



**Adopted in House Comm. on Feb 10, 2004**

09300HB4106ham001

LRB093 18769 LCB 47119 a

1 AMENDMENT TO HOUSE BILL 4106

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4106 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Revenue Law of the Civil  
5 Administrative Code of Illinois is amended by adding Section  
6 2505-655 as follows:

7 (20 ILCS 2505/2505-655 new)

8 Sec. 2505-655. Collection of past due circuit court fees.  
9 Upon certification by the Clerk of the Circuit Court of the  
10 amounts of delinquent court fees, the Department of Revenue may  
11 collect the past due fees by intercepting the tax refund of any  
12 person owing the fees. The Department of Revenue shall enter  
13 into an agreement with the Clerk of the Circuit Court as  
14 provided in Section 27.2b of the Clerks of Courts Act prior to  
15 undertaking any collections under this Section. Any agreement  
16 between the Department of Revenue and the Clerk of the Circuit  
17 Court for the intercept of tax refunds shall contain provisions  
18 for certification of debt, notification to the taxpayer of the  
19 intercept, treatment of joint returns, and protest of the  
20 intercept that are consistent with the requirements for a  
21 refund withholding request under Section 911.2 of the Illinois  
22 Income Tax Act.

23 Section 10. The Illinois Income Tax Act is amended by

1 changing Section 911.3 as follows:

2 (35 ILCS 5/911.3)

3 Sec. 911.3. Refunds withheld; order of honoring requests.  
4 The Department shall honor refund withholding requests in the  
5 following order:

6 (1) a refund withholding request to collect an unpaid  
7 State tax;

8 (2) a refund withholding request to collect certified  
9 past due child support amounts under Section 2505-650 of  
10 the Department of Revenue Law of the Civil Administrative  
11 Code of Illinois;

12 (3) a refund withholding request to collect any debt  
13 owed to the State;

14 (4) a refund withholding request made by the Secretary  
15 of the Treasury of the United States, or his or her  
16 delegate, to collect any tax liability arising from Title  
17 26 of the United States Code; ~~and~~

18 (5) a refund withholding request pursuant to Section  
19 911.2 of this Act; ~~and~~.

20 (6) a refund withholding request to collect certified  
21 past due fees owed to the Clerk of the Circuit Court as  
22 authorized under Section 2505-655 of the Department of  
23 Revenue Law of the Civil Administrative Code of Illinois.

24 (Source: P.A. 92-826, eff. 8-21-02.)

25 Section 15. The Clerks of Courts Act is amended by changing  
26 Section 27.3b and by adding Section 27.2b as follows:

27 (705 ILCS 105/27.2b new)

28 Sec. 27.2b. State income tax refund intercept. The Clerk of  
29 the Circuit Court may enter into an agreement with the Illinois  
30 Department of Revenue to establish a pilot program for the  
31 purpose of collecting certain fees. The purpose shall be to

1 intercept, in whole or in part, State income tax refunds due  
2 the persons who owe past due fees to the Clerk of the Circuit  
3 Court in order to satisfy unpaid fees pursuant to the fee  
4 requirements of Sections 27.1a, 27.2, and 27.2a of this Act.  
5 The agreement shall include, but may not be limited to, a  
6 certification by the Clerk of the Circuit Court that the debt  
7 claims forwarded to the Department of Revenue are valid and  
8 that reasonable efforts have been made to notify persons of the  
9 delinquency of the debt. The agreement shall include provisions  
10 for payment of the intercept by the Department of Revenue to  
11 the Clerk of the Circuit Court and procedures for an  
12 appeal/protest by the debtor when an intercept occurs. The  
13 agreement may also include provisions to allow the Department  
14 of Revenue to recover its cost for administering the program.

15 Intercepts made pursuant to this Section shall not  
16 interfere with the collection of debts related to child  
17 support. During the collection of debts under this Section,  
18 when there are 2 or more debt claims certified to the  
19 Department at the same time, priority of collection shall be as  
20 provided in Section 911.3 of the Illinois Income Tax Act.

