. The application and supporting affidavit may be incorporated into one simplified form. The clerk of the court shall post in a conspicuous place in the courthouse a notice no smaller than 8.5 x 11.

inches, using no smaller than 30-point typeface printed in English and in Spanish, advising the public that they may ask the court for permission to sue or defend a civil action without payment of fees assessments, costs, and charges. The notice shall be substantially as follows: ¶

“If you are unable to pay the fees assessments, costs, and charges of an action you may ask the court to allow you to proceed without paying them. Ask the clerk of the court for forms.” ¶

~~(d) The court shall rule on applications under this Section in a timely manner based on information contained in the application unless the court, in its discretion, requires the applicant to personally appear to explain or clarify information contained in the application. If the court finds that the applicant is an indigent person, the court shall enter an order permitting the applicant to sue or defend without payment of fees, costs, or charges. If the application is denied, the court shall enter an order to that effect stating the specific reasons for the denial. The clerk of the court shall promptly mail or deliver a copy of the order to the applicant. ¶~~

~~(d) The clerk of the court shall not refuse to accept and file any complaint, appearance, or other paper presented by the applicant if accompanied by an application to sue or defend in forma pauperis. Application for Waiver of Court Assessments, and those papers shall be considered filed on the date the application is presented. If the application is denied or a partial assessment waiver is granted, the order shall state a date certain by which the necessary fees assessments, costs, and charges must be paid. The court, for good cause shown, the court may allow an applicant whose application is denied who receives a partial assessment waiver to defer payment of fees assessments, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order. The court may dismiss the claims or strike the defenses of any party failing to pay the fees assessments, costs, or charges within the time and in the manner ordered by the court. A determination concerning an application to sue or defend in forma pauperis shall not be construed as a ruling on the merits. ¶~~

~~(f) The court may order an indigent person to pay all or a portion of the fees, costs, or charges waived pursuant to this Section out of moneys recovered by the indigent person pursuant to a judgment or settlement resulting from the civil action. However, nothing in this Section shall be construed to limit the authority of a court to order another party to the action to pay the fees, costs, or charges of the action. ¶~~

~~(e) A judicial ruling on an Application for Waiver of Court Assessments shall not be considered to constitute a decision of a substantial issue in the case under 735 ILCS 5/1001. ¶~~

~~(f) The order granting a full or partial assessment waiver shall expire after one year. Upon expiration of the assessment waiver, or a reasonable period of time before expiration, the party whose assessments, costs, and charges were previously waived may file another Application for Waiver of Court Assessments and the court shall consider the Application in accordance with the applicable Supreme Court Rule. ¶~~

(g) If, before or at the time of final disposition of the case, the court obtains information including information from the court file, suggesting that a person whose assessments, costs, and charges were initially waived was not entitled to a full or partial assessment waiver at the time of application the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the initial assessment waiver might be reconsidered. The court may require the applicant to provide reasonably available evidence, including financial information, to support his or her eligibility for the assessment waiver, but shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subsections (b)(1) or (b)(2), above. If the court finds that the person was not initially entitled to any assessment waiver, the person shall pay all assessments, costs and charges relating to the civil action including any previously waived assessments, costs, and charges. The order may state terms of payment in accordance with subsection (e). The court shall not conduct a hearing pursuant to this subsection more often than once every six months. ¶

(h) If, before or at the time of final disposition of the case, the court obtains information including information from the court file, suggesting that a person who received a full or partial assessment waiver has experienced a change in financial condition so that he or she is no longer eligible for that waiver, the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the assessment waiver might be reconsidered. The court may require the person to provide reasonably available evidence, including financial information, to support his or her continued eligibility for the assessment waiver, but shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subsections (b)(1) and (b)(2), above. If the court enters an order finding that the person is no longer entitled to an assessment waiver, or is henceforth entitled to a partial assessment waiver different than that which they had previously received, the person shall pay the requisite assessments, costs, and charges from the date of the order going forward. The order may state terms of payment in accordance with subsection (e). The court shall not conduct a hearing pursuant to this subsection more often than once every six months. ¶

(i) A court, in its discretion, may appoint counsel to represent an indigent person, and that counsel shall perform his or her duties without fees, charges, or reward. ¶

(j) Nothing in this Section shall be construed to affect the right of a party to sue or defend an action *in forma pauperis* without the payment of fees, assessments, costs, or charges, or the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court. ¶

(k) The provisions of this Section are severable under Section 1-31 of the Statute on Statutes. ¶ (Source: P.A. 97-689, eff. 6-14-12; 97-813, eff. 7-13-12.) Nothing in this Section shall be construed to limit the authority of a court to order another party to action to pay the assessments, costs, or charges of the action. ¶

**Appendix C – Proposed Amended Civil Assessment Waiver Rule**

## Proposed Amendment to Illinois Supreme Court Rule 298

### Clean Version

#### **Rule 298. Application for Waiver of Court Assessments**

**(a) Contents.** An Application for Waiver of Court Assessments in a civil action pursuant to 735 ILCS 5/5-105 shall be in writing and signed by the applicant or, if the applicant is a minor or an incompetent adult, by another person having knowledge of the facts.

(1) The contents of the Application must be sufficient to allow a court to determine whether an applicant qualifies for full or partial waiver of assessments pursuant to 735 ILCS 5/5-105, and shall include information regarding the applicant's household composition, receipt of need-based public benefits, income, expenses, and nonexempt assets.

(2) The court shall provide, and applicants shall be required to use, a standardized form titled "Application for Waiver of Court Assessments" adopted by the Illinois Supreme Court Access to Justice Commission.

**(b) Ruling.** The court shall either enter a ruling on the Application or set the Application for a hearing requiring the applicant to appear in person. The court may order the applicant to produce copies of specified documents in support of the Application at the hearing. The court's ruling on an Application for Waiver of Court Assessments shall be made according to standards set forth in 735 ILCS 5/5-105. If the Application is denied, the court shall enter an order to that effect specifying the reasons for the denial. If the court determines that the conditions for a full assessment waiver under 735 ILCS 5/5-105(b)(1) are satisfied, it shall enter an order permitting the applicant to sue or defend without payment of assessments, costs, or charges. If the court determines that the conditions for a partial assessment waiver under 735 ILCS 5/5-105(b)(2) are satisfied, it shall enter an order permitting the applicant to sue or defend after payment of a specified percentage of assessments, costs, or charges. If an Application for a partial assessment waiver is granted, and if necessary to avoid undue hardship on the applicant, the court may allow the applicant to defer payment of assessments, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order.

