



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2557

Introduced 1/29/2020, by Sen. Scott M. Bennett

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2	
625 ILCS 5/16-105	from Ch. 95 1/2, par. 16-105
625 ILCS 40/5-7	
625 ILCS 45/5-16	
705 ILCS 105/27.1b	
705 ILCS 135/15-70	
705 ILCS 135/20-5	
720 ILCS 550/8	from Ch. 56 1/2, par. 708
730 ILCS 5/5-9-1.9	

Amends the Criminal Identification Act, the Illinois Vehicle Code, the Snowmobile Registration and Safety Act, the Boat Registration and Safety Act, the Criminal and Traffic Assessment Act, the Cannabis Control Act, and the Unified Code of Corrections. Provides that certain fees, assessments, fines, and funds collected relating to the State Police shall be remitted to the State Treasurer for deposit into the appropriate fund or distribution to the appropriate entity. Repeals the Criminal and Traffic Assessment Act and the Section of the Clerks of Courts Act pertaining to court fees on January 1, 2025 (rather than 2021). Effective immediately.

LRB101 18349 LNS 67796 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 Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement, sealing, and immediate sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have  
10 the meanings set forth in this subsection, except when a  
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),  
2 (xi) Petty Offense (730 ILCS 5/5-1-17),  
3 (xii) Probation (730 ILCS 5/5-1-18),  
4 (xiii) Sentence (730 ILCS 5/5-1-19),  
5 (xiv) Supervision (730 ILCS 5/5-1-21), and  
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated  
8 by arrest" means a charge (as defined by 730 ILCS  
9 5/5-1-3) brought against a defendant where the  
10 defendant is not arrested prior to or as a direct  
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or  
13 sentence entered upon a plea of guilty or upon a  
14 verdict or finding of guilty of an offense, rendered by  
15 a legally constituted jury or by a court of competent  
16 jurisdiction authorized to try the case without a jury.  
17 An order of supervision successfully completed by the  
18 petitioner is not a conviction. An order of qualified  
19 probation (as defined in subsection (a)(1)(J))  
20 successfully completed by the petitioner is not a  
21 conviction. An order of supervision or an order of  
22 qualified probation that is terminated  
23 unsatisfactorily is a conviction, unless the  
24 unsatisfactory termination is reversed, vacated, or  
25 modified and the judgment of conviction, if any, is  
26 reversed or vacated.

1           (D) "Criminal offense" means a petty offense,  
2 business offense, misdemeanor, felony, or municipal  
3 ordinance violation (as defined in subsection  
4 (a) (1) (H)). As used in this Section, a minor traffic  
5 offense (as defined in subsection (a) (1) (G)) shall not  
6 be considered a criminal offense.

7           (E) "Expunge" means to physically destroy the  
8 records or return them to the petitioner and to  
9 obliterate the petitioner's name from any official  
10 index or public record, or both. Nothing in this Act  
11 shall require the physical destruction of the circuit  
12 court file, but such records relating to arrests or  
13 charges, or both, ordered expunged shall be impounded  
14 as required by subsections (d) (9) (A) (ii) and  
15 (d) (9) (B) (ii).

16           (F) As used in this Section, "last sentence" means  
17 the sentence, order of supervision, or order of  
18 qualified probation (as defined by subsection  
19 (a) (1) (J)), for a criminal offense (as defined by  
20 subsection (a) (1) (D)) that terminates last in time in  
21 any jurisdiction, regardless of whether the petitioner  
22 has included the criminal offense for which the  
23 sentence or order of supervision or qualified  
24 probation was imposed in his or her petition. If  
25 multiple sentences, orders of supervision, or orders  
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively considered  
2 the "last sentence" regardless of whether they were  
3 ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,  
5 business offense, or Class C misdemeanor under the  
6 Illinois Vehicle Code or a similar provision of a  
7 municipal or local ordinance.

8 (G-5) "Minor Cannabis Offense" means a violation  
9 of Section 4 or 5 of the Cannabis Control Act  
10 concerning not more than 30 grams of any substance  
11 containing cannabis, provided the violation did not  
12 include a penalty enhancement under Section 7 of the  
13 Cannabis Control Act and is not associated with an  
14 arrest, conviction or other disposition for a violent  
15 crime as defined in subsection (c) of Section 3 of the  
16 Rights of Crime Victims and Witnesses Act.

17 (H) "Municipal ordinance violation" means an  
18 offense defined by a municipal or local ordinance that  
19 is criminal in nature and with which the petitioner was  
20 charged or for which the petitioner was arrested and  
21 released without charging.

22 (I) "Petitioner" means an adult or a minor  
23 prosecuted as an adult who has applied for relief under  
24 this Section.

25 (J) "Qualified probation" means an order of  
26 probation under Section 10 of the Cannabis Control Act,

1 Section 410 of the Illinois Controlled Substances Act,  
2 Section 70 of the Methamphetamine Control and  
3 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
4 of the Unified Code of Corrections, Section  
5 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
6 those provisions existed before their deletion by  
7 Public Act 89-313), Section 10-102 of the Illinois  
8 Alcoholism and Other Drug Dependency Act, Section  
9 40-10 of the Substance Use Disorder Act, or Section 10  
10 of the Steroid Control Act. For the purpose of this  
11 Section, "successful completion" of an order of  
12 qualified probation under Section 10-102 of the  
13 Illinois Alcoholism and Other Drug Dependency Act and  
14 Section 40-10 of the Substance Use Disorder Act means  
15 that the probation was terminated satisfactorily and  
16 the judgment of conviction was vacated.

17 (K) "Seal" means to physically and electronically  
18 maintain the records, unless the records would  
19 otherwise be destroyed due to age, but to make the  
20 records unavailable without a court order, subject to  
21 the exceptions in Sections 12 and 13 of this Act. The  
22 petitioner's name shall also be obliterated from the  
23 official index required to be kept by the circuit court  
24 clerk under Section 16 of the Clerks of Courts Act, but  
25 any index issued by the circuit court clerk before the  
26 entry of the order to seal shall not be affected.

1           (L) "Sexual offense committed against a minor"  
2 includes, but is not limited to, the offenses of  
3 indecent solicitation of a child or criminal sexual  
4 abuse when the victim of such offense is under 18 years  
5 of age.

6           (M) "Terminate" as it relates to a sentence or  
7 order of supervision or qualified probation includes  
8 either satisfactory or unsatisfactory termination of  
9 the sentence, unless otherwise specified in this  
10 Section. A sentence is terminated notwithstanding any  
11 outstanding financial legal obligation.

12           (2) Minor Traffic Offenses. Orders of supervision or  
13 convictions for minor traffic offenses shall not affect a  
14 petitioner's eligibility to expunge or seal records  
15 pursuant to this Section.

16           (2.5) Commencing 180 days after July 29, 2016 (the  
17 effective date of Public Act 99-697), the law enforcement  
18 agency issuing the citation shall automatically expunge,  
19 on or before January 1 and July 1 of each year, the law  
20 enforcement records of a person found to have committed a  
21 civil law violation of subsection (a) of Section 4 of the  
22 Cannabis Control Act or subsection (c) of Section 3.5 of  
23 the Drug Paraphernalia Control Act in the law enforcement  
24 agency's possession or control and which contains the final  
25 satisfactory disposition which pertain to the person  
26 issued a citation for that offense. The law enforcement

1 agency shall provide by rule the process for access,  
2 review, and to confirm the automatic expungement by the law  
3 enforcement agency issuing the citation. Commencing 180  
4 days after July 29, 2016 (the effective date of Public Act  
5 99-697), the clerk of the circuit court shall expunge, upon  
6 order of the court, or in the absence of a court order on  
7 or before January 1 and July 1 of each year, the court  
8 records of a person found in the circuit court to have  
9 committed a civil law violation of subsection (a) of  
10 Section 4 of the Cannabis Control Act or subsection (c) of  
11 Section 3.5 of the Drug Paraphernalia Control Act in the  
12 clerk's possession or control and which contains the final  
13 satisfactory disposition which pertain to the person  
14 issued a citation for any of those offenses.

15 (3) Exclusions. Except as otherwise provided in  
16 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
17 of this Section, the court shall not order:

18 (A) the sealing or expungement of the records of  
19 arrests or charges not initiated by arrest that result  
20 in an order of supervision for or conviction of: (i)  
21 any sexual offense committed against a minor; (ii)  
22 Section 11-501 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance; or (iii)  
24 Section 11-503 of the Illinois Vehicle Code or a  
25 similar provision of a local ordinance, unless the  
26 arrest or charge is for a misdemeanor violation of



1 subsection (a) of Section 11-503 or a similar provision  
2 of a local ordinance, that occurred prior to the  
3 offender reaching the age of 25 years and the offender  
4 has no other conviction for violating Section 11-501 or  
5 11-503 of the Illinois Vehicle Code or a similar  
6 provision of a local ordinance.

7 (B) the sealing or expungement of records of minor  
8 traffic offenses (as defined in subsection (a)(1)(G)),  
9 unless the petitioner was arrested and released  
10 without charging.

11 (C) the sealing of the records of arrests or  
12 charges not initiated by arrest which result in an  
13 order of supervision or a conviction for the following  
14 offenses:

15 (i) offenses included in Article 11 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012  
17 or a similar provision of a local ordinance, except  
18 Section 11-14 and a misdemeanor violation of  
19 Section 11-30 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, or a similar provision of a  
21 local ordinance;

22 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
23 26-5, or 48-1 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, or a similar provision of a  
25 local ordinance;

26 (iii) Sections 12-3.1 or 12-3.2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012,  
2 or Section 125 of the Stalking No Contact Order  
3 Act, or Section 219 of the Civil No Contact Order  
4 Act, or a similar provision of a local ordinance;

5 (iv) Class A misdemeanors or felony offenses  
6 under the Humane Care for Animals Act; or

7 (v) any offense or attempted offense that  
8 would subject a person to registration under the  
9 Sex Offender Registration Act.

10 (D) (blank).

11 (b) Expungement.

12 (1) A petitioner may petition the circuit court to  
13 expunge the records of his or her arrests and charges not  
14 initiated by arrest when each arrest or charge not  
15 initiated by arrest sought to be expunged resulted in: (i)  
16 acquittal, dismissal, or the petitioner's release without  
17 charging, unless excluded by subsection (a)(3)(B); (ii) a  
18 conviction which was vacated or reversed, unless excluded  
19 by subsection (a)(3)(B); (iii) an order of supervision and  
20 such supervision was successfully completed by the  
21 petitioner, unless excluded by subsection (a)(3)(A) or  
22 (a)(3)(B); or (iv) an order of qualified probation (as  
23 defined in subsection (a)(1)(J)) and such probation was  
24 successfully completed by the petitioner.

25 (1.5) When a petitioner seeks to have a record of  
26 arrest expunged under this Section, and the offender has

1           been convicted of a criminal offense, the State's Attorney  
2           may object to the expungement on the grounds that the  
3           records contain specific relevant information aside from  
4           the mere fact of the arrest.

5           (2) Time frame for filing a petition to expunge.

6           (A) When the arrest or charge not initiated by  
7           arrest sought to be expunged resulted in an acquittal,  
8           dismissal, the petitioner's release without charging,  
9           or the reversal or vacation of a conviction, there is  
10          no waiting period to petition for the expungement of  
11          such records.

12          (B) When the arrest or charge not initiated by  
13          arrest sought to be expunged resulted in an order of  
14          supervision, successfully completed by the petitioner,  
15          the following time frames will apply:

16               (i) Those arrests or charges that resulted in  
17               orders of supervision under Section 3-707, 3-708,  
18               3-710, or 5-401.3 of the Illinois Vehicle Code or a  
19               similar provision of a local ordinance, or under  
20               Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
21               Code of 1961 or the Criminal Code of 2012, or a  
22               similar provision of a local ordinance, shall not  
23               be eligible for expungement until 5 years have  
24               passed following the satisfactory termination of  
25               the supervision.

26               (i-5) Those arrests or charges that resulted

1 in orders of supervision for a misdemeanor  
2 violation of subsection (a) of Section 11-503 of  
3 the Illinois Vehicle Code or a similar provision of  
4 a local ordinance, that occurred prior to the  
5 offender reaching the age of 25 years and the  
6 offender has no other conviction for violating  
7 Section 11-501 or 11-503 of the Illinois Vehicle  
8 Code or a similar provision of a local ordinance  
9 shall not be eligible for expungement until the  
10 petitioner has reached the age of 25 years.

11 (ii) Those arrests or charges that resulted in  
12 orders of supervision for any other offenses shall  
13 not be eligible for expungement until 2 years have  
14 passed following the satisfactory termination of  
15 the supervision.

16 (C) When the arrest or charge not initiated by  
17 arrest sought to be expunged resulted in an order of  
18 qualified probation, successfully completed by the  
19 petitioner, such records shall not be eligible for  
20 expungement until 5 years have passed following the  
21 satisfactory termination of the probation.

22 (3) Those records maintained by the Department for  
23 persons arrested prior to their 17th birthday shall be  
24 expunged as provided in Section 5-915 of the Juvenile Court  
25 Act of 1987.

26 (4) Whenever a person has been arrested for or

1 convicted of any offense, in the name of a person whose  
2 identity he or she has stolen or otherwise come into  
3 possession of, the aggrieved person from whom the identity  
4 was stolen or otherwise obtained without authorization,  
5 upon learning of the person having been arrested using his  
6 or her identity, may, upon verified petition to the chief  
7 judge of the circuit wherein the arrest was made, have a  
8 court order entered nunc pro tunc by the Chief Judge to  
9 correct the arrest record, conviction record, if any, and  
10 all official records of the arresting authority, the  
11 Department, other criminal justice agencies, the  
12 prosecutor, and the trial court concerning such arrest, if  
13 any, by removing his or her name from all such records in  
14 connection with the arrest and conviction, if any, and by  
15 inserting in the records the name of the offender, if known  
16 or ascertainable, in lieu of the aggrieved's name. The  
17 records of the circuit court clerk shall be sealed until  
18 further order of the court upon good cause shown and the  
19 name of the aggrieved person obliterated on the official  
20 index required to be kept by the circuit court clerk under  
21 Section 16 of the Clerks of Courts Act, but the order shall  
22 not affect any index issued by the circuit court clerk  
23 before the entry of the order. Nothing in this Section  
24 shall limit the Department of State Police or other  
25 criminal justice agencies or prosecutors from listing  
26 under an offender's name the false names he or she has

1 used.

2 (5) Whenever a person has been convicted of criminal  
3 sexual assault, aggravated criminal sexual assault,  
4 predatory criminal sexual assault of a child, criminal  
5 sexual abuse, or aggravated criminal sexual abuse, the  
6 victim of that offense may request that the State's  
7 Attorney of the county in which the conviction occurred  
8 file a verified petition with the presiding trial judge at  
9 the petitioner's trial to have a court order entered to  
10 seal the records of the circuit court clerk in connection  
11 with the proceedings of the trial court concerning that  
12 offense. However, the records of the arresting authority  
13 and the Department of State Police concerning the offense  
14 shall not be sealed. The court, upon good cause shown,  
15 shall make the records of the circuit court clerk in  
16 connection with the proceedings of the trial court  
17 concerning the offense available for public inspection.