21 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

22 Sec. 27.3b. The clerk of court may accept payment of fines,  
23 penalties, or costs by credit card or debit card approved by  
24 the clerk from an offender who has been convicted of or placed  
25 on court supervision for a traffic offense, petty offense,  
26 ordinance offense, or misdemeanor or who has been convicted of  
27 a felony offense. The clerk of the circuit court may accept  
28 credit card payments over the Internet for fines, penalties, or  
29 costs from offenders on voluntary electronic pleas of guilty in  
30 minor traffic and conservation offenses to satisfy the  
31 requirement of written pleas of guilty as provided in Illinois  
32 Supreme Court Rule 529. The clerk of the court may also accept  
33 payment of statutory fees by a credit card or debit card. The

1 clerk of the court may also accept the credit card or debit  
2 card for the cash deposit of bail bond fees up to \$300.

3 The Clerk of the circuit court is authorized to enter into  
4 contracts with credit card or debit card companies approved by  
5 the clerk and to negotiate the payment of convenience and  
6 administrative fees ~~to pay those companies fees~~ normally  
7 charged by those companies for allowing the clerk of the  
8 circuit court to accept their credit cards or debit cards in  
9 payment as authorized herein. The clerk of the circuit court is  
10 authorized to enter into contracts with third party fund  
11 guarantors, facilitators, and service providers under which  
12 those entities may contract directly with customers of the  
13 clerk of the circuit court and guarantee and remit the payments  
14 to the clerk of the circuit court. Where the offender pays  
15 fines, penalties, or costs by credit card or debit card or  
16 through a third party fund guarantor, facilitator, or service  
17 provider, or anyone paying statutory fees of the circuit court  
18 clerk or the posting of cash bail, the clerk shall collect a  
19 service fee of up to \$5 or the amount charged to the clerk for  
20 use of its services by the credit card or debit card issuer,  
21 third party fund guarantor, facilitator, or service provider.  
22 This service fee shall be in addition to any other fines,  
23 penalties, or costs. The clerk of the circuit court is  
24 authorized to negotiate the assessment of convenience and  
25 administrative fees by the third party fund guarantors,  
26 facilitators, and service providers with the revenue earned by  
27 the clerk of the circuit court to be remitted to the county  
28 general revenue fund.

29 (Source: P.A. 93-391, eff. 1-1-04.)

30 Section 20. The Illinois Marriage and Dissolution of  
31 Marriage Act is amended by changing Section 706.3 as follows:

32 (750 ILCS 5/706.3)

1           Sec. 706.3. Information concerning obligors.

2           (a) In this Section:

3           "Arrearage", "delinquency", "obligor", and "order for  
4 support" have the meanings attributed to those terms in the  
5 Income Withholding for Support Act.

6           "Consumer reporting agency" has the meaning attributed to  
7 that term in Section 603(f) of the Fair Credit Reporting Act,  
8 15 U.S.C. 1681a(f).

9           (b) Whenever a court of competent jurisdiction finds that  
10 an obligor either owes an arrearage of more than \$10,000, ~~or~~ is  
11 delinquent in payment of an amount equal to at least 3 months'  
12 support obligation pursuant to an order for support, or fails  
13 to pay the child support annual fee for a period of 3 years,  
14 the court shall direct the clerk of the court to make  
15 information concerning the obligor available to consumer  
16 reporting agencies.

17           (c) Whenever a court of competent jurisdiction finds that  
18 an obligor either owes an arrearage of more than \$10,000 or is  
19 delinquent in payment of an amount equal to at least 3 months'  
20 support obligation pursuant to an order for support, the court  
21 shall direct the clerk of the court to cause the obligor's name  
22 and address to be published in a newspaper of general  
23 circulation in the area in which the obligor resides. The clerk  
24 shall cause the obligor's name and address to be published only  
25 after sending to the obligor at the obligor's last known  
26 address, by certified mail, return receipt requested, a notice  
27 of intent to publish the information. This subsection (c)  
28 applies only if the obligor resides in the county in which the  
29 clerk of the court holds office.

30           (Source: P.A. 90-466, eff. 1-1-98; 90-673, eff. 1-1-99.)".