**(c) Filing.** No fee may be charged for filing an Application for Waiver of Court Assessments. The clerk must allow an applicant to file an Application for Waiver of Court Assessments in the court where his case will be heard.

**(d) Cases involving representation by civil legal services provider or lawyer in court-sponsored pro bono program.** In any case where a party is represented by a civil legal services provider or attorney in a court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5, the attorney representing that party shall file a certification with the court in the form attached to this rule and that party shall be allowed to sue or defend without payment of assessments, costs, or charges as defined in 735 ILCS 5/5-105(a)(1) without necessity of an Application under this rule.

**RULE 298 CERTIFICATION FOR WAIVER OF ASSESSMENTS REPRESENTATION BY CIVIL LEGAL SERVICES PROVIDER OR COURT-SPONSORED PRO BONO PROGRAM**

Pursuant to Supreme Court Rule 298, the undersigned counsel hereby certifies that he/she is an attorney for \_\_\_\_\_ (*name of organization or court program*), a civil legal services provider or court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that \_\_\_\_\_ (*name of organization or court program*) has made the determination that \_\_\_\_\_ (*name of party*) has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the civil legal services provider or court-sponsored pro bono program. As a result, under Supreme Court Rule 298, \_\_\_\_\_ (*name of party*) is eligible to sue or defend without payment of assessments, costs, or charges as defined at 735 ILCS 5/5-105(a)(1).

\_\_\_\_\_  
Attorney Certification

**Name of Organization or Court Program** \_\_\_\_\_

**Attorney Name** \_\_\_\_\_

**Attorney No.** \_\_\_\_\_

**Address** \_\_\_\_\_

**City, State, Zip** \_\_\_\_\_

**Telephone** \_\_\_\_\_

**Email Address** \_\_\_\_\_

## Proposed Amendment to Illinois Supreme Court Rule 298

### Redlined Version

#### Rule 298: Application for Waiver of Court Fees Assessments

(a) ~~Contents.~~ <sup>2</sup>An ~~Application for Waiver of Court Fees Assessments~~ in a civil action pursuant to 735 ILCS 5/5-105 ~~shall~~ <sup>105 shall</sup> be in writing and signed by the ~~applicant~~ or, if the applicant is a minor or an incompetent adult, by ~~another person having knowledge of the facts.~~

~~(1)~~ <sup>1000</sup>(1) The contents of the Application must be sufficient to allow a court to determine whether an applicant qualifies for full or partial waiver of fees assessments pursuant to 735 ILCS 5/5-105, and shall include information regarding the applicant's household composition, receipt of need-based public benefits, income, expenses, and nonexempt assets.

~~(2)~~ <sup>1000</sup>(2) The court shall provide, and applicants shall be required to use, a standardized form expressly titled "Application for Waiver of Court Fees Assessments" adopted by the Illinois Supreme Court Access to Justice Commission.

(b) ~~Ruling.~~ <sup>2</sup>The court shall either enter a ruling on the Application or ~~shall set the Application for a hearing requiring the applicant to personally appear in a timely manner.~~ <sup>person.</sup> The court may order the applicant to produce copies of ~~certain specified~~ documents in support of the Application at the hearing. The court's ruling on an Application for Waiver of Court Fees Assessments shall be made according to standards set forth in 735 ILCS 5/5-105. ~~If the Application is denied, the court shall enter an order to that effect stating specifying the specific reasons~~ for the denial. ~~If the Application is granted, court determines that the court conditions for a full assessment waiver under 735 ILCS 5/5-105(b)(1) are satisfied, it shall enter an order permitting the applicant to sue or defend without payment of fees assessments, costs, or charges. If the court determines that the conditions for a partial assessment waiver under 735 ILCS 5/5-105(b)(2) are satisfied, it shall enter an order permitting the applicant to sue or defend after payment of a specified percentage of assessments, costs, or charges. If an Application for a partial assessment waiver is granted, and if necessary to avoid undue hardship on the applicant, the court may allow the applicant to defer payment of assessments, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order.~~

(c) ~~Filing.~~ <sup>2</sup>No fee may be charged for filing an Application for Waiver of Court Fees Assessments. The clerk must allow an applicant to file an Application for Waiver of Court Fees Assessments in the court where his case will be heard.

(d) ~~Cases involving representation by civil legal services provider or lawyer in court-sponsored pro bono program.~~ In any case where a party is represented by a civil legal services provider or attorney in a court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5,

the attorney representing that party shall file a certification with the court in the form attached to this rule and that party shall be allowed to sue or defend without payment of fees assessments, costs, or charges as defined in 735 ILCS 5/5-105(a)(1) without necessity of an Application under this rule.

¶

**RULE 298. CERTIFICATION FOR WAIVER OF FEES, ASSESSMENTS, REPRESENTATION BY CIVIL LEGAL SERVICES PROVIDER OR COURT-SPONSORED PRO-BONO PROGRAM**

Pursuant to Supreme Court Rule 298, the undersigned counsel hereby certifies that he/she is an attorney for \_\_\_\_\_ (name of organization or court program), a civil legal services provider or court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that \_\_\_\_\_ (name of organization or court program) has made the determination that \_\_\_\_\_ (name of party) has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the civil legal services provider or court-sponsored pro bono program. As a result, under Supreme Court Rule 298, \_\_\_\_\_ (name of party) is eligible to sue or defend without payment of fees assessments, costs, or charges as defined at 735 ILCS 5/5-105(a)(1).

¶

\_\_\_\_\_ ¶

\_\_\_\_\_ Attorney Certification ¶

¶

Name of Organization or Court Program \_\_\_\_\_ ¶

Attorney Name: \_\_\_\_\_ ¶

Attorney No.: \_\_\_\_\_ ¶

Address: \_\_\_\_\_ ¶

City, State, Zip \_\_\_\_\_ ¶

Telephone: \_\_\_\_\_ ¶

Email Address: \_\_\_\_\_ ¶

.....Page Break..... ¶



**Appendix D – Proposed Criminal/Traffic Assessment Act**

## Proposed Criminal/Traffic Assessment Act

Sec. 1. Short title.