18 (6) If a conviction has been set aside on direct review  
19 or on collateral attack and the court determines by clear  
20 and convincing evidence that the petitioner was factually  
21 innocent of the charge, the court that finds the petitioner  
22 factually innocent of the charge shall enter an expungement  
23 order for the conviction for which the petitioner has been  
24 determined to be innocent as provided in subsection (b) of  
25 Section 5-5-4 of the Unified Code of Corrections.

26 (7) Nothing in this Section shall prevent the

1 Department of State Police from maintaining all records of  
2 any person who is admitted to probation upon terms and  
3 conditions and who fulfills those terms and conditions  
4 pursuant to Section 10 of the Cannabis Control Act, Section  
5 410 of the Illinois Controlled Substances Act, Section 70  
6 of the Methamphetamine Control and Community Protection  
7 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
8 Corrections, Section 12-4.3 or subdivision (b)(1) of  
9 Section 12-3.05 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, Section 10-102 of the Illinois  
11 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
12 the Substance Use Disorder Act, or Section 10 of the  
13 Steroid Control Act.

14 (8) If the petitioner has been granted a certificate of  
15 innocence under Section 2-702 of the Code of Civil  
16 Procedure, the court that grants the certificate of  
17 innocence shall also enter an order expunging the  
18 conviction for which the petitioner has been determined to  
19 be innocent as provided in subsection (h) of Section 2-702  
20 of the Code of Civil Procedure.

21 (c) Sealing.

22 (1) Applicability. Notwithstanding any other provision  
23 of this Act to the contrary, and cumulative with any rights  
24 to expungement of criminal records, this subsection  
25 authorizes the sealing of criminal records of adults and of  
26 minors prosecuted as adults. Subsection (g) of this Section

1 provides for immediate sealing of certain records.

2 (2) Eligible Records. The following records may be  
3 sealed:

4 (A) All arrests resulting in release without  
5 charging;

6 (B) Arrests or charges not initiated by arrest  
7 resulting in acquittal, dismissal, or conviction when  
8 the conviction was reversed or vacated, except as  
9 excluded by subsection (a) (3) (B);

10 (C) Arrests or charges not initiated by arrest  
11 resulting in orders of supervision, including orders  
12 of supervision for municipal ordinance violations,  
13 successfully completed by the petitioner, unless  
14 excluded by subsection (a) (3);

15 (D) Arrests or charges not initiated by arrest  
16 resulting in convictions, including convictions on  
17 municipal ordinance violations, unless excluded by  
18 subsection (a) (3);

19 (E) Arrests or charges not initiated by arrest  
20 resulting in orders of first offender probation under  
21 Section 10 of the Cannabis Control Act, Section 410 of  
22 the Illinois Controlled Substances Act, Section 70 of  
23 the Methamphetamine Control and Community Protection  
24 Act, or Section 5-6-3.3 of the Unified Code of  
25 Corrections; and

26 (F) Arrests or charges not initiated by arrest



1 resulting in felony convictions unless otherwise  
2 excluded by subsection (a) paragraph (3) of this  
3 Section.

4 (3) When Records Are Eligible to Be Sealed. Records  
5 identified as eligible under subsection (c)(2) may be  
6 sealed as follows:

7 (A) Records identified as eligible under  
8 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
9 time.

10 (B) Except as otherwise provided in subparagraph  
11 (E) of this paragraph (3), records identified as  
12 eligible under subsection (c)(2)(C) may be sealed 2  
13 years after the termination of petitioner's last  
14 sentence (as defined in subsection (a)(1)(F)).

15 (C) Except as otherwise provided in subparagraph  
16 (E) of this paragraph (3), records identified as  
17 eligible under subsections (c)(2)(D), (c)(2)(E), and  
18 (c)(2)(F) may be sealed 3 years after the termination  
19 of the petitioner's last sentence (as defined in  
20 subsection (a)(1)(F)). Convictions requiring public  
21 registration under the Arsonist Registration Act, the  
22 Sex Offender Registration Act, or the Murderer and  
23 Violent Offender Against Youth Registration Act may  
24 not be sealed until the petitioner is no longer  
25 required to register under that relevant Act.

26 (D) Records identified in subsection

1 (a) (3) (A) (iii) may be sealed after the petitioner has  
2 reached the age of 25 years.

3 (E) Records identified as eligible under  
4 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or  
5 (c) (2) (F) may be sealed upon termination of the  
6 petitioner's last sentence if the petitioner earned a  
7 high school diploma, associate's degree, career  
8 certificate, vocational technical certification, or  
9 bachelor's degree, or passed the high school level Test  
10 of General Educational Development, during the period  
11 of his or her sentence or mandatory supervised release.  
12 This subparagraph shall apply only to a petitioner who  
13 has not completed the same educational goal prior to  
14 the period of his or her sentence or mandatory  
15 supervised release. If a petition for sealing eligible  
16 records filed under this subparagraph is denied by the  
17 court, the time periods under subparagraph (B) or (C)  
18 shall apply to any subsequent petition for sealing  
19 filed by the petitioner.

20 (4) Subsequent felony convictions. A person may not  
21 have subsequent felony conviction records sealed as  
22 provided in this subsection (c) if he or she is convicted  
23 of any felony offense after the date of the sealing of  
24 prior felony convictions as provided in this subsection  
25 (c). The court may, upon conviction for a subsequent felony  
26 offense, order the unsealing of prior felony conviction

1 records previously ordered sealed by the court.

2 (5) Notice of eligibility for sealing. Upon entry of a  
3 disposition for an eligible record under this subsection  
4 (c), the petitioner shall be informed by the court of the  
5 right to have the records sealed and the procedures for the  
6 sealing of the records.

7 (d) Procedure. The following procedures apply to  
8 expungement under subsections (b), (e), and (e-6) and sealing  
9 under subsections (c) and (e-5):

10 (1) Filing the petition. Upon becoming eligible to  
11 petition for the expungement or sealing of records under  
12 this Section, the petitioner shall file a petition  
13 requesting the expungement or sealing of records with the  
14 clerk of the court where the arrests occurred or the  
15 charges were brought, or both. If arrests occurred or  
16 charges were brought in multiple jurisdictions, a petition  
17 must be filed in each such jurisdiction. The petitioner  
18 shall pay the applicable fee, except no fee shall be  
19 required if the petitioner has obtained a court order  
20 waiving fees under Supreme Court Rule 298 or it is  
21 otherwise waived.

22 (1.5) County fee waiver pilot program. From August 9,  
23 2019 (the effective date of Public Act 101-306) through  
24 December 31, 2020, in a county of 3,000,000 or more  
25 inhabitants, no fee shall be required to be paid by a  
26 petitioner if the records sought to be expunged or sealed

1           were arrests resulting in release without charging or  
2           arrests or charges not initiated by arrest resulting in  
3           acquittal, dismissal, or conviction when the conviction  
4           was reversed or vacated, unless excluded by subsection  
5           (a)(3)(B). The provisions of this paragraph (1.5), other  
6           than this sentence, are inoperative on and after January 1,  
7           2021.

8           (2) Contents of petition. The petition shall be  
9           verified and shall contain the petitioner's name, date of  
10          birth, current address and, for each arrest or charge not  
11          initiated by arrest sought to be sealed or expunged, the  
12          case number, the date of arrest (if any), the identity of  
13          the arresting authority, and such other information as the  
14          court may require. During the pendency of the proceeding,  
15          the petitioner shall promptly notify the circuit court  
16          clerk of any change of his or her address. If the  
17          petitioner has received a certificate of eligibility for  
18          sealing from the Prisoner Review Board under paragraph (10)  
19          of subsection (a) of Section 3-3-2 of the Unified Code of  
20          Corrections, the certificate shall be attached to the  
21          petition.

22          (3) Drug test. The petitioner must attach to the  
23          petition proof that the petitioner has passed a test taken  
24          within 30 days before the filing of the petition showing  
25          the absence within his or her body of all illegal  
26          substances as defined by the Illinois Controlled

1 Substances Act, the Methamphetamine Control and Community  
2 Protection Act, and the Cannabis Control Act if he or she  
3 is petitioning to:

4 (A) seal felony records under clause (c) (2) (E);

5 (B) seal felony records for a violation of the  
6 Illinois Controlled Substances Act, the  
7 Methamphetamine Control and Community Protection Act,  
8 or the Cannabis Control Act under clause (c) (2) (F);

9 (C) seal felony records under subsection (e-5); or

10 (D) expunge felony records of a qualified  
11 probation under clause (b) (1) (iv).

12 (4) Service of petition. The circuit court clerk shall  
13 promptly serve a copy of the petition and documentation to  
14 support the petition under subsection (e-5) or (e-6) on the  
15 State's Attorney or prosecutor charged with the duty of  
16 prosecuting the offense, the Department of State Police,  
17 the arresting agency and the chief legal officer of the  
18 unit of local government effecting the arrest.

19 (5) Objections.

20 (A) Any party entitled to notice of the petition  
21 may file an objection to the petition. All objections  
22 shall be in writing, shall be filed with the circuit  
23 court clerk, and shall state with specificity the basis  
24 of the objection. Whenever a person who has been  
25 convicted of an offense is granted a pardon by the  
26 Governor which specifically authorizes expungement, an

1 objection to the petition may not be filed.

2 (B) Objections to a petition to expunge or seal  
3 must be filed within 60 days of the date of service of  
4 the petition.

5 (6) Entry of order.

6 (A) The Chief Judge of the circuit wherein the  
7 charge was brought, any judge of that circuit  
8 designated by the Chief Judge, or in counties of less  
9 than 3,000,000 inhabitants, the presiding trial judge  
10 at the petitioner's trial, if any, shall rule on the  
11 petition to expunge or seal as set forth in this  
12 subsection (d) (6).

13 (B) Unless the State's Attorney or prosecutor, the  
14 Department of State Police, the arresting agency, or  
15 the chief legal officer files an objection to the  
16 petition to expunge or seal within 60 days from the  
17 date of service of the petition, the court shall enter  
18 an order granting or denying the petition.

19 (C) Notwithstanding any other provision of law,  
20 the court shall not deny a petition for sealing under  
21 this Section because the petitioner has not satisfied  
22 an outstanding legal financial obligation established,  
23 imposed, or originated by a court, law enforcement  
24 agency, or a municipal, State, county, or other unit of  
25 local government, including, but not limited to, any  
26 cost, assessment, fine, or fee. An outstanding legal

1 financial obligation does not include any court  
2 ordered restitution to a victim under Section 5-5-6 of  
3 the Unified Code of Corrections, unless the  
4 restitution has been converted to a civil judgment.  
5 Nothing in this subparagraph (C) waives, rescinds, or  
6 abrogates a legal financial obligation or otherwise  
7 eliminates or affects the right of the holder of any  
8 financial obligation to pursue collection under  
9 applicable federal, State, or local law.

10 (7) Hearings. If an objection is filed, the court shall  
11 set a date for a hearing and notify the petitioner and all  
12 parties entitled to notice of the petition of the hearing  
13 date at least 30 days prior to the hearing. Prior to the  
14 hearing, the State's Attorney shall consult with the  
15 Department as to the appropriateness of the relief sought  
16 in the petition to expunge or seal. At the hearing, the  
17 court shall hear evidence on whether the petition should or  
18 should not be granted, and shall grant or deny the petition  
19 to expunge or seal the records based on the evidence  
20 presented at the hearing. The court may consider the  
21 following:

22 (A) the strength of the evidence supporting the  
23 defendant's conviction;

24 (B) the reasons for retention of the conviction  
25 records by the State;

26 (C) the petitioner's age, criminal record history,

1 and employment history;

2 (D) the period of time between the petitioner's  
3 arrest on the charge resulting in the conviction and  
4 the filing of the petition under this Section; and

5 (E) the specific adverse consequences the  
6 petitioner may be subject to if the petition is denied.

7 (8) Service of order. After entering an order to  
8 expunge or seal records, the court must provide copies of  
9 the order to the Department, in a form and manner  
10 prescribed by the Department, to the petitioner, to the  
11 State's Attorney or prosecutor charged with the duty of  
12 prosecuting the offense, to the arresting agency, to the  
13 chief legal officer of the unit of local government  
14 effecting the arrest, and to such other criminal justice  
15 agencies as may be ordered by the court.

16 (9) Implementation of order.

17 (A) Upon entry of an order to expunge records  
18 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

19 (i) the records shall be expunged (as defined  
20 in subsection (a) (1) (E)) by the arresting agency,  
21 the Department, and any other agency as ordered by  
22 the court, within 60 days of the date of service of  
23 the order, unless a motion to vacate, modify, or  
24 reconsider the order is filed pursuant to  
25 paragraph (12) of subsection (d) of this Section;

26 (ii) the records of the circuit court clerk



1 shall be impounded until further order of the court  
2 upon good cause shown and the name of the  
3 petitioner obliterated on the official index  
4 required to be kept by the circuit court clerk  
5 under Section 16 of the Clerks of Courts Act, but  
6 the order shall not affect any index issued by the  
7 circuit court clerk before the entry of the order;  
8 and

9 (iii) in response to an inquiry for expunged  
10 records, the court, the Department, or the agency  
11 receiving such inquiry, shall reply as it does in  
12 response to inquiries when no records ever  
13 existed.

14 (B) Upon entry of an order to expunge records  
15 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

16 (i) the records shall be expunged (as defined  
17 in subsection (a) (1) (E)) by the arresting agency  
18 and any other agency as ordered by the court,  
19 within 60 days of the date of service of the order,  
20 unless a motion to vacate, modify, or reconsider  
21 the order is filed pursuant to paragraph (12) of  
22 subsection (d) of this Section;

23 (ii) the records of the circuit court clerk  
24 shall be impounded until further order of the court  
25 upon good cause shown and the name of the  
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk  
2 under Section 16 of the Clerks of Courts Act, but  
3 the order shall not affect any index issued by the  
4 circuit court clerk before the entry of the order;

5 (iii) the records shall be impounded by the  
6 Department within 60 days of the date of service of  
7 the order as ordered by the court, unless a motion  
8 to vacate, modify, or reconsider the order is filed  
9 pursuant to paragraph (12) of subsection (d) of  
10 this Section;

11 (iv) records impounded by the Department may  
12 be disseminated by the Department only as required  
13 by law or to the arresting authority, the State's  
14 Attorney, and the court upon a later arrest for the  
15 same or a similar offense or for the purpose of  
16 sentencing for any subsequent felony, and to the  
17 Department of Corrections upon conviction for any  
18 offense; and

19 (v) in response to an inquiry for such records  
20 from anyone not authorized by law to access such  
21 records, the court, the Department, or the agency  
22 receiving such inquiry shall reply as it does in  
23 response to inquiries when no records ever  
24 existed.

