

1 AN ACT concerning criminal law.

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

4 Section 5. The Clerks of Courts Act is amended by changing
5 Section 27.6 as follows:

6 (705 ILCS 105/27.6)

7 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
8 96-667, 96-1175, and 96-1342)

9 Sec. 27.6. (a) All fees, fines, costs, additional
10 penalties, bail balances assessed or forfeited, and any other
11 amount paid by a person to the circuit clerk equalling an
12 amount of \$55 or more, except the fine imposed by Section
13 5-9-1.15 of the Unified Code of Corrections, the additional fee
14 required by subsections (b) and (c), restitution under Section
15 5-5-6 of the Unified Code of Corrections, contributions to a
16 local anti-crime program ordered pursuant to Section
17 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
18 Corrections, reimbursement for the costs of an emergency
19 response as provided under Section 11-501 of the Illinois
20 Vehicle Code, any fees collected for attending a traffic safety
21 program under paragraph (c) of Supreme Court Rule 529, any fee
22 collected on behalf of a State's Attorney under Section 4-2002
23 of the Counties Code or a sheriff under Section 4-5001 of the

1 Counties Code, or any cost imposed under Section 124A-5 of the
2 Code of Criminal Procedure of 1963, for convictions, orders of
3 supervision, or any other disposition for a violation of
4 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
5 similar provision of a local ordinance, and any violation of
6 the Child Passenger Protection Act, or a similar provision of a
7 local ordinance, and except as otherwise provided in this
8 Section shall be disbursed within 60 days after receipt by the
9 circuit clerk as follows: 44.5% shall be disbursed to the
10 entity authorized by law to receive the fine imposed in the
11 case; 16.825% shall be disbursed to the State Treasurer; and
12 38.675% shall be disbursed to the county's general corporate
13 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
14 shall be deposited by the State Treasurer into the Violent
15 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
16 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
17 be deposited into the Drivers Education Fund, and 6.948/17
18 shall be deposited into the Trauma Center Fund. Of the 6.948/17
19 deposited into the Trauma Center Fund from the 16.825%
20 disbursed to the State Treasurer, 50% shall be disbursed to the
21 Department of Public Health and 50% shall be disbursed to the
22 Department of Healthcare and Family Services. For fiscal year
23 1993, amounts deposited into the Violent Crime Victims
24 Assistance Fund, the Traffic and Criminal Conviction Surcharge
25 Fund, or the Drivers Education Fund shall not exceed 110% of
26 the amounts deposited into those funds in fiscal year 1991. Any

1 amount that exceeds the 110% limit shall be distributed as
2 follows: 50% shall be disbursed to the county's general
3 corporate fund and 50% shall be disbursed to the entity
4 authorized by law to receive the fine imposed in the case. Not
5 later than March 1 of each year the circuit clerk shall submit
6 a report of the amount of funds remitted to the State Treasurer
7 under this Section during the preceding year based upon
8 independent verification of fines and fees. All counties shall
9 be subject to this Section, except that counties with a
10 population under 2,000,000 may, by ordinance, elect not to be
11 subject to this Section. For offenses subject to this Section,
12 judges shall impose one total sum of money payable for
13 violations. The circuit clerk may add on no additional amounts
14 except for amounts that are required by Sections 27.3a and
15 27.3c of this Act, unless those amounts are specifically waived
16 by the judge. With respect to money collected by the circuit
17 clerk as a result of forfeiture of bail, ex parte judgment or
18 guilty plea pursuant to Supreme Court Rule 529, the circuit
19 clerk shall first deduct and pay amounts required by Sections
20 27.3a and 27.3c of this Act. This Section is a denial and
21 limitation of home rule powers and functions under subsection
22 (h) of Section 6 of Article VII of the Illinois Constitution.

23 (b) In addition to any other fines and court costs assessed
24 by the courts, any person convicted or receiving an order of
25 supervision for driving under the influence of alcohol or drugs
26 shall pay an additional fee of \$100 to the clerk of the circuit

1 court. This amount, less 2 1/2% that shall be used to defray
2 administrative costs incurred by the clerk, shall be remitted
3 by the clerk to the Treasurer within 60 days after receipt for
4 deposit into the Trauma Center Fund. This additional fee of
5 \$100 shall not be considered a part of the fine for purposes of
6 any reduction in the fine for time served either before or
7 after sentencing. Not later than March 1 of each year the
8 Circuit Clerk shall submit a report of the amount of funds
9 remitted to the State Treasurer under this subsection during
10 the preceding calendar year.

