



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1414

Introduced 2/13/2019, by Sen. Brian W. Stewart

#### SYNOPSIS AS INTRODUCED:

705 ILCS 135/10-5

Amends the Criminal and Traffic Assessment Act. Provides that the county treasurer or the treasurer of the unit of local government shall (rather than may) create the following funds, if not already in existence: the Court Automation Fund; the Document Storage Fund; the Circuit Clerk Operations and Administration Fund; the State's Attorney Records Automation Fund; the Public Defender Records Automation Fund; the Circuit Court Clerk Electronic Citation Fund; and, in each county where a Children's Advocacy Center provides services, the Child Advocacy Center Fund.

LRB101 07192 LNS 52230 b

1 AN ACT concerning courts.

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

4 Section 5. The Criminal and Traffic Assessment Act is  
5 amended by changing Section 10-5 as follows:

6 (705 ILCS 135/10-5)

7 (This Section may contain text from a Public Act with a  
8 delayed effective date)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 10-5. Funds.

11 (a) All money collected by the Clerk of the Circuit Court  
12 under Article 15 of this Act shall be remitted as directed in  
13 Article 15 of this Act to the county treasurer, to the State  
14 Treasurer, and to the treasurers of the units of local  
15 government. If an amount payable to any of the treasurers is  
16 less than \$10, the clerk may postpone remitting the money until  
17 \$10 has accrued or by the end of fiscal year. The treasurers  
18 shall deposit the money as indicated in the schedules, except,  
19 in a county with a population of over 3,000,000, money remitted  
20 to the county treasurer shall be subject to appropriation by  
21 the county board. Any amount retained by the Clerk of the  
22 Circuit Court in a county with population of over 3,000,000  
23 shall be subject to appropriation by the county board.

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

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

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

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

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

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

24 (d) Fund descriptions and provisions:

25 (1) The Court Automation Fund is to defray the expense,  
26 borne by the county, of establishing and maintaining

1 automated record keeping systems in the Office of the Clerk  
2 of the Circuit Court. The money shall be remitted monthly  
3 by the clerk to the county treasurer and identified as  
4 funds for the Circuit Court Clerk. The fund shall be  
5 audited by the county auditor, and the board shall make  
6 expenditures from the fund in payment of any costs related  
7 to the automation of court records including hardware,  
8 software, research and development costs, and personnel  
9 costs related to the foregoing, provided that the  
10 expenditure is approved by the clerk of the court and by  
11 the chief judge of the circuit court or his or her  
12 designee.

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

26 (3) The Circuit Clerk Operations and Administration

1 Fund may be used to defray the expenses incurred for  
2 collection and disbursement of the various assessment  
3 schedules. The money shall be remitted monthly by the clerk  
4 to the county treasurer and identified as funds for the  
5 circuit court clerk.

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

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

24 (6) The DUI Fund shall be used for enforcement and  
25 prevention of driving while under the influence of alcohol,  
26 other drug or drugs, intoxicating compound or compounds or

1 any combination thereof, as defined by Section 11-501 of  
2 the Illinois Vehicle Code, including, but not limited to,  
3 the purchase of law enforcement equipment and commodities  
4 that will assist in the prevention of alcohol-related  
5 criminal violence throughout the State; police officer  
6 training and education in areas related to alcohol-related  
7 crime, including, but not limited to, DUI training; and  
8 police officer salaries, including, but not limited to,  
9 salaries for hire-back funding for safety checkpoints,  
10 saturation patrols, and liquor store sting operations. Any  
11 moneys shall be used to purchase law enforcement equipment  
12 that will assist in the prevention of alcohol-related  
13 criminal violence throughout the State. The money shall be  
14 remitted monthly by the clerk to the State or local  
15 treasurer for deposit as provided by law.

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

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

22 (9) The Circuit Court Clerk Electronic Citation Fund  
23 shall have the Circuit Court Clerk as the custodian, ex  
24 officio, of the Fund and shall be used to perform the  
25 duties required by the office for establishing and  
26 maintaining electronic citations. The Fund shall be

1 audited by the county's auditor.

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

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

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

1 and Illinois Metropolitan Enforcement Groups.

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

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

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

22 (16) In each county in which a Children's Advocacy  
23 Center provides services, a Child Advocacy Center Fund is  
24 specifically for the operation and administration of the  
25 Children's Advocacy Center, from which the county board  
26 shall make grants to support the activities and services of



1           the Children's Advocacy Center within that county.

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