25 (B-5) Upon entry of an order to expunge records  
26 under subsection (e-6):

1 (i) the records shall be expunged (as defined  
2 in subsection (a)(1)(E)) by the arresting agency  
3 and any other agency as ordered by the court,  
4 within 60 days of the date of service of the order,  
5 unless a motion to vacate, modify, or reconsider  
6 the order is filed under paragraph (12) of  
7 subsection (d) of this Section;

8 (ii) the records of the circuit court clerk  
9 shall be impounded until further order of the court  
10 upon good cause shown and the name of the  
11 petitioner obliterated on the official index  
12 required to be kept by the circuit court clerk  
13 under Section 16 of the Clerks of Courts Act, but  
14 the order shall not affect any index issued by the  
15 circuit court clerk before the entry of the order;

16 (iii) the records shall be impounded by the  
17 Department within 60 days of the date of service of  
18 the order as ordered by the court, unless a motion  
19 to vacate, modify, or reconsider the order is filed  
20 under paragraph (12) of subsection (d) of this  
21 Section;

22 (iv) records impounded by the Department may  
23 be disseminated by the Department only as required  
24 by law or to the arresting authority, the State's  
25 Attorney, and the court upon a later arrest for the  
26 same or a similar offense or for the purpose of

1 sentencing for any subsequent felony, and to the  
2 Department of Corrections upon conviction for any  
3 offense; and

4 (v) in response to an inquiry for these records  
5 from anyone not authorized by law to access the  
6 records, the court, the Department, or the agency  
7 receiving the inquiry shall reply as it does in  
8 response to inquiries when no records ever  
9 existed.

10 (C) Upon entry of an order to seal records under  
11 subsection (c), the arresting agency, any other agency  
12 as ordered by the court, the Department, and the court  
13 shall seal the records (as defined in subsection  
14 (a) (1) (K)). In response to an inquiry for such records,  
15 from anyone not authorized by law to access such  
16 records, the court, the Department, or the agency  
17 receiving such inquiry shall reply as it does in  
18 response to inquiries when no records ever existed.

19 (D) The Department shall send written notice to the  
20 petitioner of its compliance with each order to expunge  
21 or seal records within 60 days of the date of service  
22 of that order or, if a motion to vacate, modify, or  
23 reconsider is filed, within 60 days of service of the  
24 order resolving the motion, if that order requires the  
25 Department to expunge or seal records. In the event of  
26 an appeal from the circuit court order, the Department

1 shall send written notice to the petitioner of its  
2 compliance with an Appellate Court or Supreme Court  
3 judgment to expunge or seal records within 60 days of  
4 the issuance of the court's mandate. The notice is not  
5 required while any motion to vacate, modify, or  
6 reconsider, or any appeal or petition for  
7 discretionary appellate review, is pending.

8 (E) Upon motion, the court may order that a sealed  
9 judgment or other court record necessary to  
10 demonstrate the amount of any legal financial  
11 obligation due and owing be made available for the  
12 limited purpose of collecting any legal financial  
13 obligations owed by the petitioner that were  
14 established, imposed, or originated in the criminal  
15 proceeding for which those records have been sealed.  
16 The records made available under this subparagraph (E)  
17 shall not be entered into the official index required  
18 to be kept by the circuit court clerk under Section 16  
19 of the Clerks of Courts Act and shall be immediately  
20 re-impounded upon the collection of the outstanding  
21 financial obligations.

22 (F) Notwithstanding any other provision of this  
23 Section, a circuit court clerk may access a sealed  
24 record for the limited purpose of collecting payment  
25 for any legal financial obligations that were  
26 established, imposed, or originated in the criminal

1 proceedings for which those records have been sealed.

2 (10) Fees. The Department may charge the petitioner a  
3 fee equivalent to the cost of processing any order to  
4 expunge or seal records. Notwithstanding any provision of  
5 the Clerks of Courts Act to the contrary, the circuit court  
6 clerk may charge a fee equivalent to the cost associated  
7 with the sealing or expungement of records by the circuit  
8 court clerk. From the total filing fee collected for the  
9 petition to seal or expunge, the circuit court clerk shall  
10 deposit \$10 into the Circuit Court Clerk Operation and  
11 Administrative Fund, to be used to offset the costs  
12 incurred by the circuit court clerk in performing the  
13 additional duties required to serve the petition to seal or  
14 expunge on all parties. The circuit court clerk shall  
15 collect and remit forward the Department of State Police  
16 portion of the fee to the State Treasurer Department and it  
17 shall be deposited in the State Police Services Fund. If  
18 the record brought under an expungement petition was  
19 previously sealed under this Section, the fee for the  
20 expungement petition for that same record shall be waived.

21 (11) Final Order. No court order issued under the  
22 expungement or sealing provisions of this Section shall  
23 become final for purposes of appeal until 30 days after  
24 service of the order on the petitioner and all parties  
25 entitled to notice of the petition.

26 (12) Motion to Vacate, Modify, or Reconsider. Under

1 Section 2-1203 of the Code of Civil Procedure, the  
2 petitioner or any party entitled to notice may file a  
3 motion to vacate, modify, or reconsider the order granting  
4 or denying the petition to expunge or seal within 60 days  
5 of service of the order. If filed more than 60 days after  
6 service of the order, a petition to vacate, modify, or  
7 reconsider shall comply with subsection (c) of Section  
8 2-1401 of the Code of Civil Procedure. Upon filing of a  
9 motion to vacate, modify, or reconsider, notice of the  
10 motion shall be served upon the petitioner and all parties  
11 entitled to notice of the petition.

12 (13) Effect of Order. An order granting a petition  
13 under the expungement or sealing provisions of this Section  
14 shall not be considered void because it fails to comply  
15 with the provisions of this Section or because of any error  
16 asserted in a motion to vacate, modify, or reconsider. The  
17 circuit court retains jurisdiction to determine whether  
18 the order is voidable and to vacate, modify, or reconsider  
19 its terms based on a motion filed under paragraph (12) of  
20 this subsection (d).

21 (14) Compliance with Order Granting Petition to Seal  
22 Records. Unless a court has entered a stay of an order  
23 granting a petition to seal, all parties entitled to notice  
24 of the petition must fully comply with the terms of the  
25 order within 60 days of service of the order even if a  
26 party is seeking relief from the order through a motion

1 filed under paragraph (12) of this subsection (d) or is  
2 appealing the order.

3 (15) Compliance with Order Granting Petition to  
4 Expunge Records. While a party is seeking relief from the  
5 order granting the petition to expunge through a motion  
6 filed under paragraph (12) of this subsection (d) or is  
7 appealing the order, and unless a court has entered a stay  
8 of that order, the parties entitled to notice of the  
9 petition must seal, but need not expunge, the records until  
10 there is a final order on the motion for relief or, in the  
11 case of an appeal, the issuance of that court's mandate.

12 (16) The changes to this subsection (d) made by Public  
13 Act 98-163 apply to all petitions pending on August 5, 2013  
14 (the effective date of Public Act 98-163) and to all orders  
15 ruling on a petition to expunge or seal on or after August  
16 5, 2013 (the effective date of Public Act 98-163).

17 (e) Whenever a person who has been convicted of an offense  
18 is granted a pardon by the Governor which specifically  
19 authorizes expungement, he or she may, upon verified petition  
20 to the Chief Judge of the circuit where the person had been  
21 convicted, any judge of the circuit designated by the Chief  
22 Judge, or in counties of less than 3,000,000 inhabitants, the  
23 presiding trial judge at the defendant's trial, have a court  
24 order entered expunging the record of arrest from the official  
25 records of the arresting authority and order that the records  
26 of the circuit court clerk and the Department be sealed until



1 further order of the court upon good cause shown or as  
2 otherwise provided herein, and the name of the defendant  
3 obliterated from the official index requested to be kept by the  
4 circuit court clerk under Section 16 of the Clerks of Courts  
5 Act in connection with the arrest and conviction for the  
6 offense for which he or she had been pardoned but the order  
7 shall not affect any index issued by the circuit court clerk  
8 before the entry of the order. All records sealed by the  
9 Department may be disseminated by the Department only to the  
10 arresting authority, the State's Attorney, and the court upon a  
11 later arrest for the same or similar offense or for the purpose  
12 of sentencing for any subsequent felony. Upon conviction for  
13 any subsequent offense, the Department of Corrections shall  
14 have access to all sealed records of the Department pertaining  
15 to that individual. Upon entry of the order of expungement, the  
16 circuit court clerk shall promptly mail a copy of the order to  
17 the person who was pardoned.

18 (e-5) Whenever a person who has been convicted of an  
19 offense is granted a certificate of eligibility for sealing by  
20 the Prisoner Review Board which specifically authorizes  
21 sealing, he or she may, upon verified petition to the Chief  
22 Judge of the circuit where the person had been convicted, any  
23 judge of the circuit designated by the Chief Judge, or in  
24 counties of less than 3,000,000 inhabitants, the presiding  
25 trial judge at the petitioner's trial, have a court order  
26 entered sealing the record of arrest from the official records

1 of the arresting authority and order that the records of the  
2 circuit court clerk and the Department be sealed until further  
3 order of the court upon good cause shown or as otherwise  
4 provided herein, and the name of the petitioner obliterated  
5 from the official index requested to be kept by the circuit  
6 court clerk under Section 16 of the Clerks of Courts Act in  
7 connection with the arrest and conviction for the offense for  
8 which he or she had been granted the certificate but the order  
9 shall not affect any index issued by the circuit court clerk  
10 before the entry of the order. All records sealed by the  
11 Department may be disseminated by the Department only as  
12 required by this Act or to the arresting authority, a law  
13 enforcement agency, the State's Attorney, and the court upon a  
14 later arrest for the same or similar offense or for the purpose  
15 of sentencing for any subsequent felony. Upon conviction for  
16 any subsequent offense, the Department of Corrections shall  
17 have access to all sealed records of the Department pertaining  
18 to that individual. Upon entry of the order of sealing, the  
19 circuit court clerk shall promptly mail a copy of the order to  
20 the person who was granted the certificate of eligibility for  
21 sealing.

22 (e-6) Whenever a person who has been convicted of an  
23 offense is granted a certificate of eligibility for expungement  
24 by the Prisoner Review Board which specifically authorizes  
25 expungement, he or she may, upon verified petition to the Chief  
26 Judge of the circuit where the person had been convicted, any

1 judge of the circuit designated by the Chief Judge, or in  
2 counties of less than 3,000,000 inhabitants, the presiding  
3 trial judge at the petitioner's trial, have a court order  
4 entered expunging the record of arrest from the official  
5 records of the arresting authority and order that the records  
6 of the circuit court clerk and the Department be sealed until  
7 further order of the court upon good cause shown or as  
8 otherwise provided herein, and the name of the petitioner  
9 obliterated from the official index requested to be kept by the  
10 circuit court clerk under Section 16 of the Clerks of Courts  
11 Act in connection with the arrest and conviction for the  
12 offense for which he or she had been granted the certificate  
13 but the order shall not affect any index issued by the circuit  
14 court clerk before the entry of the order. All records sealed  
15 by the Department may be disseminated by the Department only as  
16 required by this Act or to the arresting authority, a law  
17 enforcement agency, the State's Attorney, and the court upon a  
18 later arrest for the same or similar offense or for the purpose  
19 of sentencing for any subsequent felony. Upon conviction for  
20 any subsequent offense, the Department of Corrections shall  
21 have access to all expunged records of the Department  
22 pertaining to that individual. Upon entry of the order of  
23 expungement, the circuit court clerk shall promptly mail a copy  
24 of the order to the person who was granted the certificate of  
25 eligibility for expungement.

26 (f) Subject to available funding, the Illinois Department

1 of Corrections shall conduct a study of the impact of sealing,  
2 especially on employment and recidivism rates, utilizing a  
3 random sample of those who apply for the sealing of their  
4 criminal records under Public Act 93-211. At the request of the  
5 Illinois Department of Corrections, records of the Illinois  
6 Department of Employment Security shall be utilized as  
7 appropriate to assist in the study. The study shall not  
8 disclose any data in a manner that would allow the  
9 identification of any particular individual or employing unit.  
10 The study shall be made available to the General Assembly no  
11 later than September 1, 2010.

12 (g) Immediate Sealing.

13 (1) Applicability. Notwithstanding any other provision  
14 of this Act to the contrary, and cumulative with any rights  
15 to expungement or sealing of criminal records, this  
16 subsection authorizes the immediate sealing of criminal  
17 records of adults and of minors prosecuted as adults.

18 (2) Eligible Records. Arrests or charges not initiated  
19 by arrest resulting in acquittal or dismissal with  
20 prejudice, except as excluded by subsection (a)(3)(B),  
21 that occur on or after January 1, 2018 (the effective date  
22 of Public Act 100-282), may be sealed immediately if the  
23 petition is filed with the circuit court clerk on the same  
24 day and during the same hearing in which the case is  
25 disposed.

26 (3) When Records are Eligible to be Immediately Sealed.

1 Eligible records under paragraph (2) of this subsection (g)  
2 may be sealed immediately after entry of the final  
3 disposition of a case, notwithstanding the disposition of  
4 other charges in the same case.

5 (4) Notice of Eligibility for Immediate Sealing. Upon  
6 entry of a disposition for an eligible record under this  
7 subsection (g), the defendant shall be informed by the  
8 court of his or her right to have eligible records  
9 immediately sealed and the procedure for the immediate  
10 sealing of these records.

11 (5) Procedure. The following procedures apply to  
12 immediate sealing under this subsection (g).

13 (A) Filing the Petition. Upon entry of the final  
14 disposition of the case, the defendant's attorney may  
15 immediately petition the court, on behalf of the  
16 defendant, for immediate sealing of eligible records  
17 under paragraph (2) of this subsection (g) that are  
18 entered on or after January 1, 2018 (the effective date  
19 of Public Act 100-282). The immediate sealing petition  
20 may be filed with the circuit court clerk during the  
21 hearing in which the final disposition of the case is  
22 entered. If the defendant's attorney does not file the  
23 petition for immediate sealing during the hearing, the  
24 defendant may file a petition for sealing at any time  
25 as authorized under subsection (c) (3) (A).

26 (B) Contents of Petition. The immediate sealing

1 petition shall be verified and shall contain the  
2 petitioner's name, date of birth, current address, and  
3 for each eligible record, the case number, the date of  
4 arrest if applicable, the identity of the arresting  
5 authority if applicable, and other information as the  
6 court may require.

7 (C) Drug Test. The petitioner shall not be required  
8 to attach proof that he or she has passed a drug test.

9 (D) Service of Petition. A copy of the petition  
10 shall be served on the State's Attorney in open court.  
11 The petitioner shall not be required to serve a copy of  
12 the petition on any other agency.

13 (E) Entry of Order. The presiding trial judge shall  
14 enter an order granting or denying the petition for  
15 immediate sealing during the hearing in which it is  
16 filed. Petitions for immediate sealing shall be ruled  
17 on in the same hearing in which the final disposition  
18 of the case is entered.