This article may be cited as the Criminal/Traffic Assessment Act.

Sec. 2 Definitions.

For the purposes of this act:

“Assessment” means any costs imposed on a criminal or quasi-criminal defendant pursuant to the Criminal/Traffic Assessment Act.

“Business Offense” means a petty offense for which the fine is in excess of \$1,000.

“Charge” means the violation of a state statute or local ordinance.

“Conservation Offense” includes offenses defined in Supreme Court Rule 501(c).

“Conviction” means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

“Criminal Offense” means a petty offense, business offense, misdemeanor, felony, or municipal ordinance violation. As used in this Act, a minor traffic offense shall not be considered a criminal offense.

“Defendant” means a person or business charged with an offense.

“Domestic Violence Offense” means a violation of domestic battery (720 ILCS 5/12-3.2), aggravated domestic battery (720 ILCS 5/12-3.3), violation of an order of protection (720 ILCS 5/12-3.4), interfering with the reporting of domestic violence (720 ILCS 5/12-3.5), and disclosing location of domestic violence victim (720 ILCS 5/12-3.6).

“Drug Offense” means any violation of Chapter 720 Acts 550 (Cannabis Control Act), 570 (Illinois Controlled Substances Act) or 646 (Methamphetamine Control and Community Protection Act) of the Illinois Compiled Statutes or any similar local ordinance which involves to possession or delivery of the drug.

“Felony” means an offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided.

The “Illinois Vehicle Code” means Chapter 625, Act 5.

“Major traffic offense” means a Class A, B, or C, traffic offense or a similar provision of a municipal or local ordinance.

“Minor traffic offense” means a petty or business traffic offense or a similar provision of a municipal or local ordinance.

“Misdemeanor” means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

“Petty Offense” means any offense for which a sentence of imprisonment is not an authorized disposition.

“Service Provider costs” means costs incurred as a result of services provided by a non-judicial entity including, but not limited to, traffic schools, laboratories, ambulance services, fire departments, etc.

“Sex Offense” means a violation of Article 11 (Sex Offenses) of Chapter 720 if the Criminal Code of 2012.

“Supervision” means a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered.

“Traffic Offense” means any charge of a violation described in Supreme Court Rule 501(f)

### Sec. 3 Assessments

#### Sec. 3-1. Minimum fine.

Unless specified in the offense or the schedule, the minimum fine required in any violation will be \$25. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive this fine.

#### Sec. 3-2. Schedules.

When any defendant is convicted of, pleads guilty to, or is placed on court supervision for a violation of the Illinois Compiled Statutes or any local ordinance, the court will order a schedule of assessments as set forth below for the defendant to pay in addition to any fine ordered by the court.

#### Sec. 3-4. Service Provider Costs

Service Provider Costs include amounts in the Conditional Amounts sections that are reimbursements for services provided. They are payable to the entity that provided the service. These amounts are not eligible for credit for time served, substitution of community service, or waiver.

#### Sec. 3-5. Credit Fine for Time Served

Any credit of fine for time served prior to sentencing will be deducted first from the fine, if any, ordered by the court. Any remainder of credit will be equally divided between the amounts paid to the treasurers indicated in the schedule.

### Sec. 4. Assessment Schedules.

In all schedules except 1 through 4, the schedule amount will include \$15 which will be remitted to either the County Treasurer or local treasurer determined by the entity prosecuting the case. This amount is reflected in the Conditional Amounts because of the disbursement requirements but will be added into the total since it is collected in every instance except the Supreme Court Rule 529 Schedule #12.

#### Schedule 1 (Generic felony offenses)

\$444 + Conditional Amounts + Fine, if ordered

##### Clerk Portion - \$45

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

##### County Portion - \$259

\$225 for deposit into the County General Fund

\$ 10 for deposit into the Child Advocacy Center Fund

\$ 2 for deposit into the State's Attorney Records Automation Fund

\$ 2 for deposit into the Public Defender Records Automation Fund

\$ 10 for deposit into the County Jail Medical Costs Fund

\$ 10 deposit into the Probation and Court Services Fund

State Portion - \$140

\$ 40 for deposit into State Police funds

\$100 for deposit into the Violent Crime Victims Assistance Fund

Conditional Amounts

\$250 to lab that performs DNA analysis, if ordered

\$ 15 to lab that performs drug or alcohol testing (per test ordered)

\$ 25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$ 10 for violations of domestic battery or aggravated domestic battery to State Treasurer for deposit into the Domestic Violence Shelter and Service Fund

\$ 25 to State Treasurer for violation of order of protection when victim is family or household member for Domestic Violence Abuser Services Fund.

\$ 25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.

\$500 for sexually motivated offenses to the State Treasurer for deposit into State Police funds.

Schedule 2 (Felony DUI offenses)

\$1,554 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$45

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

County Portion - \$259

\$225 for deposit into the County General Fund

\$ 10 for deposit into the Child Advocacy Center Fund

\$ 2 for deposit into the State's Attorney Records Automation Fund

\$ 2 for deposit into the Public Defender Records Automation Fund

\$ 10 for deposit into the County Jail Medical Costs Fund

\$ 10 deposit into the Probation and Court Services Fund

State Portion - \$1,050

\$840 for deposit into State Police funds

\$100 for deposit into Violent Crime Victims Assistance Fund

\$ 5 for Driver's Education Fund

\$100 for Trauma Center Fund (split evenly between Dept of Public Health & HFS)

\$ 5 for Spinal Cord Injury Paralysis Cure Research Trust Fund

Local Portion - \$200

\$200 for deposit into the DUI Fund

Conditional Amounts

\$ 250 to lab that performs DNA analysis, if ordered

\$ 15 to lab that performs drug or alcohol testing (per test ordered)

\$ 25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$1,000 maximum for reimbursement for emergency response (if response was needed)

\$ 150 to lab that performs DUI analysis (if laboratory was used)

\$ 25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.

Fee charged by Traffic School, if ordered.