11 (b-1) In addition to any other fines and court costs
12 assessed by the courts, any person convicted or receiving an
13 order of supervision for driving under the influence of alcohol
14 or drugs shall pay an additional fee of \$5 to the clerk of the
15 circuit court. This amount, less 2 1/2% that shall be used to
16 defray administrative costs incurred by the clerk, shall be
17 remitted by the clerk to the Treasurer within 60 days after
18 receipt for deposit into the Spinal Cord Injury Paralysis Cure
19 Research Trust Fund. This additional fee of \$5 shall not be
20 considered a part of the fine for purposes of any reduction in
21 the fine for time served either before or after sentencing. Not
22 later than March 1 of each year the Circuit Clerk shall submit
23 a report of the amount of funds remitted to the State Treasurer
24 under this subsection during the preceding calendar year.

25 (c) In addition to any other fines and court costs assessed
26 by the courts, any person convicted for a violation of Sections

1 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
2 person sentenced for a violation of the Cannabis Control Act,
3 the Illinois Controlled Substances Act, or the Methamphetamine
4 Control and Community Protection Act shall pay an additional
5 fee of \$100 to the clerk of the circuit court. This amount,
6 less 2 1/2% that shall be used to defray administrative costs
7 incurred by the clerk, shall be remitted by the clerk to the
8 Treasurer within 60 days after receipt for deposit into the
9 Trauma Center Fund. This additional fee of \$100 shall not be
10 considered a part of the fine for purposes of any reduction in
11 the fine for time served either before or after sentencing. Not
12 later than March 1 of each year the Circuit Clerk shall submit
13 a report of the amount of funds remitted to the State Treasurer
14 under this subsection during the preceding calendar year.

15 (c-1) In addition to any other fines and court costs
16 assessed by the courts, any person sentenced for a violation of
17 the Cannabis Control Act, the Illinois Controlled Substances
18 Act, or the Methamphetamine Control and Community Protection
19 Act shall pay an additional fee of \$5 to the clerk of the
20 circuit court. This amount, less 2 1/2% that shall be used to
21 defray administrative costs incurred by the clerk, shall be
22 remitted by the clerk to the Treasurer within 60 days after
23 receipt for deposit into the Spinal Cord Injury Paralysis Cure
24 Research Trust Fund. This additional fee of \$5 shall not be
25 considered a part of the fine for purposes of any reduction in
26 the fine for time served either before or after sentencing. Not

1 later than March 1 of each year the Circuit Clerk shall submit
2 a report of the amount of funds remitted to the State Treasurer
3 under this subsection during the preceding calendar year.

4 (d) The following amounts must be remitted to the State
5 Treasurer for deposit into the Illinois Animal Abuse Fund:

6 (1) 50% of the amounts collected for felony offenses
7 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
8 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
9 Animals Act and Section 26-5 of the Criminal Code of 1961;

10 (2) 20% of the amounts collected for Class A and Class
11 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
12 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
13 for Animals Act and Section 26-5 of the Criminal Code of
14 1961; and

15 (3) 50% of the amounts collected for Class C
16 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
17 for Animals Act and Section 26-5 of the Criminal Code of
18 1961.

19 (e) Any person who receives a disposition of court
20 supervision for a violation of the Illinois Vehicle Code or a
21 similar provision of a local ordinance shall, in addition to
22 any other fines, fees, and court costs, pay an additional fee
23 of \$29, to be disbursed as provided in Section 16-104c of the
24 Illinois Vehicle Code. In addition to the fee of \$29, the
25 person shall also pay a fee of \$6, if not waived by the court.
26 If this \$6 fee is collected, \$5.50 of the fee shall be

1 deposited into the Circuit Court Clerk Operation and
2 Administrative Fund created by the Clerk of the Circuit Court
3 and 50 cents of the fee shall be deposited into the Prisoner
4 Review Board Vehicle and Equipment Fund in the State treasury.

5 (f) This Section does not apply to the additional child
6 pornography fines assessed and collected under Section
7 5-9-1.14 of the Unified Code of Corrections.

8 (g) (Blank).

9 (h) (Blank).