19 (F) Hearings. The court shall hear the petition for  
20 immediate sealing on the same day and during the same  
21 hearing in which the disposition is rendered.

22 (G) Service of Order. An order to immediately seal  
23 eligible records shall be served in conformance with  
24 subsection (d) (8).

25 (H) Implementation of Order. An order to  
26 immediately seal records shall be implemented in

1 conformance with subsections (d) (9) (C) and (d) (9) (D).

2 (I) Fees. The fee imposed by the circuit court  
3 clerk and the Department of State Police shall comply  
4 with paragraph (1) of subsection (d) of this Section.

5 (J) Final Order. No court order issued under this  
6 subsection (g) shall become final for purposes of  
7 appeal until 30 days after service of the order on the  
8 petitioner and all parties entitled to service of the  
9 order in conformance with subsection (d) (8).

10 (K) Motion to Vacate, Modify, or Reconsider. Under  
11 Section 2-1203 of the Code of Civil Procedure, the  
12 petitioner, State's Attorney, or the Department of  
13 State Police may file a motion to vacate, modify, or  
14 reconsider the order denying the petition to  
15 immediately seal within 60 days of service of the  
16 order. If filed more than 60 days after service of the  
17 order, a petition to vacate, modify, or reconsider  
18 shall comply with subsection (c) of Section 2-1401 of  
19 the Code of Civil Procedure.

20 (L) Effect of Order. An order granting an immediate  
21 sealing petition shall not be considered void because  
22 it fails to comply with the provisions of this Section  
23 or because of an error asserted in a motion to vacate,  
24 modify, or reconsider. The circuit court retains  
25 jurisdiction to determine whether the order is  
26 voidable, and to vacate, modify, or reconsider its

1 terms based on a motion filed under subparagraph (L) of  
2 this subsection (g).

3 (M) Compliance with Order Granting Petition to  
4 Seal Records. Unless a court has entered a stay of an  
5 order granting a petition to immediately seal, all  
6 parties entitled to service of the order must fully  
7 comply with the terms of the order within 60 days of  
8 service of the order.

9 (h) Sealing; trafficking victims.

10 (1) A trafficking victim as defined by paragraph (10)  
11 of subsection (a) of Section 10-9 of the Criminal Code of  
12 2012 shall be eligible to petition for immediate sealing of  
13 his or her criminal record upon the completion of his or  
14 her last sentence if his or her participation in the  
15 underlying offense was a direct result of human trafficking  
16 under Section 10-9 of the Criminal Code of 2012 or a severe  
17 form of trafficking under the federal Trafficking Victims  
18 Protection Act.

19 (2) A petitioner under this subsection (h), in addition  
20 to the requirements provided under paragraph (4) of  
21 subsection (d) of this Section, shall include in his or her  
22 petition a clear and concise statement that: (A) he or she  
23 was a victim of human trafficking at the time of the  
24 offense; and (B) that his or her participation in the  
25 offense was a direct result of human trafficking under  
26 Section 10-9 of the Criminal Code of 2012 or a severe form



1 of trafficking under the federal Trafficking Victims  
2 Protection Act.

3 (3) If an objection is filed alleging that the  
4 petitioner is not entitled to immediate sealing under this  
5 subsection (h), the court shall conduct a hearing under  
6 paragraph (7) of subsection (d) of this Section and the  
7 court shall determine whether the petitioner is entitled to  
8 immediate sealing under this subsection (h). A petitioner  
9 is eligible for immediate relief under this subsection (h)  
10 if he or she shows, by a preponderance of the evidence,  
11 that: (A) he or she was a victim of human trafficking at  
12 the time of the offense; and (B) that his or her  
13 participation in the offense was a direct result of human  
14 trafficking under Section 10-9 of the Criminal Code of 2012  
15 or a severe form of trafficking under the federal  
16 Trafficking Victims Protection Act.

17 (i) Minor Cannabis Offenses under the Cannabis Control Act.

18 (1) Expungement of Arrest Records of Minor Cannabis  
19 Offenses.

20 (A) The Department of State Police and all law  
21 enforcement agencies within the State shall  
22 automatically expunge all criminal history records of  
23 an arrest, charge not initiated by arrest, order of  
24 supervision, or order of qualified probation for a  
25 Minor Cannabis Offense committed prior to June 25, 2019  
26 (the effective date of Public Act 101-27) if:

1 (i) One year or more has elapsed since the date  
2 of the arrest or law enforcement interaction  
3 documented in the records; and

4 (ii) No criminal charges were filed relating  
5 to the arrest or law enforcement interaction or  
6 criminal charges were filed and subsequently  
7 dismissed or vacated or the arrestee was  
8 acquitted.

9 (B) If the law enforcement agency is unable to  
10 verify satisfaction of condition (ii) in paragraph  
11 (A), records that satisfy condition (i) in paragraph  
12 (A) shall be automatically expunged.

13 (C) Records shall be expunged by the law  
14 enforcement agency under the following timelines:

15 (i) Records created prior to June 25, 2019 (the  
16 effective date of Public Act 101-27), but on or  
17 after January 1, 2013, shall be automatically  
18 expunged prior to January 1, 2021;

19 (ii) Records created prior to January 1, 2013,  
20 but on or after January 1, 2000, shall be  
21 automatically expunged prior to January 1, 2023;

22 (iii) Records created prior to January 1, 2000  
23 shall be automatically expunged prior to January  
24 1, 2025.

25 In response to an inquiry for expunged records, the  
26 law enforcement agency receiving such inquiry shall

1           reply as it does in response to inquiries when no  
2 records ever existed; however, it shall provide a  
3 certificate of disposition or confirmation that the  
4 record was expunged to the individual whose record was  
5 expunged if such a record exists.

6           (D) Nothing in this Section shall be construed to  
7 restrict or modify an individual's right to have that  
8 individual's records expunged except as otherwise may  
9 be provided in this Act, or diminish or abrogate any  
10 rights or remedies otherwise available to the  
11 individual.

12           (2) Pardons Authorizing Expungement of Minor Cannabis  
13 Offenses.

14           (A) Upon June 25, 2019 (the effective date of  
15 Public Act 101-27), the Department of State Police  
16 shall review all criminal history record information  
17 and identify all records that meet all of the following  
18 criteria:

19                   (i) one or more convictions for a Minor  
20 Cannabis Offense;

21                   (ii) the conviction identified in paragraph  
22 (2) (A) (i) did not include a penalty enhancement  
23 under Section 7 of the Cannabis Control Act; and

24                   (iii) the conviction identified in paragraph  
25 (2) (A) (i) is not associated with a conviction for a  
26 violent crime as defined in subsection (c) of

1           Section 3 of the Rights of Crime Victims and  
2           Witnesses Act.

3           (B) Within 180 days after June 25, 2019 (the  
4           effective date of Public Act 101-27), the Department of  
5           State Police shall notify the Prisoner Review Board of  
6           all such records that meet the criteria established in  
7           paragraph (2) (A) .

8                   (i) The Prisoner Review Board shall notify the  
9                   State's Attorney of the county of conviction of  
10                   each record identified by State Police in  
11                   paragraph (2) (A) that is classified as a Class 4  
12                   felony. The State's Attorney may provide a written  
13                   objection to the Prisoner Review Board on the sole  
14                   basis that the record identified does not meet the  
15                   criteria established in paragraph (2) (A) . Such an  
16                   objection must be filed within 60 days or by such  
17                   later date set by Prisoner Review Board in the  
18                   notice after the State's Attorney received notice  
19                   from the Prisoner Review Board.

20                   (ii) In response to a written objection from a  
21                   State's Attorney, the Prisoner Review Board is  
22                   authorized to conduct a non-public hearing to  
23                   evaluate the information provided in the  
24                   objection.

25                   (iii) The Prisoner Review Board shall make a  
26                   confidential and privileged recommendation to the

1 Governor as to whether to grant a pardon  
2 authorizing expungement for each of the records  
3 identified by the Department of State Police as  
4 described in paragraph (2) (A).

5 (C) If an individual has been granted a pardon  
6 authorizing expungement as described in this Section,  
7 the Prisoner Review Board, through the Attorney  
8 General, shall file a petition for expungement with the  
9 Chief Judge of the circuit or any judge of the circuit  
10 designated by the Chief Judge where the individual had  
11 been convicted. Such petition may include more than one  
12 individual. Whenever an individual who has been  
13 convicted of an offense is granted a pardon by the  
14 Governor that specifically authorizes expungement, an  
15 objection to the petition may not be filed. Petitions  
16 to expunge under this subsection (i) may include more  
17 than one individual. Within 90 days of the filing of  
18 such a petition, the court shall enter an order  
19 expunging the records of arrest from the official  
20 records of the arresting authority and order that the  
21 records of the circuit court clerk and the Department  
22 of State Police be expunged and the name of the  
23 defendant obliterated from the official index  
24 requested to be kept by the circuit court clerk under  
25 Section 16 of the Clerks of Courts Act in connection  
26 with the arrest and conviction for the offense for

1           which the individual had received a pardon but the  
2           order shall not affect any index issued by the circuit  
3           court clerk before the entry of the order. Upon entry  
4           of the order of expungement, the circuit court clerk  
5           shall promptly provide a copy of the order and a  
6           certificate of disposition to the individual who was  
7           pardoned to the individual's last known address or by  
8           electronic means (if available) or otherwise make it  
9           available to the individual upon request.

10           (D) Nothing in this Section is intended to diminish  
11           or abrogate any rights or remedies otherwise available  
12           to the individual.

13           (3) Any individual may file a motion to vacate and  
14           expunge a conviction for a misdemeanor or Class 4 felony  
15           violation of Section 4 or Section 5 of the Cannabis Control  
16           Act. Motions to vacate and expunge under this subsection  
17           (i) may be filed with the circuit court, Chief Judge of a  
18           judicial circuit or any judge of the circuit designated by  
19           the Chief Judge. The circuit court clerk shall promptly  
20           serve a copy of the motion to vacate and expunge, and any  
21           supporting documentation, on the State's Attorney or  
22           prosecutor charged with the duty of prosecuting the  
23           offense. When considering such a motion to vacate and  
24           expunge, a court shall consider the following: the reasons  
25           to retain the records provided by law enforcement, the  
26           petitioner's age, the petitioner's age at the time of

1 offense, the time since the conviction, and the specific  
2 adverse consequences if denied. An individual may file such  
3 a petition after the completion of any non-financial  
4 sentence or non-financial condition imposed by the  
5 conviction. Within 60 days of the filing of such motion, a  
6 State's Attorney may file an objection to such a petition  
7 along with supporting evidence. If a motion to vacate and  
8 expunge is granted, the records shall be expunged in  
9 accordance with subparagraphs (d) (8) and (d) (9) (A) of this  
10 Section. An agency providing civil legal aid, as defined by  
11 Section 15 of the Public Interest Attorney Assistance Act,  
12 assisting individuals seeking to file a motion to vacate  
13 and expunge under this subsection may file motions to  
14 vacate and expunge with the Chief Judge of a judicial  
15 circuit or any judge of the circuit designated by the Chief  
16 Judge, and the motion may include more than one individual.  
17 Motions filed by an agency providing civil legal aid  
18 concerning more than one individual may be prepared,  
19 presented, and signed electronically.

20 (4) Any State's Attorney may file a motion to vacate  
21 and expunge a conviction for a misdemeanor or Class 4  
22 felony violation of Section 4 or Section 5 of the Cannabis  
23 Control Act. Motions to vacate and expunge under this  
24 subsection (i) may be filed with the circuit court, Chief  
25 Judge of a judicial circuit or any judge of the circuit  
26 designated by the Chief Judge, and may include more than

1 one individual. Motions filed by a State's Attorney  
2 concerning more than one individual may be prepared,  
3 presented, and signed electronically. When considering  
4 such a motion to vacate and expunge, a court shall consider  
5 the following: the reasons to retain the records provided  
6 by law enforcement, the individual's age, the individual's  
7 age at the time of offense, the time since the conviction,  
8 and the specific adverse consequences if denied. Upon entry  
9 of an order granting a motion to vacate and expunge records  
10 pursuant to this Section, the State's Attorney shall notify  
11 the Prisoner Review Board within 30 days. Upon entry of the  
12 order of expungement, the circuit court clerk shall  
13 promptly provide a copy of the order and a certificate of  
14 disposition to the individual whose records will be  
15 expunged to the individual's last known address or by  
16 electronic means (if available) or otherwise make  
17 available to the individual upon request. If a motion to  
18 vacate and expunge is granted, the records shall be  
19 expunged in accordance with subparagraphs (d)(8) and  
20 (d)(9)(A) of this Section.

21 (5) In the public interest, the State's Attorney of a  
22 county has standing to file motions to vacate and expunge  
23 pursuant to this Section in the circuit court with  
24 jurisdiction over the underlying conviction.

25 (6) If a person is arrested for a Minor Cannabis  
26 Offense as defined in this Section before June 25, 2019



1 (the effective date of Public Act 101-27) and the person's  
2 case is still pending but a sentence has not been imposed,  
3 the person may petition the court in which the charges are  
4 pending for an order to summarily dismiss those charges  
5 against him or her, and expunge all official records of his  
6 or her arrest, plea, trial, conviction, incarceration,  
7 supervision, or expungement. If the court determines, upon  
8 review, that: (A) the person was arrested before June 25,  
9 2019 (the effective date of Public Act 101-27) for an  
10 offense that has been made eligible for expungement; (B)  
11 the case is pending at the time; and (C) the person has not  
12 been sentenced of the minor cannabis violation eligible for  
13 expungement under this subsection, the court shall  
14 consider the following: the reasons to retain the records  
15 provided by law enforcement, the petitioner's age, the  
16 petitioner's age at the time of offense, the time since the  
17 conviction, and the specific adverse consequences if  
18 denied. If a motion to dismiss and expunge is granted, the  
19 records shall be expunged in accordance with subparagraph  
20 (d) (9) (A) of this Section.

21 (7) A person imprisoned solely as a result of one or  
22 more convictions for Minor Cannabis Offenses under this  
23 subsection (i) shall be released from incarceration upon  
24 the issuance of an order under this subsection.

25 (8) The Department of State Police shall allow a person  
26 to use the access and review process, established in the

1 Department of State Police, for verifying that his or her  
2 records relating to Minor Cannabis Offenses of the Cannabis  
3 Control Act eligible under this Section have been expunged.

4 (9) No conviction vacated pursuant to this Section  
5 shall serve as the basis for damages for time unjustly  
6 served as provided in the Court of Claims Act.

7 (10) Effect of Expungement. A person's right to expunge  
8 an expungeable offense shall not be limited under this  
9 Section. The effect of an order of expungement shall be to  
10 restore the person to the status he or she occupied before  
11 the arrest, charge, or conviction.

12 (11) Information. The Department of State Police shall  
13 post general information on its website about the  
14 expungement process described in this subsection (i).

15 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;  
16 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.  
17 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,  
18 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
19 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
20 12-4-19.)

21 Section 10. The Illinois Vehicle Code is amended by  
22 changing Section 16-105 as follows:

23 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)  
24 Sec. 16-105. Disposition of fines and forfeitures.