Schedule 3 (Felony Drug Offenses)

\$2,114 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$45

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

County Portion - \$259

\$225 for deposit into the County General Fund

\$ 10 for deposit into the Child Advocacy Center Fund

\$ 2 for deposit into the State's Attorney Records Automation Fund

\$ 2 for deposit into the Public Defender Records Automation Fund

\$ 10 for deposit into the County Jail Medical Costs Fund

\$ 10 deposit into the Probation and Court Services Fund

State Portion - \$1,810

\$ 40 for deposit into State Police funds

\$ 100 for deposit into Violent Crime Victims Assistance Fund

\$ 100 for Trauma Center Fund (split evenly between Dept of Public Health & HFS)

\$ 5 for Spinal Cord Injury Paralysis Cure Research Trust Fund

\$1,500 for deposit into Drug Treatment Fund

\$ 38 for deposit into Prescription Pill and Drug Disposal Fund

\$ 27 for Criminal Justice Information Projects Fund

Conditional Amounts

\$ 250 to lab that performs DNA analysis, if ordered

\$ 15 to lab that performs drug or alcohol testing (per test ordered)

\$ 25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$1,000 maximum for reimbursement for emergency response (if response was needed)

\$ 150 to lab that performs drug analysis (if laboratory was used)

\$ 25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.

Schedule 4 (Felony Sex Offenses)

\$1,144 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$45

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

County Portion - \$259

\$225 for deposit into the County General Fund

\$ 10 for deposit into the Child Advocacy Center Fund

\$ 2 for deposit into the State's Attorney Records Automation Fund

\$ 2 for deposit into the Public Defender Records Automation Fund

\$ 10 for deposit into the County Jail Medical Costs Fund

\$ 10 deposit into the Probation and Court Services Fund

State Portion - \$840

\$540 for deposit into State Police funds

\$100 for deposit into Violent Crime Victims Assistance Fund

\$200 for deposit into Sexual Assault Services Fund, if victim is family or household member, 50% of funds are deposited into Domestic Violence Shelter and Service Fund

Conditional Amounts

\$250 to lab that performs DNA analysis, if ordered

\$ 15 to lab that performs drug or alcohol testing (per test ordered)

\$ 25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$ 25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.

\$ 25 for violation of order of protection when victim is family or household member to the State Treasurer for deposit into the Domestic Violence Shelter and Service Fund

Schedule 5 (Generic misdemeanor offenses)

\$355 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$48

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

\$ 3 for deposit into the Circuit Court Clerk Electronic Citation Fund

County Portion - \$175

\$145 for deposit into the County General Fund \*

\$ 10 for deposit into the Child Advocacy Center Fund

\$ 10 for deposit into the County Jail Medical Costs Fund

\$ 10 for deposit into the Probation and Court Services Fund

State Portion - \$115

\$40 for deposit into the State Police

\$75 for deposit into the Violent Crime Victims Assistance Fund

Local Portion - \$2

\$ 2 for E-Citation Fund

Conditional Amounts

\$15 for prosecution fees to County Treasurer for County General Fund or to Local Treasurer depending on who did prosecution

\$ 2 for deposit into the State's Attorney Records Automation Fund if prosecuted by State's Attorney

\$ 2 for deposit into the Public Defender Records Automation Fund if prosecuted by State's Attorney

\$ 15 to lab that performs drug or alcohol testing (per test ordered)

\$ 25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$ 25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.

\$ 10 for violations of domestic battery or aggravated domestic battery to State Treasurer for deposit into the Domestic Violence Shelter and Service Fund

\$200 minimum on violations of orders of protection offenses to County Treasurer for deposit into the Probation and Court Services Fund

\$ 25 for violations of order of protection when victim is family or household member to State Treasurer for deposit into Domestic Violence Abuser Services Fund.

\$ 500 for sexually motivated offenses to the State Treasurer for deposit into State Police funds.

## Schedule 6 (Misdemeanor DUI Offenses)

\$1,215 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$48

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

\$ 3 for deposit into the Circuit Court Clerk Electronic Citation Fund

County Portion - \$175

\$145 for deposit into the County General Fund

\$ 10 for deposit into the Child Advocacy Center Fund



\$ 10 for deposit into the County Jail Medical Costs Fund

\$ 10 for deposit into the Probation and Court Services Fund

State Portion - \$625

\$440 for deposit into State Police funds

\$ 75 for deposit into the Violent Crime Victims Assistance Fund

\$ 5 for deposit into the Driver's Education Fund

\$100 for Trauma Center Fund (split evenly between Dept of Public Health & HFS)

\$ 5 for Spinal Cord Injury Paralysis Cure Research Trust Fund

Local Portion - \$352

\$ 2 for E-Citation Fund

\$350 for DUI Fund

Conditional Amounts

\$ 15 for prosecution fees to County Treasurer for County General Fund or to Local Treasurer depending on who did prosecution

\$ 2 for deposit into the State's Attorney Records Automation Fund if prosecuted by State's Attorney

\$ 2 for deposit into the Public Defender Records Automation Fund if prosecuted by State's Attorney

\$ 15 to lab that performs drug or alcohol testing (per test ordered)

\$ 25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$ 25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.

\$1,000 maximum for reimbursement for emergency response (if response was needed)

\$ 150 to lab that performs DUI analysis (if laboratory was used)

Fee charged by Traffic School, if ordered.

Schedule 7 (Misdemeanor drug offenses)

\$825 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$48

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

\$ 3 for deposit into the Circuit Court Clerk Electronic Citation Fund

County Portion - \$175

- \$145 for deposit into the County General Fund
- \$ 10 for deposit into the Child Advocacy Center Fund
- \$ 10 for deposit into the County Jail Medical Costs Fund
- \$ 10 for deposit into the Probation and Court Services Fund

State Portion - \$585

- \$ 40 for deposit into State Police funds
- \$ 75 for deposit into the Violent Crime Victims Assistance Fund
- \$100 for Trauma Center Fund (split evenly between Dept of Public Health & HFS)
- \$ 5 for Spinal Cord Injury Paralysis Cure Research Trust Fund
- \$300 for deposit into Drug Treatment Fund
- \$ 38 for deposit into Prescription Pill and Drug Disposal Fund
- \$ 27 for Criminal Justice Information Projects Fund

Local Portion - \$2

- \$2 for deposit into E-Citation Fund

Conditional Amounts

- \$ 15 for prosecution fees to County Treasurer for County General Fund or to Local Treasurer depending on who did prosecution
- \$ 2 for deposit into the State's Attorney Records Automation Fund if prosecuted by State's Attorney
- \$ 2 for deposit into the Public Defender Records Automation Fund if prosecuted by State's Attorney
- \$ 15 to lab that performs drug or alcohol testing (per test ordered)
- \$ 25 per day ordered by court for trial attended by State's Attorney to County General Fund
- \$ 25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.
- \$1,000 maximum for reimbursement for emergency response (if response was needed)
- \$ 100 to lab that performs drug analysis (if laboratory was used)

## Schedule 8 (Misdemeanor sex offenses)

\$555 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$48

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

\$ 3 for deposit into the Circuit Court Clerk Electronic Citation Fund

County Portion - \$175

\$145 for deposit into the County General Fund

\$ 10 for deposit into the Child Advocacy Center Fund

\$ 10 for deposit into the County Jail Medical Costs Fund

\$ 10 for deposit into the Probation and Court Services Fund

State Portion - \$815

\$540 for deposit into State Police funds

\$ 75 for deposit into the Violent Crime Victims Assistance Fund

\$200 for deposit into Sexual Assault Services Fund, if victim is family or household member, 50% of funds are deposited into Domestic Violence Shelter and Service Fund

Local Portion - \$2

\$ 2 for E-Citation Fund

Conditional Amounts

\$15 for prosecution fees to County Treasurer for County General Fund or to Local Treasurer depending on who did prosecution

\$ 2 for deposit into the State's Attorney Records Automation Fund if prosecuted by State's Attorney

\$ 2 for deposit into the Public Defender Records Automation Fund if prosecuted by State's Attorney

\$15 to lab that performs drug or alcohol testing (per test ordered)

\$25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.

\$25 for violation of order of protection when victim is family or household member to the State Treasurer for deposit into the Domestic Violence Shelter and Service Fund

## Schedule 9 (Major traffic offenses (Non-DUI classes A, B and C))

\$360 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$48

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

\$ 3 for deposit into the Circuit Court Clerk Electronic Citation Fund

County Portion - \$175

\$145 for deposit into the County General Fund

\$ 10 for deposit into the Child Advocacy Center Fund

\$ 10 for deposit into the County Jail Medical Costs Fund

\$ 10 for deposit into the Probation and Court Services Fund

State Portion - \$120

\$40 for deposit into State Police funds

\$75 for deposit into the Violent Crime Victims Assistance Fund

\$ 5 for deposit into the Driver's Education Fund

Local Portion - \$2

\$ 2 for E-Citation Fund

Conditional Amounts

\$15 for prosecution fees to County Treasurer for County General Fund or to Local Treasurer depending on who did prosecution

\$ 2 for deposit into the State's Attorney Records Automation Fund if prosecuted by State's Attorney

\$ 2 for deposit into the Public Defender Records Automation Fund if prosecuted by State's Attorney

\$15 to lab that performs drug or alcohol testing (per test ordered)

\$25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$25 for defendants on parole or mandatory supervised release to State Treasurer for deposit into Illinois Department of Corrections Parole Division Offender Supervision Fund.

\$100 or \$500 maximum for reimbursement for emergency response (if response was needed)

Fee charged by Traffic School, if ordered.

## Schedule 10 (Minor traffic offenses (Classes P and U))

\$140 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$48

\$20 for deposit into the Court Automation Fund

\$20 for deposit into the Court Document Storage Fund

\$ 5 for deposit into the Circuit Court Clerk Operation and Administrative Fund

\$ 3 for deposit into the Circuit Court Clerk Electronic Citation Fund

County Portion - \$55

\$55 for deposit into the County General Fund

State Portion - \$20

\$15 for deposit into State Police funds

\$ 5 for deposit into the Driver's Education Fund

Local Portion - \$2

\$2 for E-Citation Fund

Conditional Amounts

\$15 for prosecution fees to County Treasurer for County General Fund or to Local Treasurer depending on who did prosecution

\$ 2 for deposit into the State's Attorney Records Automation Fund if prosecuted by State's Attorney

\$ 2 for deposit into the Public Defender Records Automation Fund if prosecuted by State's Attorney

\$15 to lab that performs drug or alcohol testing (per test ordered)

\$25 per day ordered by court for trial attended by State's Attorney to County General Fund

\$125 or \$250 for violations of speeding in a construction zone to State Treasurer or County Treasurer for deposit into Transportation Safety Highway Hire-back Fund, depending on who write the ticket.

\$50 for speeding or failure to stop in specified park zones to be remitted to park district

\$50 for not yielding to pedestrian in crosswalk in school zone to the remitted to school district

\$50 for speeding in specified school zone to the remitted to school district

Fee charged by Traffic School, if ordered.

## Schedule 11 (Conservation offenses (Classes P and U))

\$150 + Conditional Amounts + Fine, if ordered

Clerk Portion - \$48

Court Automation \$20 for Court Automation Fund

Document storage \$20 for Court Document Storage Fund

Clerk Administration \$5 for Circuit Court Clerk Operation and Administrative Fund

E-Citation \$3 for Circuit Court Clerk Electronic Citation Fund

County Portion - \$55

\$55 for deposit into the County General Fund

State Portion - \$30

\$15 for deposit into State Police funds

\$15 for deposit into the Conservation Police Operations Assistance Fund

Local Portion - \$2

\$2 for E-Citation Fund

Conditional Amounts

\$15 for prosecution fees to County Treasurer for County General Fund or to Local Treasurer depending on who did prosecution

\$ 2 for deposit into the State's Attorney Records Automation Fund if prosecuted by State's Attorney

\$ 2 for deposit into the Public Defender Records Automation Fund if prosecuted by State's Attorney

## Schedule 12 (Supreme Court Rule 529)

\$150

Clerk Portion - \$48

Court Automation \$20 for Court Automation Fund

Document storage \$20 for Court Document Storage Fund

Clerk Administration \$5 for Circuit Court Clerk Operation and Administrative Fund

E-Citation \$3 for Circuit Court Clerk Electronic Citation Fund

County Portion - \$30

\$30 for deposit into the County General Fund

State Portion - \$20

\$15 for deposit into State Police funds

\$ 5 for deposit into the Driver's Education Fund

Local Portion - \$52

\$ 2 for E-Citation Fund

\$50 mandatory fine

Conditional Amounts

Fee charged by Traffic School, if ordered.