1 (a) Except as provided in Section 15-113 of this Act and  
2 except those amounts subject to disbursement by the circuit  
3 clerk under the Criminal and Traffic Assessment Act, fines and  
4 penalties recovered under the provisions of Chapters 3 through  
5 17 and 18b inclusive of this Code shall be paid and used as  
6 follows:

7 1. For offenses committed upon a highway within the  
8 limits of a city, village, or incorporated town or under  
9 the jurisdiction of any park district, to the treasurer of  
10 the particular city, village, incorporated town or park  
11 district, if the violator was arrested by the authorities  
12 of the city, village, incorporated town or park district,  
13 provided the police officers and officials of cities,  
14 villages, incorporated towns and park districts shall  
15 seasonably prosecute for all fines and penalties under this  
16 Code. If the violation is prosecuted by the authorities of  
17 the county, any fines or penalties recovered shall be paid  
18 to the county treasurer, except that fines and penalties  
19 recovered from violations arrested by the State Police  
20 shall be remitted to the State Treasurer for deposit into  
21 the State Police Law Enforcement Administration Fund.  
22 Provided further that if the violator was arrested by the  
23 State Police, fines and penalties recovered under the  
24 provisions of paragraph (a) of Section 15-113 of this Code  
25 or paragraph (e) of Section 15-316 of this Code shall be  
26 remitted ~~paid over to the Department of State Police which~~

1 ~~shall thereupon remit the amount of the fines and penalties~~  
2 ~~so received~~ to the State Treasurer who shall deposit the  
3 amount so remitted in the special fund in the State  
4 treasury known as the Road Fund except that if the  
5 violation is prosecuted by the State's Attorney, 10% of the  
6 fine or penalty recovered shall be paid to the State's  
7 Attorney as a fee of his office and the balance shall be  
8 remitted to the State Treasurer ~~paid over to the Department~~  
9 ~~of State Police~~ for remittance to and deposit by the State  
10 Treasurer as hereinabove provided.

11 2. Except as provided in paragraph 4, for offenses  
12 committed upon any highway outside the limits of a city,  
13 village, incorporated town or park district, to the county  
14 treasurer of the county where the offense was committed  
15 except if such offense was committed on a highway  
16 maintained by or under the supervision of a township,  
17 township district, or a road district to the Treasurer  
18 thereof for deposit in the road and bridge fund of such  
19 township or other district, except that fines and penalties  
20 recovered from violations arrested by the State Police  
21 shall be remitted to the State Treasurer for deposit into  
22 the State Police Law Enforcement Administration Fund;  
23 provided, that fines and penalties recovered under the  
24 provisions of paragraph (a) of Section 15-113, paragraph  
25 (d) of Section 3-401, or paragraph (e) of Section 15-316 of  
26 this Code shall be remitted ~~paid over to the Department of~~

1 ~~State Police which shall thereupon remit the amount of the~~  
2 ~~finer and penalties so received~~ to the State Treasurer who  
3 shall deposit the amount so remitted in the special fund in  
4 the State treasury known as the Road Fund except that if  
5 the violation is prosecuted by the State's Attorney, 10% of  
6 the fine or penalty recovered shall be paid to the State's  
7 Attorney as a fee of his office and the balance shall be  
8 remitted ~~paid over~~ to the State Treasurer ~~Department of~~  
9 ~~State Police~~ for remittance to and deposit by the State  
10 Treasurer as hereinabove provided.

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

26 4. With regard to violations of overweight and overload

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

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

23 (Source: P.A. 100-987, eff. 7-1-19.)

24 Section 15. The Snowmobile Registration and Safety Act is  
25 amended by changing Section 5-7 as follows:

1 (625 ILCS 40/5-7)

2 Sec. 5-7. Operating a snowmobile while under the influence  
3 of alcohol or other drug or drugs, intoxicating compound or  
4 compounds, or a combination of them; criminal penalties;  
5 suspension of operating privileges.

6 (a) A person may not operate or be in actual physical  
7 control of a snowmobile within this State while:

8 1. The alcohol concentration in that person's blood,  
9 other bodily substance, or breath is a concentration at  
10 which driving a motor vehicle is prohibited under  
11 subdivision (1) of subsection (a) of Section 11-501 of the  
12 Illinois Vehicle Code;

13 2. The person is under the influence of alcohol;

14 3. The person is under the influence of any other drug  
15 or combination of drugs to a degree that renders that  
16 person incapable of safely operating a snowmobile;

17 3.1. The person is under the influence of any  
18 intoxicating compound or combination of intoxicating  
19 compounds to a degree that renders the person incapable of  
20 safely operating a snowmobile;

21 4. The person is under the combined influence of  
22 alcohol and any other drug or drugs or intoxicating  
23 compound or compounds to a degree that renders that person  
24 incapable of safely operating a snowmobile;

25 4.3. The person who is not a CDL holder has a

1 tetrahydrocannabinol concentration in the person's whole  
2 blood or other bodily substance at which driving a motor  
3 vehicle is prohibited under subdivision (7) of subsection  
4 (a) of Section 11-501 of the Illinois Vehicle Code;

5 4.5. The person who is a CDL holder has any amount of a  
6 drug, substance, or compound in the person's breath, blood,  
7 other bodily substance, or urine resulting from the  
8 unlawful use or consumption of cannabis listed in the  
9 Cannabis Control Act; or

10 5. There is any amount of a drug, substance, or  
11 compound in that person's breath, blood, other bodily  
12 substance, or urine resulting from the unlawful use or  
13 consumption of a controlled substance listed in the  
14 Illinois Controlled Substances Act, methamphetamine as  
15 listed in the Methamphetamine Control and Community  
16 Protection Act, or intoxicating compound listed in the use  
17 of Intoxicating Compounds Act.

18 (b) The fact that a person charged with violating this  
19 Section is or has been legally entitled to use alcohol, other  
20 drug or drugs, any intoxicating compound or compounds, or any  
21 combination of them does not constitute a defense against a  
22 charge of violating this Section.

23 (c) Every person convicted of violating this Section or a  
24 similar provision of a local ordinance is guilty of a Class A  
25 misdemeanor, except as otherwise provided in this Section.

26 (c-1) As used in this Section, "first time offender" means



1 any person who has not had a previous conviction or been  
2 assigned supervision for violating this Section or a similar  
3 provision of a local ordinance, or any person who has not had a  
4 suspension imposed under subsection (e) of Section 5-7.1.

5 (c-2) For purposes of this Section, the following are  
6 equivalent to a conviction:

7 (1) a forfeiture of bail or collateral deposited to  
8 secure a defendant's appearance in court when forfeiture  
9 has not been vacated; or

10 (2) the failure of a defendant to appear for trial.

11 (d) Every person convicted of violating this Section is  
12 guilty of a Class 4 felony if:

13 1. The person has a previous conviction under this  
14 Section;

15 2. The offense results in personal injury where a  
16 person other than the operator suffers great bodily harm or  
17 permanent disability or disfigurement, when the violation  
18 was a proximate cause of the injuries. A person guilty of a  
19 Class 4 felony under this paragraph 2, if sentenced to a  
20 term of imprisonment, shall be sentenced to not less than  
21 one year nor more than 12 years; or

22 3. The offense occurred during a period in which the  
23 person's privileges to operate a snowmobile are revoked or  
24 suspended, and the revocation or suspension was for a  
25 violation of this Section or was imposed under Section  
26 5-7.1.

1 (e) Every person convicted of violating this Section is  
2 guilty of a Class 2 felony if the offense results in the death  
3 of a person. A person guilty of a Class 2 felony under this  
4 subsection (e), if sentenced to a term of imprisonment, shall  
5 be sentenced to a term of not less than 3 years and not more  
6 than 14 years.

7 (e-1) Every person convicted of violating this Section or a  
8 similar provision of a local ordinance who had a child under  
9 the age of 16 on board the snowmobile at the time of offense  
10 shall be subject to a mandatory minimum fine of \$500 and shall  
11 be subject to a mandatory minimum of 5 days of community  
12 service in a program benefiting children. The assignment under  
13 this subsection shall not be subject to suspension nor shall  
14 the person be eligible for probation in order to reduce the  
15 assignment.

16 (e-2) Every person found guilty of violating this Section,  
17 whose operation of a snowmobile while in violation of this  
18 Section proximately caused any incident resulting in an  
19 appropriate emergency response, shall be liable for the expense  
20 of an emergency response as provided in subsection (i) of  
21 Section 11-501.01 of the Illinois Vehicle Code.

22 (e-3) In addition to any other penalties and liabilities, a  
23 person who is found guilty of violating this Section, including  
24 any person placed on court supervision, shall be fined \$100,  
25 payable to the circuit clerk, who shall distribute the money to  
26 the law enforcement agency that made the arrest or as provided

1 in subsection (c) of Section 10-5 of the Criminal and Traffic  
2 Assessment Act if the arresting agency is a State agency,  
3 unless more than one agency is responsible for the arrest, in  
4 which case the amount shall be remitted to each unit of  
5 government equally. ~~In the event that more than one agency is~~  
6 ~~responsible for the arrest, the \$100 shall be shared equally.~~  
7 Any moneys received by a law enforcement agency under this  
8 subsection (e-3) shall be used to purchase law enforcement  
9 equipment or to provide law enforcement training that will  
10 assist in the prevention of alcohol related criminal violence  
11 throughout the State. Law enforcement equipment shall include,  
12 but is not limited to, in-car video cameras, radar and laser  
13 speed detection devices, and alcohol breath testers.

14 (f) In addition to any criminal penalties imposed, the  
15 Department of Natural Resources shall suspend the snowmobile  
16 operation privileges of a person convicted or found guilty of a  
17 misdemeanor under this Section for a period of one year, except  
18 that first-time offenders are exempt from this mandatory one  
19 year suspension.

20 (g) In addition to any criminal penalties imposed, the  
21 Department of Natural Resources shall suspend for a period of 5  
22 years the snowmobile operation privileges of any person  
23 convicted or found guilty of a felony under this Section.

24 (Source: P.A. 99-697, eff. 7-29-16; 100-201, eff. 8-18-17.)

25 Section 20. The Boat Registration and Safety Act is amended

1 by changing Section 5-16 as follows:

2 (625 ILCS 45/5-16)

3 Sec. 5-16. Operating a watercraft under the influence of  
4 alcohol, other drug or drugs, intoxicating compound or  
5 compounds, or combination thereof.

6 (A) 1. A person shall not operate or be in actual physical  
7 control of any watercraft within this State while:

8 (a) The alcohol concentration in such person's blood,  
9 other bodily substance, or breath is a concentration at  
10 which driving a motor vehicle is prohibited under  
11 subdivision (1) of subsection (a) of Section 11-501 of the  
12 Illinois Vehicle Code;

13 (b) Under the influence of alcohol;

14 (c) Under the influence of any other drug or  
15 combination of drugs to a degree which renders such person  
16 incapable of safely operating any watercraft;

17 (c-1) Under the influence of any intoxicating compound  
18 or combination of intoxicating compounds to a degree that  
19 renders the person incapable of safely operating any  
20 watercraft;

21 (d) Under the combined influence of alcohol and any  
22 other drug or drugs to a degree which renders such person  
23 incapable of safely operating a watercraft;

24 (d-3) The person who is not a CDL holder has a  
25 tetrahydrocannabinol concentration in the person's whole

1 blood or other bodily substance at which driving a motor  
2 vehicle is prohibited under subdivision (7) of subsection  
3 (a) of Section 11-501 of the Illinois Vehicle Code;

4 (d-5) The person who is a CDL holder has any amount of  
5 a drug, substance, or compound in the person's breath,  
6 blood, other bodily substance, or urine resulting from the  
7 unlawful use or consumption of cannabis listed in the  
8 Cannabis Control Act; or

9 (e) There is any amount of a drug, substance, or  
10 compound in the person's blood, other bodily substance, or  
11 urine resulting from the unlawful use or consumption of a  
12 controlled substance listed in the Illinois Controlled  
13 Substances Act, methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act, or  
15 an intoxicating compound listed in the Use of Intoxicating  
16 Compounds Act.

17 2. The fact that any person charged with violating this  
18 Section is or has been legally entitled to use alcohol, other  
19 drug or drugs, any intoxicating compound or compounds, or any  
20 combination of them, shall not constitute a defense against any  
21 charge of violating this Section.

22 3. Every person convicted of violating this Section shall  
23 be guilty of a Class A misdemeanor, except as otherwise  
24 provided in this Section.

25 4. Every person convicted of violating this Section shall  
26 be guilty of a Class 4 felony if:

1           (a) He or she has a previous conviction under this  
2           Section;

3           (b) The offense results in personal injury where a  
4           person other than the operator suffers great bodily harm or  
5           permanent disability or disfigurement, when the violation  
6           was a proximate cause of the injuries. A person guilty of a  
7           Class 4 felony under this subparagraph (b), if sentenced to  
8           a term of imprisonment, shall be sentenced to a term of not  
9           less than one year nor more than 12 years; or

10          (c) The offense occurred during a period in which his  
11          or her privileges to operate a watercraft are revoked or  
12          suspended, and the revocation or suspension was for a  
13          violation of this Section or was imposed under subsection  
14          (B).

15          5. Every person convicted of violating this Section shall  
16          be guilty of a Class 2 felony if the offense results in the  
17          death of a person. A person guilty of a Class 2 felony under  
18          this paragraph 5, if sentenced to a term of imprisonment, shall  
19          be sentenced to a term of not less than 3 years and not more  
20          than 14 years.

21          5.1. A person convicted of violating this Section or a  
22          similar provision of a local ordinance who had a child under  
23          the age of 16 aboard the watercraft at the time of offense is  
24          subject to a mandatory minimum fine of \$500 and to a mandatory  
25          minimum of 5 days of community service in a program benefiting  
26          children. The assignment under this paragraph 5.1 is not

1 subject to suspension and the person is not eligible for  
2 probation in order to reduce the assignment.

3 5.2. A person found guilty of violating this Section, if  
4 his or her operation of a watercraft while in violation of this  
5 Section proximately caused any incident resulting in an  
6 appropriate emergency response, is liable for the expense of an  
7 emergency response as provided in subsection (m) of Section  
8 11-501 of the Illinois Vehicle Code.

9 5.3. In addition to any other penalties and liabilities, a  
10 person who is found guilty of violating this Section, including  
11 any person placed on court supervision, shall be fined \$100,  
12 payable to the circuit clerk, who shall distribute the money to  
13 the law enforcement agency that made the arrest or as provided  
14 in subsection (c) of Section 10-5 of the Criminal and Traffic  
15 Assessment Act if the arresting agency is a State agency,  
16 unless more than one agency is responsible for the arrest, in  
17 which case the amount shall be remitted to each unit of  
18 government equally. ~~In the event that more than one agency is~~  
19 ~~responsible for the arrest, the \$100 shall be shared equally.~~  
20 Any moneys received by a law enforcement agency under this  
21 paragraph 5.3 shall be used to purchase law enforcement  
22 equipment or to provide law enforcement training that will  
23 assist in the prevention of alcohol related criminal violence  
24 throughout the State. Law enforcement equipment shall include,  
25 but is not limited to, in-car video cameras, radar and laser  
26 speed detection devices, and alcohol breath testers.