**Sec. 5. Funds**

(a) All money collected by the clerk of the court based on the schedules shall be remitted as defined in Section 4 above to the County Treasurer, the State Treasurer and to the treasurers of the local governments. The treasurers are responsible for depositing the money into the funds as indicated in the schedules.

(b) The following funds are to be set up, if not already present, by the indicated Treasurers. If a county has not instituted, nor plans to institute a program that uses a particular fund, the County Treasurer need not create the fund and instead deposit the money intended for the fund into the County General Fund for use in financing the court system.

## (1) State Treasurer

- (a) Conservation Police Operations Assistance Fund (30 ILCS 105/6z-87)
- (b) Criminal Justice Information Projects Fund (20 ILCS 3930/9.1)
- (c) Domestic Violence Abuser Services Fund (730 ILCS 5/5-9-1.11)
- (d) Domestic Violence Shelter and Service Fund (20 ILCS 1310)
- (e) Driver's Education Fund (105 ILCS 5/27-24.4)
- (f) Drug Treatment Fund
- (g) Illinois Department of Corrections Parole Division Offender Supervision Fund
- (h) Prescription Pill and Drug Disposal Fund
- (i) Sexual Assault Services Fund
- (j) Spinal Cord Injury Paralysis Cure Research Trust Fund
- (k) State Crime Laboratory Fund (drug crime lab fees)
- (l) State Police DUI Fund (DUI crime lab fees)
- (m) Transportation Safety Highway Hire-back Fund

(n) Trauma Center Fund

(o) Violent Crime Victims Assistance Fund

(2) County Treasurer

(a) Child Advocacy Center Fund

(b) Circuit Court Clerk Electronic Citation Fund

(c) Circuit Court Clerk Operation and Administrative Fund

(d) Court Automation Fund

(e) Court Document Storage Fund

(f) County General Fund

(g) County Jail Medical Costs Fund

(h) Probation and Court Services Fund

(i) Public Defender Records Automation Fund

(j) State's Attorney Records Automation Fund

(k) Transportation Safety Highway Hire-back Fund

(3) Treasurers of Local Governments

(a) DUI Fund

(b) E-Citation Fund



**Appendix E – Proposed Criminal Assessment Waiver Statute**

## Proposed Criminal Assessment Waiver Statute, 720 ILCS 5/3-9

**Sec. 3-9.** Leave to defend as an indigent person.

(a) As used in this Section:

(1) "Assessments" means any costs imposed on a criminal defendant pursuant to Schedules 1-9 of the Criminal/Traffic Assessment Act.

(2) "Indigent person" means any person who meets one or more of the following criteria:

(i) He or she is receiving assistance under one or more of the following means based governmental public benefits programs: Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled (AABD); Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); General Assistance; Transitional Assistance; or State Children and Family Assistance.

(ii) His or her available income is 125% or less of the current poverty level as established by the United States Department of Health and Human Services, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are of a nature and value that the court determines that the applicant is able to pay the assessments.

(iii) He or she is, in the discretion of the court, unable to proceed in an action without payment of assessments and whose payment of those assessments would result in substantial hardship to the person or his or her family.

(3) "Poverty level" means the current poverty level as established by the United States Department of Health and Human Services

(b) On the application of any defendant, after the commencement of an action, but no later than 30 days after sentencing:

(1) If the court finds that the applicant is an indigent person, the applicant shall be granted a full assessment waiver entitling him or her to sue or defend the action without payment of any assessments.

(2) If the court finds that the applicant satisfies any of the criteria contained in subsections (i) through (iii), the applicant shall be granted a partial assessment waiver entitling it to sue or defend the action upon payment of the following percentages of the assessments of the action:

(i) 75% of all assessments shall be waived if the applicant's available income is 150% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay the total assessments.

(ii) 50% of all assessments shall be waived if the applicant's available income is 175% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.

(iii) 25% of all assessments shall be waived if the applicant's available income is 200% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.

(c) An Application for Waiver of Assessments shall be in writing, signed by the defendant or, if the defendant is a minor or an incompetent adult, by another person having knowledge of the facts, and filed no later than 30 days after sentencing. The contents of the Application for Waiver of Court Assessments, and the procedure for decision of such Applications, shall be established by Supreme Court Rule. The court shall provide, through the office of the

clerk of the court, the Application for Waiver of Assessments to any person seeking to defend an action who indicates an inability to pay the assessments. The clerk of the court shall post in a conspicuous place in the courthouse a notice no smaller than 8.5 x 11 inches, using no smaller than 30-point typeface printed in English and in Spanish, advising the public that they may ask the court for permission to defend a criminal action without payment of the assessments. The notice shall be substantially as follows:

“If you are unable to pay the required assessments you may ask the court to allow you to proceed without paying them. Ask the clerk of the court for forms.”

(d) For good cause shown, the court may allow an applicant whose application is denied or who receives a partial assessment waiver to defer payment of the assessments, make installment payments, or make payment upon reasonable terms and conditions stated in the order.

(e) Nothing in this Section shall be construed to affect the right of a party to defend an action *in forma pauperis* without the payment of assessments, or the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court.

(f) In any case where a party is represented by a criminal legal services provider or attorney in a court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5, the attorney representing that party shall file a certification with the court as established by Supreme Court Rule 404 and that party shall be allowed to defend without payment of assessments without necessity of an Application.

(g) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

**Appendix F – Proposed Criminal Assessment Waiver Rule**

## Supreme Court Rule 404

### Rule 404. Application for Waiver of Court Assessments

**(a) Contents.** An Application for Waiver of Court Assessments in a criminal action pursuant to 720 ILCS 5/3-9 shall be in writing and signed by the applicant or, if the applicant is a minor or an incompetent adult, by another person having knowledge of the facts. The application should be submitted no later than 30 days after the entry of judgment.

(1) The contents of the Application must be sufficient to allow a court to determine whether an applicant qualifies for a full or partial waiver of Assessments pursuant to 720 ILCS 5/3-9, and shall include information regarding the applicant's household composition, receipt of need-based public benefits, income, expenses, and nonexempt assets.

(2) The court shall provide and applicants shall be required to use a standardized form expressly titled "Application for Waiver of Assessments" adopted by the Illinois Supreme Court Access to Justice Commission.

**(b) Ruling.** The court shall either enter a ruling on the Application or shall set the Application for a hearing requiring the applicant to appear in person. The court may order the applicant to produce copies of certain documents in support of the Application at the hearing. The court's ruling on an Application for Waiver of Assessments shall be made according to standards set forth in 720 ILCS 5/3-9. If the Application is denied, the court shall enter an order to that effect specifying the reasons for the denial. If the court determines that the conditions for a full assessment waiver are satisfied, it shall enter an order permitting the applicant to defend without payment of the assessments. If the court determines that the conditions for a partial assessment waiver under 720 ILCS 5/3-9(a)(3) are satisfied, it shall enter an order permitting the applicant to sue or defend after payment of a specified percentage of the assessments. If an Application is denied or an Application for a partial assessment waiver is granted, the court may allow the applicant to defer payment of the assessments, making installment payments, or make payment upon reasonable terms and conditions stated in the order.

**(c) Filing.** No assessment may be charged for filing an Application for Waiver of Assessments. The clerk must allow an applicant to file an Application for Waiver of Assessments in the court where his case will be heard.

**(d) Cases involving representation by criminal legal services providers or lawyers in court-sponsored pro bono program.** In any case where a party is represented by a criminal legal services provider or an attorney in a court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5, the attorney representing that party shall file a certification with the court in the form attached to this rule and that party shall be allowed to defend without payment of assessments as defined in 720 ILCS 5/3-9(a)(1) without necessity of an Application under this rule.

**RULE 404 CERTIFICATION FOR WAIVER OF ASSESSMENTS REPRESENTATION BY CRIMINAL LEGAL SERVICES PROVIDER OR COURT-SPONSORED PRO BONO PROGRAM**

Pursuant to Supreme Court Rule 404, the undersigned counsel hereby certifies that he/she is an attorney for \_\_\_\_\_ (*name of organization or court program*), a criminal legal services provider or court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that \_\_\_\_\_ (*name of organization or court program*) has made the determination that \_\_\_\_\_ (*name of party*) has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the criminal legal services provider or court-sponsored pro bono program. As a result, under Supreme Court Rule 404, \_\_\_\_\_ (*name of party*) is eligible to sue or defend without payment of assessments as defined at 720 ILCS 5/3-9(a)(1)

\_\_\_\_\_  
Attorney Certification

**Name of Organization or Court Program:** \_\_\_\_\_

**Attorney Name** \_\_\_\_\_

**Attorney No.** \_\_\_\_\_

**Address** \_\_\_\_\_

**City, State, Zip** \_\_\_\_\_

**Telephone** \_\_\_\_\_

**Email Address** \_\_\_\_\_

**Appendix G – Proposed Amendments to Illinois Supreme Court Rule 529**

## Clean Version

### Rule 529. Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses

#### (a) Traffic Offenses.

(1) All traffic offenses, except those requiring a court appearance under Rule 551 and those involving offenses set out in Rule 526(b)(1), may be satisfied without a court appearance by a written plea of guilty, with the exception of electronic pleas unless authorized by the Supreme Court, and payment of the amount stated in Schedule 12 of the Criminal/Traffic Assessment Act. If an order of failure to appear to answer the charge has been entered pursuant to Rule 556(a), an additional assessment of \$35 shall be added. The clerk of the circuit court shall disburse the amount collected pursuant to statute.

(2) A charge of violating section 3-401(d), 15-111 or offenses punishable by fine pursuant to sections 15-113.1, 15-113.2 or 15-113.3 of the Illinois Vehicle Code (truck overweight and permit moves) (625 ILCS 5/15-111, 15-113.1 through 15-113.3), or similar municipal ordinances, may be satisfied without a court appearance by a written plea of guilty and payment of the minimum fine fixed by statute, plus the amount stated in Schedule 10 of the Criminal/Traffic Assessment Act. The clerk of the circuit court shall disburse the amount collected pursuant to statute.

**(b) Conservation Offenses.** All conservation offenses, except those provided in paragraphs (b), (c), (d), (e), (f) and (g) of Rule 527 may be satisfied without a court appearance by a written plea of guilty, with the exception of electronic pleas unless authorized by the Supreme Court, and payment of the amount stated in Schedule 10 of the Criminal/Traffic Assessment Act. The clerk of the circuit court shall disburse the amount collected pursuant to statute.

**(c) Supervision on Written Pleas of Guilty.** In counties designated by the Conference of Chief Circuit Judges, the circuit court may by rule or order authorize the entry of an order of supervision under section 5-6-3.1 of the Unified Code of Corrections (730 ILCS 5/5-6-3.1), for traffic offenses satisfied pursuant to paragraph (a) of this Rule 529. Such circuit court rule or order may include but does not require a program by which the accused, upon payment of the amount stated in Schedule 12, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. Any county designated by the Conference pursuant to this rule may opt-out of this rule upon notification to the Conference by the chief judge of the circuit and rescinding any rule or order entered to establish supervision on written pleas of guilty.

**(d)** The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases where a defendant enters a guilty plea under this rule. The clerk of the circuit court shall disburse the monies collected as provided for in Schedule 12 of the Criminal/Traffic Assessment Act.