1           6. (a) In addition to any criminal penalties imposed, the  
2 Department of Natural Resources shall suspend the watercraft  
3 operation privileges of any person convicted or found guilty of  
4 a misdemeanor under this Section, a similar provision of a  
5 local ordinance, or Title 46 of the U.S. Code of Federal  
6 Regulations for a period of one year, except that a first time  
7 offender is exempt from this mandatory one year suspension.

8           As used in this subdivision (A) 6(a), "first time offender"  
9 means any person who has not had a previous conviction or been  
10 assigned supervision for violating this Section, a similar  
11 provision of a local ordinance or, Title 46 of the U.S. Code of  
12 Federal Regulations, or any person who has not had a suspension  
13 imposed under subdivision (B) 3.1 of Section 5-16.

14           (b) In addition to any criminal penalties imposed, the  
15 Department of Natural Resources shall suspend the watercraft  
16 operation privileges of any person convicted of a felony under  
17 this Section, a similar provision of a local ordinance, or  
18 Title 46 of the U.S. Code of Federal Regulations for a period  
19 of 3 years.

20           (B) 1. Any person who operates or is in actual physical  
21 control of any watercraft upon the waters of this State shall  
22 be deemed to have given consent to a chemical test or tests of  
23 blood, breath, other bodily substance, or urine for the purpose  
24 of determining the content of alcohol, other drug or drugs,  
25 intoxicating compound or compounds, or combination thereof in  
26 the person's blood or other bodily substance if arrested for



1 any offense of subsection (A) above. The chemical test or tests  
2 shall be administered at the direction of the arresting  
3 officer. The law enforcement agency employing the officer shall  
4 designate which of the tests shall be administered. Up to 2  
5 additional tests of urine or other bodily substance may be  
6 administered even after a blood or breath test or both has been  
7 administered.

8 1.1. For the purposes of this Section, an Illinois Law  
9 Enforcement officer of this State who is investigating the  
10 person for any offense defined in Section 5-16 may travel into  
11 an adjoining state, where the person has been transported for  
12 medical care to complete an investigation, and may request that  
13 the person submit to the test or tests set forth in this  
14 Section. The requirements of this Section that the person be  
15 arrested are inapplicable, but the officer shall issue the  
16 person a uniform citation for an offense as defined in Section  
17 5-16 or a similar provision of a local ordinance prior to  
18 requesting that the person submit to the test or tests. The  
19 issuance of the uniform citation shall not constitute an  
20 arrest, but shall be for the purpose of notifying the person  
21 that he or she is subject to the provisions of this Section and  
22 of the officer's belief in the existence of probable cause to  
23 arrest. Upon returning to this State, the officer shall file  
24 the uniform citation with the circuit clerk of the county where  
25 the offense was committed and shall seek the issuance of an  
26 arrest warrant or a summons for the person.

1           1.2. Notwithstanding any ability to refuse under this Act  
2 to submit to these tests or any ability to revoke the implied  
3 consent to these tests, if a law enforcement officer has  
4 probable cause to believe that a watercraft operated by or  
5 under actual physical control of a person under the influence  
6 of alcohol, other drug or drugs, intoxicating compound or  
7 compounds, or any combination of them has caused the death of  
8 or personal injury to another, that person shall submit, upon  
9 the request of a law enforcement officer, to a chemical test or  
10 tests of his or her blood, breath, other bodily substance, or  
11 urine for the purpose of determining the alcohol content or the  
12 presence of any other drug, intoxicating compound, or  
13 combination of them. For the purposes of this Section, a  
14 personal injury includes severe bleeding wounds, distorted  
15 extremities, and injuries that require the injured party to be  
16 carried from the scene for immediate professional attention in  
17 either a doctor's office or a medical facility.

18           2. Any person who is dead, unconscious or who is otherwise  
19 in a condition rendering such person incapable of refusal,  
20 shall be deemed not to have withdrawn the consent provided  
21 above, and the test may be administered.

22           3. A person requested to submit to a chemical test as  
23 provided above shall be verbally advised by the law enforcement  
24 officer requesting the test that a refusal to submit to the  
25 test will result in suspension of such person's privilege to  
26 operate a watercraft for a minimum of 2 years. Following this

1 warning, if a person under arrest refuses upon the request of a  
2 law enforcement officer to submit to a test designated by the  
3 officer, no test shall be given, but the law enforcement  
4 officer shall file with the clerk of the circuit court for the  
5 county in which the arrest was made, and with the Department of  
6 Natural Resources, a sworn statement naming the person refusing  
7 to take and complete the chemical test or tests requested under  
8 the provisions of this Section. Such sworn statement shall  
9 identify the arrested person, such person's current residence  
10 address and shall specify that a refusal by such person to take  
11 the chemical test or tests was made. Such sworn statement shall  
12 include a statement that the arresting officer had reasonable  
13 cause to believe the person was operating or was in actual  
14 physical control of the watercraft within this State while  
15 under the influence of alcohol, other drug or drugs,  
16 intoxicating compound or compounds, or combination thereof and  
17 that such chemical test or tests were made as an incident to  
18 and following the lawful arrest for an offense as defined in  
19 this Section or a similar provision of a local ordinance, and  
20 that the person after being arrested for an offense arising out  
21 of acts alleged to have been committed while so operating a  
22 watercraft refused to submit to and complete a chemical test or  
23 tests as requested by the law enforcement officer.

24 3.1. The law enforcement officer submitting the sworn  
25 statement as provided in paragraph 3 of this subsection (B)  
26 shall serve immediate written notice upon the person refusing

1 the chemical test or tests that the person's privilege to  
2 operate a watercraft within this State will be suspended for a  
3 period of 2 years unless, within 28 days from the date of the  
4 notice, the person requests in writing a hearing on the  
5 suspension.

6 If the person desires a hearing, such person shall file a  
7 complaint in the circuit court for and in the county in which  
8 such person was arrested for such hearing. Such hearing shall  
9 proceed in the court in the same manner as other civil  
10 proceedings, shall cover only the issues of whether the person  
11 was placed under arrest for an offense as defined in this  
12 Section or a similar provision of a local ordinance as  
13 evidenced by the issuance of a uniform citation; whether the  
14 arresting officer had reasonable grounds to believe that such  
15 person was operating a watercraft while under the influence of  
16 alcohol, other drug or drugs, intoxicating compound or  
17 compounds, or combination thereof; and whether such person  
18 refused to submit and complete the chemical test or tests upon  
19 the request of the law enforcement officer. Whether the person  
20 was informed that such person's privilege to operate a  
21 watercraft would be suspended if such person refused to submit  
22 to the chemical test or tests shall not be an issue.

23 If the person fails to request in writing a hearing within  
24 28 days from the date of notice, or if a hearing is held and the  
25 court finds against the person on the issues before the court,  
26 the clerk shall immediately notify the Department of Natural

1 Resources, and the Department shall suspend the watercraft  
2 operation privileges of the person for at least 2 years.

3 3.2. If the person is a CDL holder and submits to a test  
4 that discloses an alcohol concentration of 0.08 or more, or any  
5 amount of a drug, substance or intoxicating compound in the  
6 person's breath, blood, other bodily substance, or urine  
7 resulting from the unlawful use of cannabis listed in the  
8 Cannabis Control Act, a controlled substance listed in the  
9 Illinois Controlled Substances Act, methamphetamine as listed  
10 in the Methamphetamine Control and Community Protection Act, or  
11 an intoxicating compound listed in the Use of Intoxicating  
12 Compounds Act, the law enforcement officer shall immediately  
13 submit a sworn report to the circuit clerk of venue and the  
14 Department of Natural Resources, certifying that the test or  
15 tests were requested under paragraph 1 of this subsection (B)  
16 and the person submitted to testing that disclosed an alcohol  
17 concentration of 0.08 or more or any amount of a drug,  
18 substance or intoxicating compound in the person's breath,  
19 blood, other bodily substance, or urine resulting from the  
20 unlawful use of cannabis listed in the Cannabis Control Act, a  
21 controlled substance listed in the Illinois Controlled  
22 Substances Act, methamphetamine as listed in the  
23 Methamphetamine Control and Community Protection Act, or an  
24 intoxicating compound listed in the Use of Intoxicating  
25 Compounds Act. If the person is not a CDL holder and submits to  
26 a test that discloses an alcohol concentration of 0.08 or more,

1 a tetrahydrocannabinol concentration in the person's whole  
2 blood or other bodily substance as defined in paragraph 6 of  
3 subsection (a) of Section 11-501.2 of the Illinois Vehicle  
4 Code, or any amount of a drug, substance or intoxicating  
5 compound in the person's breath, blood, other bodily substance,  
6 or urine resulting from the unlawful use of a controlled  
7 substance listed in the Illinois Controlled Substances Act,  
8 methamphetamine as listed in the Methamphetamine Control and  
9 Community Protection Act, or an intoxicating compound listed in  
10 the Use of Intoxicating Compounds Act, the law enforcement  
11 officer shall immediately submit a sworn report to the circuit  
12 clerk of venue and the Department of Natural Resources,  
13 certifying that the test or tests were requested under  
14 paragraph 1 of this subsection (B) and the person submitted to  
15 testing that disclosed an alcohol concentration of 0.08 or  
16 more, a tetrahydrocannabinol concentration in the person's  
17 whole blood or other bodily substance as defined in paragraph 6  
18 of subsection (a) of Section 11-501.2 of the Illinois Vehicle  
19 Code, or any amount of a drug, substance or intoxicating  
20 compound in the person's breath, blood, other bodily substance,  
21 or urine resulting from the unlawful use of a controlled  
22 substance listed in the Illinois Controlled Substances Act,  
23 methamphetamine as listed in the Methamphetamine Control and  
24 Community Protection Act, or an intoxicating compound listed in  
25 the Use of Intoxicating Compounds Act.

26 In cases involving a person who is a CDL holder where the

1 blood alcohol concentration of 0.08 or greater or any amount of  
2 drug, substance or compound resulting from the unlawful use of  
3 cannabis, a controlled substance, methamphetamine, or an  
4 intoxicating compound is established by a subsequent analysis  
5 of blood, other bodily substance, or urine collected at the  
6 time of arrest, the arresting officer or arresting agency shall  
7 immediately submit a sworn report to the circuit clerk of venue  
8 and the Department of Natural Resources upon receipt of the  
9 test results. In cases involving a person who is not a CDL  
10 holder where the blood alcohol concentration of 0.08 or  
11 greater, a tetrahydrocannabinol concentration in the person's  
12 whole blood or other bodily substance as defined in paragraph 6  
13 of subsection (a) of Section 11-501.2 of the Illinois Vehicle  
14 Code, or any amount of drug, substance, or compound resulting  
15 from the unlawful use of a controlled substance,  
16 methamphetamine, or an intoxicating compound is established by  
17 a subsequent analysis of blood, other bodily substance, or  
18 urine collected at the time of arrest, the arresting officer or  
19 arresting agency shall immediately submit a sworn report to the  
20 circuit clerk of venue and the Department of Natural Resources  
21 upon receipt of the test results.

22 4. A person must submit to each chemical test offered by  
23 the law enforcement officer in order to comply with the implied  
24 consent provisions of this Section.

25 5. The provisions of Section 11-501.2 of the Illinois  
26 Vehicle Code, as amended, concerning the certification and use

1 of chemical tests apply to the use of such tests under this  
2 Section.

3 (C) Upon the trial of any civil or criminal action or  
4 proceeding arising out of acts alleged to have been committed  
5 by any person while operating a watercraft while under the  
6 influence of alcohol, other drug or drugs, intoxicating  
7 compound or compounds, or combination thereof, the  
8 concentration of alcohol, drug, or compound in the person's  
9 blood, other bodily substance, or breath at the time alleged as  
10 shown by analysis of a person's blood, urine, breath, or other  
11 bodily substance shall give rise to the presumptions specified  
12 in subdivisions 1, 2, and 3 of subsection (b) and subsection  
13 (b-5) of Section 11-501.2 of the Illinois Vehicle Code. The  
14 foregoing provisions of this subsection (C) shall not be  
15 construed as limiting the introduction of any other relevant  
16 evidence bearing upon the question whether the person was under  
17 the influence of alcohol, other drug or drugs, intoxicating  
18 compound or compounds, or a combination thereof.

19 (D) If a person under arrest refuses to submit to a  
20 chemical test under the provisions of this Section, evidence of  
21 refusal shall be admissible in any civil or criminal action or  
22 proceeding arising out of acts alleged to have been committed  
23 while the person under the influence of alcohol, other drug or  
24 drugs, intoxicating compound or compounds, or combination of  
25 them was operating a watercraft.

26 (E) The owner of any watercraft or any person given



1 supervisory authority over a watercraft, may not knowingly  
2 permit a watercraft to be operated by any person under the  
3 influence of alcohol, other drug or drugs, intoxicating  
4 compound or compounds, or combination thereof.

5 (F) Whenever any person is convicted or found guilty of a  
6 violation of this Section, including any person placed on court  
7 supervision, the court shall notify the Office of Law  
8 Enforcement of the Department of Natural Resources, to provide  
9 the Department with the records essential for the performance  
10 of the Department's duties to monitor and enforce any order of  
11 suspension or revocation concerning the privilege to operate a  
12 watercraft.

13 (G) No person who has been arrested and charged for  
14 violating paragraph 1 of subsection (A) of this Section shall  
15 operate any watercraft within this State for a period of 24  
16 hours after such arrest.

17 (Source: P.A. 99-697, eff. 7-29-16.)

18 Section 25. The Clerks of Courts Act is amended by changing  
19 Section 27.1b as follows:

20 (705 ILCS 105/27.1b)

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

22 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any  
23 other provision of law, all fees charged by the clerks of the  
24 circuit court for the services described in this Section shall

1 be established, collected, and disbursed in accordance with  
2 this Section. Except as otherwise specified in this Section,  
3 all fees under this Section shall be paid in advance and  
4 disbursed by each clerk on a monthly basis. In a county with a  
5 population of over 3,000,000, units of local government and  
6 school districts shall not be required to pay fees under this  
7 Section in advance and the clerk shall instead send an itemized  
8 bill to the unit of local government or school district, within  
9 30 days of the fee being incurred, and the unit of local  
10 government or school district shall be allowed at least 30 days  
11 from the date of the itemized bill to pay; these payments shall  
12 be disbursed by each clerk on a monthly basis. Unless otherwise  
13 specified in this Section, the amount of a fee shall be  
14 determined by ordinance or resolution of the county board and  
15 remitted to the county treasurer to be used for purposes  
16 related to the operation of the court system in the county. In  
17 a county with population of over 3,000,000, any amount retained  
18 by the clerk of the circuit court or remitted to the county  
19 treasurer shall be subject to appropriation by the county  
20 board.