## Redlined Version

**Rule 529. ~~Fines, Penalties and Costs on Written Pleas of Guilty in~~  
~~Minor Traffic and Conservation Offenses~~**

¶

~~-----~~**(a) Traffic Offenses.** ¶

~~(1) All traffic offenses, except those requiring a court appearance under Rule 551 and those involving offenses set out in Rule 526(b)(1), may be satisfied without a court appearance by a written plea of guilty, with the exception of electronic pleas unless authorized by the Supreme Court, and payment of fines, penalties and costs, equal to the bail required by Rule 526 unless the amount stated in Schedule 12 of the Criminal/Traffic Assessment Act. If an order of failure to appear to answer the charge has been entered pursuant to Rule 556(a), in which case the fine, penalties and costs shall be equal to the amount of the required bail, plus an additional penalty assessment of \$35 shall be added. The balance remaining after deducting the amounts required by sections 27.3a and 27.3c clerk of the Clerks of Courts Act (705 ILCS 105/27.3a, 27.3c) circuit court shall be distributed as follows: disburse the amount collected pursuant to statute.~~ ¶

~~(1) 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case;~~ ¶

~~(2) 16.825% shall be disbursed to the State Treasurer; and~~ ¶

~~(3) 38.675% shall be disbursed to the county's general corporate fund.~~ ¶

~~No other fines, fees, penalties or costs shall be assessed in any case which is disposed of on a written plea of guilty without a court appearance under paragraph (a) of Rule 529.~~ ~~(2) A charge of violating section 3-401(d), 15-111 or offenses punishable by fine pursuant to sections 15-113.1, 15-113.2 or 15-113.3 of the Illinois Vehicle Code (truck overweight and permit moves) (625 ILCS 5/15-111, 15-113.1 through 15-113.3), or similar municipal ordinances, may be satisfied without a court appearance by a written plea of guilty and payment of the minimum fine fixed by statute, plus all applicable penalties and costs (see Rule 526(b)(1)). Fines, penalties, and costs shall be disbursed by the clerk the amount stated in Schedule 10 of the Criminal/Traffic Assessment Act. The clerk of the circuit court shall disburse the amount collected pursuant to statute.~~ ¶

~~-----~~**(b) Conservation Offenses.** ~~Conservation~~ ~~All conservation offenses for which \$120 cash bail is required under, except those provided in paragraphs (b), (c), (d), (e), (f) and (g) of Rule 527 may be satisfied without a court appearance by a written plea of guilty, with the exception of electronic pleas unless authorized by the Supreme Court, and payment of fines,~~

~~penalties and costs, equal to the cash bail required by Rule 527. The balance remaining after deducting the amounts required by sections 27.3a and 27.3c of the Clerks of Courts Act (705 ILCS 105/27.3a, 27.3c) shall be distributed as follows: the amount stated in Schedule 10 of the Criminal/Traffic Assessment Act. The clerk of the circuit court shall disburse the amount collected pursuant to statute. ¶~~

~~(1) 6.7% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; ¶~~

~~(2) 16.825% shall be disbursed to the State Treasurer; and ¶~~

~~(3) 16.175% shall be disbursed to the county's general corporate fund. ¶~~

~~No other fines, fees, penalties or costs shall be assessed in any case which is disposed of on a written plea of guilty without a court appearance under paragraph (b) of this Rule 529. ¶~~

~~----- (c) **Supervision on Written Pleas of Guilty.** In counties designated by the Conference of Chief Circuit Judges, the circuit court may by rule or order authorize the entry of an order of supervision under section 5-6-3.1 of the Unified Code of Corrections (730 ILCS 5/5-6-3.1), for traffic offenses satisfied pursuant to paragraph (a) of this Rule 529. Such circuit court rule or order may include but does not require a program by which the accused, upon payment of the fines, penalties and costs equal to bail required by Rule 526 amount stated in Schedule 12, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. Any county designated by the Conference pursuant to this rule may opt-out of this rule upon notification to the Conference by the chief judge of the circuit and rescinding any rule or order entered to establish supervision on written pleas of guilty. ¶~~

~~----- (d) The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases where a defendant enters a guilty plea under this rule. The clerk of the circuit court shall disburse ~~fines, penalties, and costs~~ the monies collected as provided for in paragraph (a) Schedule 12 of this Rule 529, the Criminal/Traffic Assessment Act. ¶~~

.....Page Break..... ¶

## Appendix H – Recommended Legislative Checklist

**Recommended Checklist for Review of New Assessment Legislation**

- Ensure that the new assessment's location in statute is consistent
  - Prior to reform, fees were distributed throughout multiple acts of ILCS. Going forward, they should be located in a single Act.
- Ensure that all modification to assessments advanced in a legislative session have consistent effective dates
  - Clerks have experienced difficulty implementing multiple new fees at different points in a year. Any legislation enacted in a session should have the same effective date.
- Ensure that the new statute clearly describes assessment distribution
  - Statute should clearly lay out the entities and funds that are to receive the assessment and how it is to be collected.
- Ensure that the new statute clearly states the nature of offenses (in criminal schedules) or filings or other activities (in civil cases) applicable to an assessment
- State clearly whether the new assessment impacts the total value of a schedule or whether it modifies distribution of the existing amount

No. 122549

IN THE

## SUPREME COURT OF ILLINOIS

---

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court of Illinois, No. 1-14-3800.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit Court of Cook County, Illinois , No. 12 CR 13428; 13 CR 12564 (01).
-vs-	)	
	)	
JOSEPH GRIFFIN	)	Honorable Thaddeus L. Wilson,
	)	Judge Presiding.
Defendant-Appellant	)	

---

**NOTICE AND PROOF OF SERVICE**

Ms. Lisa Madigan, Attorney General, 100 W. Randolph St., Chicago, IL 60601, [eserve.criminalappeals@atg.state.il.us](mailto:eserve.criminalappeals@atg.state.il.us);

Ms. Kimberly M. Foxx, State's Attorney, Cook County State's Attorney Office, 300 Daley Center, Chicago, IL 60602, [eserve.criminalappeals@cookcountyil.gov](mailto:eserve.criminalappeals@cookcountyil.gov);

Mr. Joseph Griffin, Register No. R22224, Western Illinois Correctional Center, 2500 Rt. 99, Mt. Sterling, IL 62353

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On September 5, 2018, the Additional Authority was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the defendant-appellant in an envelope deposited in a U.S. mail box in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Additional Authority to the Clerk of the above Court.

/s/Joseph Tucker

LEGAL SECRETARY

Office of the State Appellate Defender

203 N. LaSalle St., 24th Floor

Chicago, IL 60601

(312) 814-5472

Service via email is accepted at

[1stdistrict.eserve@osad.state.il.us](mailto:1stdistrict.eserve@osad.state.il.us)

E-FILED

9/11/2018 10:41 AM

Carolyn Taft Grosboll

SUPREME COURT CLERK