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

26 (1) SCHEDULE 1: not to exceed a total of \$366 in a

1 county with a population of 3,000,000 or more and not to  
2 exceed \$316 in any other county, except as applied to units  
3 of local government and school districts in counties with  
4 more than 3,000,000 inhabitants an amount not to exceed  
5 \$190 through December 31, 2021 and \$184 on and after  
6 January 1, 2022. The fees collected under this schedule  
7 shall be disbursed as follows:

8 (A) The clerk shall retain a sum, in an amount not  
9 to exceed \$55 in a county with a population of  
10 3,000,000 or more and in an amount not to exceed \$45 in  
11 any other county determined by the clerk with the  
12 approval of the Supreme Court, to be used for court  
13 automation, court document storage, and administrative  
14 purposes.

15 (B) The clerk shall remit up to \$21 to the State  
16 Treasurer. The State Treasurer shall deposit the  
17 appropriate amounts, in accordance with the clerk's  
18 instructions, as follows:

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

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

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

26 (C) The clerk shall remit a sum to the County

1           Treasurer, in an amount not to exceed \$290 in a county  
2           with a population of 3,000,000 or more and in an amount  
3           not to exceed \$250 in any other county, as specified by  
4           ordinance or resolution passed by the county board, for  
5           purposes related to the operation of the court system  
6           in the county.

7           (2) SCHEDULE 2: not to exceed a total of \$357 in a  
8           county with a population of 3,000,000 or more and not to  
9           exceed \$266 in any other county, except as applied to units  
10          of local government and school districts in counties with  
11          more than 3,000,000 inhabitants an amount not to exceed  
12          \$190 through December 31, 2021 and \$184 on and after  
13          January 1, 2022. The fees collected under this schedule  
14          shall be disbursed as follows:

15                 (A) The clerk shall retain a sum, in an amount not  
16                 to exceed \$55 in a county with a population of  
17                 3,000,000 or more and in an amount not to exceed \$45 in  
18                 any other county determined by the clerk with the  
19                 approval of the Supreme Court, to be used for court  
20                 automation, court document storage, and administrative  
21                 purposes.

22                 (B) The clerk shall remit up to \$21 to the State  
23                 Treasurer. The State Treasurer shall deposit the  
24                 appropriate amounts, in accordance with the clerk's  
25                 instructions, as follows:

26                         (i) up to \$10, as specified by the Supreme

1 Court in accordance with Part 10A of Article II of  
2 the Code of Civil Procedure, into the Mandatory  
3 Arbitration Fund;

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

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

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

14 (3) SCHEDULE 3: not to exceed a total of \$265 in a  
15 county with a population of 3,000,000 or more and not to  
16 exceed \$89 in any other county, except as applied to units  
17 of local government and school districts in counties with  
18 more than 3,000,000 inhabitants an amount not to exceed  
19 \$190 through December 31, 2021 and \$184 on and after  
20 January 1, 2022. The fees collected under this schedule  
21 shall be disbursed as follows:

22 (A) The clerk shall retain a sum, in an amount not  
23 to exceed \$55 in a county with a population of  
24 3,000,000 or more and in an amount not to exceed \$22 in  
25 any other county determined by the clerk with the  
26 approval of the Supreme Court, to be used for court

1 automation, court document storage, and administrative  
2 purposes.

3 (B) The clerk shall remit \$11 to the State  
4 Treasurer. The State Treasurer shall deposit the  
5 appropriate amounts in accordance with the clerk's  
6 instructions, as follows:

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

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

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

17 (4) SCHEDULE 4: \$0.

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

23 (1) SCHEDULE 1: not to exceed a total of \$230 in a  
24 county with a population of 3,000,000 or more and not to  
25 exceed \$191 in any other county, except as applied to units  
26 of local government and school districts in counties with

1 more than 3,000,000 inhabitants an amount not to exceed  
2 \$75. The fees collected under this schedule shall be  
3 disbursed as follows:

4 (A) The clerk shall retain a sum, in an amount not  
5 to exceed \$50 in a county with a population of  
6 3,000,000 or more and in an amount not to exceed \$45 in  
7 any other county determined by the clerk with the  
8 approval of the Supreme Court, to be used for court  
9 automation, court document storage, and administrative  
10 purposes.

11 (B) The clerk shall remit up to \$21 to the State  
12 Treasurer. The State Treasurer shall deposit the  
13 appropriate amounts, in accordance with the clerk's  
14 instructions, as follows:

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

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

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

22 (C) The clerk shall remit a sum to the County  
23 Treasurer, in an amount not to exceed \$159 in a county  
24 with a population of 3,000,000 or more and in an amount  
25 not to exceed \$125 in any other county, as specified by  
26 ordinance or resolution passed by the county board, for

1 purposes related to the operation of the court system  
2 in the county.

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

10 (A) The clerk shall retain a sum, in an amount not  
11 to exceed \$50 in a county with a population of  
12 3,000,000 or more and in an amount not to exceed \$10 in  
13 any other county determined by the clerk with the  
14 approval of the Supreme Court, to be used for court  
15 automation, court document storage, and administrative  
16 purposes.

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

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



1           (3) SCHEDULE 3: \$0.

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

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

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

1 alias summons or citation issued by the clerk.

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

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

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

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

20 (g) Petition to vacate or modify.

21 (1) In a proceeding involving a petition to vacate or  
22 modify any final judgment or order filed within 30 days  
23 after the judgment or order was entered, except for an  
24 eviction case, small claims case, petition to reopen an  
25 estate, petition to modify, terminate, or enforce a  
26 judgment or order for child or spousal support, or petition

1 to modify, suspend, or terminate an order for withholding,  
2 the fee shall not exceed \$60 in a county with a population  
3 of 3,000,000 or more and shall not exceed \$50 in any other  
4 county, except as applied to units of local government and  
5 school districts in counties with more than 3,000,000  
6 inhabitants an amount not to exceed \$50.

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

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

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

22 (1) if the record contains no more than 100 pages, the  
23 fee shall not exceed \$70 in a county with a population of  
24 3,000,000 or more and shall not exceed \$50 in any other  
25 county;

26 (2) if the record contains between 100 and 200 pages,

1 the fee shall not exceed \$100; and

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

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

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

18 (1) if the amount in controversy in the proceeding is  
19 not more than \$1,000, the fee may not exceed \$35 in a  
20 county with a population of 3,000,000 or more and may not  
21 exceed \$15 in any other county, except as applied to units  
22 of local government and school districts in counties with  
23 more than 3,000,000 inhabitants an amount not to exceed  
24 \$15;

25 (2) if the amount in controversy in the proceeding is  
26 greater than \$1,000 and not more than \$5,000, the fee may

1 not exceed \$45 in a county with a population of 3,000,000  
2 or more and may not exceed \$30 in any other county, except  
3 as applied to units of local government and school  
4 districts in counties with more than 3,000,000 inhabitants  
5 an amount not to exceed \$30; and

6 (3) if the amount in controversy in the proceeding is  
7 greater than \$5,000, the fee may not exceed \$65 in a county  
8 with a population of 3,000,000 or more and may not exceed  
9 \$50 in any other county, except as applied to units of  
10 local government and school districts in counties with more  
11 than 3,000,000 inhabitants an amount not to exceed \$50.

12 (j-5) Debt collection. In any proceeding to collect a debt  
13 subject to the exception in item (ii) of subparagraph (A-5) of  
14 paragraph (1) of subsection (z) of this Section, the circuit  
15 court shall order and the clerk shall collect from each  
16 judgment debtor a fee of:

17 (1) \$35 if the amount in controversy in the proceeding  
18 is not more than \$1,000;

19 (2) \$45 if the amount in controversy in the proceeding  
20 is greater than \$1,000 and not more than \$5,000; and

21 (3) \$65 if the amount in controversy in the proceeding  
22 is greater than \$5,000.

23 (k) Collections.

24 (1) For all collections made of others, except the  
25 State and county and except in maintenance or child support  
26 cases, the clerk may collect a fee of up to 2.5% of the

1 amount collected and turned over.

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

18 (3) The clerk may collect a fee of \$5 for  
19 certifications made to the Secretary of State as provided  
20 in Section 7-703 of the Illinois Vehicle Code, and this fee  
21 shall be deposited into the Separate Maintenance and Child  
22 Support Collection Fund.

23 (4) In proceedings to foreclose the lien of delinquent  
24 real estate taxes, State's Attorneys shall receive a fee of  
25 10% of the total amount realized from the sale of real  
26 estate sold in the proceedings. The clerk shall collect the

1 fee from the total amount realized from the sale of the  
2 real estate sold in the proceedings and remit to the County  
3 Treasurer to be credited to the earnings of the Office of  
4 the State's Attorney.

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

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

9 (n) Certification, authentication, and reproduction.

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

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

15 (A) \$2 for the first page;

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

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

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

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

1 inhabitants an amount not to exceed \$6.

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

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

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

26 (t) Expungement petition. The clerk may collect a fee not



1 to exceed \$60 for each expungement petition filed and an  
2 additional fee not to exceed \$4 for each certified copy of an  
3 order to expunge arrest records.

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

7 (v) Probate filings.

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

11 (2) For filing a claim in an estate when the amount  
12 claimed is greater than \$150 and not more than \$500, the  
13 fee shall not exceed \$40 in a county with a population of  
14 3,000,000 or more and shall not exceed \$25 in any other  
15 county; when the amount claimed is greater than \$500 and  
16 not more than \$10,000, the fee shall not exceed \$55 in a  
17 county with a population of 3,000,000 or more and shall not  
18 exceed \$40 in any other county; and when the amount claimed  
19 is more than \$10,000, the fee shall not exceed \$75 in a  
20 county with a population of 3,000,000 or more and shall not  
21 exceed \$60 in any other county; except the court in  
22 allowing a claim may add to the amount allowed the filing  
23 fee paid by the claimant.

24 (3) For filing in an estate a claim, petition, or  
25 supplemental proceeding based upon an action seeking  
26 equitable relief including the construction or contest of a

1 will, enforcement of a contract to make a will, and  
2 proceedings involving testamentary trusts or the  
3 appointment of testamentary trustees, the fee shall not  
4 exceed \$60.

5 (4) There shall be no fee for filing in an estate: (i)  
6 the appearance of any person for the purpose of consent; or  
7 (ii) the appearance of an executor, administrator,  
8 administrator to collect, guardian, guardian ad litem, or  
9 special administrator.

10 (5) For each jury demand, the fee shall not exceed  
11 \$137.50.

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

15 (7) For each exemplification, the fee shall not exceed  
16 \$2, plus the fee for certification.

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

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

25 (10) The executor, administrator, guardian,  
26 petitioner, or other interested person or his or her

1 attorney shall pay to the clerk all postage charges  
2 incurred by the clerk in mailing petitions, orders,  
3 notices, or other documents pursuant to the provisions of  
4 the Probate Act of 1975.

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

10 (x) Miscellaneous.

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

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

18 (y) Other fees. Any fees not covered in this Section shall  
19 be set by rule or administrative order of the circuit court  
20 with the approval of the Administrative Office of the Illinois  
21 Courts. The clerk of the circuit court may provide services in  
22 connection with the operation of the clerk's office, other than  
23 those services mentioned in this Section, as may be requested  
24 by the public and agreed to by the clerk and approved by the  
25 Chief Judge. Any charges for additional services shall be as  
26 agreed to between the clerk and the party making the request

1 and approved by the Chief Judge. Nothing in this subsection  
2 shall be construed to require any clerk to provide any service  
3 not otherwise required by law.

4 (y-5) Unpaid fees. Unless a court ordered payment schedule  
5 is implemented or the fee requirements of this Section are  
6 waived under a court order, the clerk of the circuit court may  
7 add to any unpaid fees and costs under this Section a  
8 delinquency amount equal to 5% of the unpaid fees that remain  
9 unpaid after 30 days, 10% of the unpaid fees that remain unpaid  
10 after 60 days, and 15% of the unpaid fees that remain unpaid  
11 after 90 days. Notice to those parties may be made by signage  
12 posting or publication. The additional delinquency amounts  
13 collected under this Section shall be deposited into the  
14 Circuit Court Clerk Operations and Administration Fund and used  
15 to defray additional administrative costs incurred by the clerk  
16 of the circuit court in collecting unpaid fees and costs.

17 (z) Exceptions.

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

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

26 (A-5) any unit of local government or school

1 district, except in counties having a population of  
2 500,000 or more the county board may by resolution set  
3 fees for units of local government or school districts  
4 no greater than the minimum fees applicable in counties  
5 with a population less than 3,000,000; provided  
6 however, no fee may be charged to any unit of local  
7 government or school district in connection with any  
8 action which, in whole or in part, is: (i) to enforce  
9 an ordinance; (ii) to collect a debt; or (iii) under  
10 the Administrative Review Law;

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

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

25 (D) a petitioner in any order of protection  
26 proceeding, including, but not limited to, fees for

1 filing, modifying, withdrawing, certifying, or  
2 photocopying petitions for orders of protection,  
3 issuing alias summons, any related filing service, or  
4 certifying, modifying, vacating, or photocopying any  
5 orders of protection; or

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

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

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

15 (aa) This Section is repealed on January 1, 2025 ~~2021~~.

16 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;  
17 100-1161, eff. 7-1-19.)

18 Section 30. The Criminal and Traffic Assessment Act is  
19 amended by changing Sections 15-70 and 20-5 as follows:

20 (705 ILCS 135/15-70)

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

22 Sec. 15-70. Conditional assessments. In addition to  
23 payments under one of the Schedule of Assessments 1 through 13  
24 of this Act, the court shall also order payment of any of the

1 following conditional assessment amounts for each sentenced  
2 violation in the case to which a conditional assessment is  
3 applicable, which shall be collected and remitted by the Clerk  
4 of the Circuit Court as provided in this Section:

5 (1) arson, residential arson, or aggravated arson,  
6 \$500 per conviction to the State Treasurer for deposit into  
7 the Fire Prevention Fund;

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

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

22 (B) if the arresting agency is the Department of  
23 State Police, \$500 to the State Treasurer for deposit  
24 into the State Crime Laboratory Fund;

25 (3) crime laboratory drug analysis for a drug-related  
26 offense involving possession or delivery of cannabis or

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

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

11 (5) DUI analysis, \$150 on each sentenced violation in  
12 which it was used as set forth in subsection (f) of Section  
13 5-9-1.9 of the Unified Code of Corrections;

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

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

26 (B) 37.5% to the county in which the charge was



1 prosecuted, to be deposited into the county General  
2 Fund;

3 (C) 50% to the treasurer of the arresting law  
4 enforcement agency of the municipality or county, or to  
5 the State Treasurer if the arresting agency was a state  
6 agency, to be deposited as provided in subsection (c)  
7 of Section 10-5;

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

13 (6.5) Kane County or Will County, in felony,  
14 misdemeanor, local or county ordinance, traffic, or  
15 conservation cases, up to \$30 as set by the county board  
16 under Section 5-1101.3 of the Counties Code upon the entry  
17 of a judgment of conviction, an order of supervision, or a  
18 sentence of probation without entry of judgment under  
19 Section 10 of the Cannabis Control Act, Section 410 of the  
20 Illinois Controlled Substances Act, Section 70 of the  
21 Methamphetamine Control and Community Protection Act,  
22 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of  
23 the Criminal Code of 1961 or the Criminal Code of 2012,  
24 Section 10-102 of the Illinois Alcoholism and Other Drug  
25 Dependency Act, or Section 10 of the Steroid Control Act;  
26 except in local or county ordinance, traffic, and

1 conservation cases, if fines are paid in full without a  
2 court appearance, then the assessment shall not be imposed  
3 or collected. Distribution of assessments collected under  
4 this paragraph (6.5) shall be as provided in Section  
5 5-1101.3 of the Counties Code;

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

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

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

26 (C) 50% to the treasurer of the arresting law

1 enforcement agency of the municipality or county, or to  
2 the State Treasurer if the arresting agency was a state  
3 agency, to be deposited as provided in subsection (c)  
4 of Section 10-5;

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

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

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

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

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

25 (B) conservation or traffic offense, \$2 to the  
26 county treasurer for deposit into the State's Attorney

1           Records Automation Fund;

2           (11) speeding in a construction zone violation, \$250 to  
3           the State Treasurer for deposit into the Transportation  
4           Safety Highway Hire-back Fund, unless (i) the violation  
5           occurred on a highway other than an interstate highway and  
6           (ii) a county police officer wrote the ticket for the  
7           violation, in which case to the county treasurer for  
8           deposit into that county's Transportation Safety Highway  
9           Hire-back Fund;

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

14          (13) victim and offender are family or household  
15          members as defined in Section 103 of the Illinois Domestic  
16          Violence Act of 1986 and offender pleads guilty or no  
17          contest to or is convicted of murder, voluntary  
18          manslaughter, involuntary manslaughter, burglary,  
19          residential burglary, criminal trespass to residence,  
20          criminal trespass to vehicle, criminal trespass to land,  
21          criminal damage to property, telephone harassment,  
22          kidnapping, aggravated kidnaping, unlawful restraint,  
23          forcible detention, child abduction, indecent solicitation  
24          of a child, sexual relations between siblings,  
25          exploitation of a child, child pornography, assault,  
26          aggravated assault, battery, aggravated battery, heinous

1 battery, aggravated battery of a child, domestic battery,  
2 reckless conduct, intimidation, criminal sexual assault,  
3 predatory criminal sexual assault of a child, aggravated  
4 criminal sexual assault, criminal sexual abuse, aggravated  
5 criminal sexual abuse, violation of an order of protection,  
6 disorderly conduct, endangering the life or health of a  
7 child, child abandonment, contributing to dependency or  
8 neglect of child, or cruelty to children and others, \$200  
9 for each sentenced violation to the State Treasurer for  
10 deposit as follows: (i) for sexual assault, as defined in  
11 Section 5-9-1.7 of the Unified Code of Corrections, when  
12 the offender and victim are family members, one-half to the  
13 Domestic Violence Shelter and Service Fund, and one-half to  
14 the Sexual Assault Services Fund; (ii) for the remaining  
15 offenses to the Domestic Violence Shelter and Service Fund;

16 (14) violation of Section 11-501 of the Illinois  
17 Vehicle Code, Section 5-7 of the Snowmobile Registration  
18 and Safety Act, Section 5-16 of the Boat Registration and  
19 Safety Act, or a similar provision, whose operation of a  
20 motor vehicle, snowmobile, or watercraft while in  
21 violation of Section 11-501, Section 5-7 of the Snowmobile  
22 Registration and Safety Act, Section 5-16 of the Boat  
23 Registration and Safety Act, or a similar provision  
24 proximately caused an incident resulting in an appropriate  
25 emergency response, \$1,000 maximum to the public agency  
26 that provided an emergency response related to the person's

1 violation, or as provided in subsection (c) of Section 10-5  
2 if the arresting agency was a State agency, unless more  
3 than one agency was responsible for the arrest, in which  
4 case the amount shall be remitted to each unit of  
5 government equally ~~and if more than one agency responded,~~  
6 ~~the amount payable to public agencies shall be shared~~  
7 ~~equally;~~

8 (15) violation of Section 401, 407, or 407.2 of the  
9 Illinois Controlled Substances Act that proximately caused  
10 any incident resulting in an appropriate drug-related  
11 emergency response, \$1,000 as reimbursement for the  
12 emergency response to the law enforcement agency that made  
13 the arrest, or as provided in subsection (c) of Section  
14 10-5 if the arresting agency was a State agency, unless  
15 more than one agency was responsible for the arrest, in  
16 which case the amount shall be remitted to each unit of  
17 government equally ~~and if more than one agency is~~  
18 ~~responsible for the arrest, the amount payable to law~~  
19 ~~enforcement agencies shall be shared equally;~~

20 (16) violation of reckless driving, aggravated  
21 reckless driving, or driving 26 miles per hour or more in  
22 excess of the speed limit that triggered an emergency  
23 response, \$1,000 maximum reimbursement for the emergency  
24 response to be distributed in its entirety to a public  
25 agency that provided an emergency response related to the  
26 person's violation, or as provided in subsection (c) of

1       Section 10-5 if the arresting agency was a State agency,  
2       unless more than one agency was responsible for the arrest,  
3       in which case the amount shall be remitted to each unit of  
4       government equally ~~and if more than one agency responded,~~  
5       ~~the amount payable to public agencies shall be shared~~  
6       ~~equally;~~

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

13           (A) \$50 to the county treasurer for deposit into  
14      the Circuit Court Clerk Operation and Administrative  
15      Fund to cover the costs in administering this paragraph  
16      (17);

17           (B) \$300 to the State Treasurer who shall deposit  
18      the portion as follows:

19           (i) if the arresting or investigating agency  
20      is the Department of State Police, into the State  
21      Police Law Enforcement Administration Fund;

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

25           (iii) if the arresting or investigating agency  
26      is the Secretary of State, into the Secretary of

1 State Police Services Fund;

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

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

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

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

17 (19) violation of subsection (c) of Section 11-907 of  
18 the Illinois Vehicle Code, \$250 to the State Treasurer for  
19 deposit into the Scott's Law Fund, unless a county or  
20 municipal police officer wrote the ticket for the  
21 violation, in which case to the county treasurer for  
22 deposit into that county's or municipality's  
23 Transportation Safety Highway Hire-back Fund to be used as  
24 provided in subsection (j) of Section 11-907 of the  
25 Illinois Vehicle Code.

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



1 101-173, eff. 1-1-20.)

2 (705 ILCS 135/20-5)

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

4 Sec. 20-5. Repeal. This Act is repealed on January 1, 2025  
5 ~~2021~~.

6 (Source: P.A. 100-987, eff. 7-1-19.)

7 Section 35. The Cannabis Control Act is amended by changing  
8 Section 8 as follows:

9 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

10 Sec. 8. Except as otherwise provided in the Cannabis  
11 Regulation and Tax Act and the Industrial Hemp Act, it is  
12 unlawful for any person knowingly to produce the Cannabis  
13 sativa plant or to possess such plants unless production or  
14 possession has been authorized pursuant to the provisions of  
15 Section 11 or 15.2 of the Act. Any person who violates this  
16 Section with respect to production or possession of:

17 (a) Not more than 5 plants is guilty of a civil  
18 violation punishable by a minimum fine of \$100 and a  
19 maximum fine of \$200. The proceeds of the fine are payable  
20 to the clerk of the circuit court. Within 30 days after the  
21 deposit of the fine, the clerk shall distribute the  
22 proceeds of the fine as follows:

23 (1) \$10 of the fine to the circuit clerk and \$10 of

1 the fine to the law enforcement agency that issued the  
2 citation; the proceeds of each \$10 fine distributed to  
3 the circuit clerk and each \$10 fine distributed to the  
4 law enforcement agency that issued the citation for the  
5 violation shall be used to defer the cost of automatic  
6 expungements under paragraph (2.5) of subsection (a)  
7 of Section 5.2 of the Criminal Identification Act;

8 (2) \$15 to the county to fund drug addiction  
9 services;

10 (3) \$10 to the Office of the State's Attorneys  
11 Appellate Prosecutor for use in training programs;

12 (4) \$10 to the State's Attorney; and

13 (5) any remainder of the fine to the law  
14 enforcement agency that issued the citation for the  
15 violation.

16 With respect to funds designated for the Department of  
17 State Police, the moneys shall be remitted by the circuit  
18 court clerk to the State Treasurer ~~Department of State~~  
19 ~~Police~~ within one month after receipt for deposit into the  
20 State Police Operations Assistance Fund. With respect to  
21 funds designated for the Department of Natural Resources,  
22 the Department of Natural Resources shall deposit the  
23 moneys into the Conservation Police Operations Assistance  
24 Fund.

25 (b) More than 5, but not more than 20 plants, is guilty  
26 of a Class 4 felony.

1 (c) More than 20, but not more than 50 plants, is  
2 guilty of a Class 3 felony.

3 (d) More than 50, but not more than 200 plants, is  
4 guilty of a Class 2 felony for which a fine not to exceed  
5 \$100,000 may be imposed and for which liability for the  
6 cost of conducting the investigation and eradicating such  
7 plants may be assessed. Compensation for expenses incurred  
8 in the enforcement of this provision shall be transmitted  
9 to and deposited in the treasurer's office at the level of  
10 government represented by the Illinois law enforcement  
11 agency whose officers or employees conducted the  
12 investigation or caused the arrest or arrests leading to  
13 the prosecution, to be subsequently made available to that  
14 law enforcement agency as expendable receipts for use in  
15 the enforcement of laws regulating controlled substances  
16 and cannabis. If such seizure was made by a combination of  
17 law enforcement personnel representing different levels of  
18 government, the court levying the assessment shall  
19 determine the allocation of such assessment. The proceeds  
20 of assessment awarded to the State treasury shall be  
21 deposited in a special fund known as the Drug Traffic  
22 Prevention Fund.

23 (e) More than 200 plants is guilty of a Class 1 felony  
24 for which a fine not to exceed \$100,000 may be imposed and  
25 for which liability for the cost of conducting the  
26 investigation and eradicating such plants may be assessed.

1 Compensation for expenses incurred in the enforcement of  
2 this provision shall be transmitted to and deposited in the  
3 treasurer's office at the level of government represented  
4 by the Illinois law enforcement agency whose officers or  
5 employees conducted the investigation or caused the arrest  
6 or arrests leading to the prosecution, to be subsequently  
7 made available to that law enforcement agency as expendable  
8 receipts for use in the enforcement of laws regulating  
9 controlled substances and cannabis. If such seizure was  
10 made by a combination of law enforcement personnel  
11 representing different levels of government, the court  
12 levying the assessment shall determine the allocation of  
13 such assessment. The proceeds of assessment awarded to the  
14 State treasury shall be deposited in a special fund known  
15 as the Drug Traffic Prevention Fund.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

17 Section 40. The Unified Code of Corrections is amended by  
18 changing Section 5-9-1.9 as follows:

19 (730 ILCS 5/5-9-1.9)

20 Sec. 5-9-1.9. DUI analysis fee.

21 (a) "Crime laboratory" means a not-for-profit laboratory  
22 substantially funded by a single unit or combination of units  
23 of local government or the State of Illinois that regularly  
24 employs at least one person engaged in the DUI analysis of

1 blood, other bodily substance, and urine for criminal justice  
2 agencies in criminal matters and provides testimony with  
3 respect to such examinations.

4 "DUI analysis" means an analysis of blood, other bodily  
5 substance, or urine for purposes of determining whether a  
6 violation of Section 11-501 of the Illinois Vehicle Code has  
7 occurred.

8 (b) (Blank).

9 (c) In addition to any other disposition made under the  
10 provisions of the Juvenile Court Act of 1987, any minor  
11 adjudicated delinquent for an offense which if committed by an  
12 adult would constitute a violation of Section 11-501 of the  
13 Illinois Vehicle Code shall pay a crime laboratory DUI analysis  
14 assessment of \$150 for each adjudication. Upon verified  
15 petition of the minor, the court may suspend payment of all or  
16 part of the assessment if it finds that the minor does not have  
17 the ability to pay the assessment. The parent, guardian, or  
18 legal custodian of the minor may pay some or all of the  
19 assessment on the minor's behalf.

20 (d) All crime laboratory DUI analysis assessments provided  
21 for by this Section shall be collected by the clerk of the  
22 court and forwarded to the appropriate crime laboratory DUI  
23 fund as provided in subsection (f).

24 (e) Crime laboratory funds shall be established as follows:

25 (1) A unit of local government that maintains a crime  
26 laboratory may establish a crime laboratory DUI fund within

1 the office of the county or municipal treasurer.

2 (2) Any combination of units of local government that  
3 maintains a crime laboratory may establish a crime  
4 laboratory DUI fund within the office of the treasurer of  
5 the county where the crime laboratory is situated.

6 (3) The State Police DUI Fund is created as a special  
7 fund in the State Treasury.

8 (f) The analysis assessment provided for in subsection (c)  
9 of this Section shall be forwarded to the office of the  
10 treasurer of the unit of local government that performed the  
11 analysis if that unit of local government has established a  
12 crime laboratory DUI fund, or remitted to the State Treasurer  
13 for deposit into the State Crime Laboratory Fund if the  
14 analysis was performed by a laboratory operated by the  
15 Department of State Police. If the analysis was performed by a  
16 crime laboratory funded by a combination of units of local  
17 government, the analysis assessment shall be forwarded to the  
18 treasurer of the county where the crime laboratory is situated  
19 if a crime laboratory DUI fund has been established in that  
20 county. If the unit of local government or combination of units  
21 of local government has not established a crime laboratory DUI  
22 fund, then the analysis assessment shall be remitted ~~forwarded~~  
23 to the State Treasurer for deposit into the State Crime  
24 Laboratory Fund.

25 (g) Moneys deposited into a crime laboratory DUI fund  
26 created under paragraphs (1) and (2) of subsection (e) of this

1 Section shall be in addition to any allocations made pursuant  
2 to existing law and shall be designated for the exclusive use  
3 of the crime laboratory. These uses may include, but are not  
4 limited to, the following:

5 (1) Costs incurred in providing analysis for DUI  
6 investigations conducted within this State.

7 (2) Purchase and maintenance of equipment for use in  
8 performing analyses.

9 (3) Continuing education, training, and professional  
10 development of forensic scientists regularly employed by  
11 these laboratories.

12 (h) Moneys deposited in the State Crime Laboratory Fund  
13 shall be used by State crime laboratories as designated by the  
14 Director of State Police. These funds shall be in addition to  
15 any allocations made according to existing law and shall be  
16 designated for the exclusive use of State crime laboratories.  
17 These uses may include those enumerated in subsection (g) of  
18 this Section.

19 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19;  
20 100-1161, eff. 7-1-19.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.