10 (i) Of the amounts collected as fines under subsection (b)
11 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
12 deposited into the Illinois Military Family Relief Fund and 1%
13 shall be deposited into the Circuit Court Clerk Operation and
14 Administrative Fund created by the Clerk of the Circuit Court
15 to be used to offset the costs incurred by the Circuit Court
16 Clerk in performing the additional duties required to collect
17 and disburse funds to entities of State and local government as
18 provided by law.

19 (j) Any person convicted of, pleading guilty to, or placed
20 on supervision for a serious traffic violation, as defined in
21 Section 1-187.001 of the Illinois Vehicle Code, a violation of
22 Section 11-501 of the Illinois Vehicle Code, or a violation of
23 a similar provision of a local ordinance shall pay an
24 additional fee of \$35, to be disbursed as provided in Section
25 16-104d of that Code.

26 This subsection (j) ~~(h)~~ becomes inoperative 7 years after

1 the effective date of Public Act 95-154.

2 (k) For any conviction or disposition of court supervision
3 for a violation of Section 11-1429 of the Illinois Vehicle
4 Code, the circuit clerk shall distribute the fines paid by the
5 person as specified by subsection (h) of Section 11-1429 of the
6 Illinois Vehicle Code.

7 (l) Any person who receives a disposition of court
8 supervision for a violation of Section 11-501 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance shall,
10 in addition to any other fines, fees, and court costs, pay an
11 additional fee of \$50, which shall be collected by the circuit
12 clerk and then remitted to the State Treasurer for deposit into
13 the Roadside Memorial Fund, a special fund in the State
14 treasury. However, the court may waive the fee if full
15 restitution is complied with. Subject to appropriation, all
16 moneys in the Roadside Memorial Fund shall be used by the
17 Department of Transportation to pay fees imposed under
18 subsection (f) of Section 20 of the Roadside Memorial Act. The
19 fee shall be remitted by the circuit clerk within one month
20 after receipt to the State Treasurer for deposit into the
21 Roadside Memorial Fund.

22 (m) Of the amounts collected as fines under subsection (c)
23 of Section 411.4 of the Illinois Controlled Substances Act or
24 subsection (c) of Section 90 of the Methamphetamine Control and
25 Community Protection Act, 99% shall be deposited to the law
26 enforcement agency or fund specified and 1% shall be deposited

1 into the Circuit Court Clerk Operation and Administrative Fund
2 to be used to offset the costs incurred by the Circuit Court
3 Clerk in performing the additional duties required to collect
4 and disburse funds to entities of State and local government as
5 provided by law.

6 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
7 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
8 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
9 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,
10 eff. 9-20-10; 96-1342, eff. 1-1-11; revised 9-16-10.)

11 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
12 96-735, 96-1175, and 96-1342)

13 Sec. 27.6. (a) All fees, fines, costs, additional
14 penalties, bail balances assessed or forfeited, and any other
15 amount paid by a person to the circuit clerk equalling an
16 amount of \$55 or more, except the fine imposed by Section
17 5-9-1.15 of the Unified Code of Corrections, the additional fee
18 required by subsections (b) and (c), restitution under Section
19 5-5-6 of the Unified Code of Corrections, contributions to a
20 local anti-crime program ordered pursuant to Section
21 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
22 Corrections, reimbursement for the costs of an emergency
23 response as provided under Section 11-501 of the Illinois
24 Vehicle Code, any fees collected for attending a traffic safety
25 program under paragraph (c) of Supreme Court Rule 529, any fee

1 collected on behalf of a State's Attorney under Section 4-2002
2 of the Counties Code or a sheriff under Section 4-5001 of the
3 Counties Code, or any cost imposed under Section 124A-5 of the
4 Code of Criminal Procedure of 1963, for convictions, orders of
5 supervision, or any other disposition for a violation of
6 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
7 similar provision of a local ordinance, and any violation of
8 the Child Passenger Protection Act, or a similar provision of a
9 local ordinance, and except as otherwise provided in this
10 Section shall be disbursed within 60 days after receipt by the
11 circuit clerk as follows: 44.5% shall be disbursed to the
12 entity authorized by law to receive the fine imposed in the
13 case; 16.825% shall be disbursed to the State Treasurer; and
14 38.675% shall be disbursed to the county's general corporate
15 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
16 shall be deposited by the State Treasurer into the Violent
17 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
18 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
19 be deposited into the Drivers Education Fund, and 6.948/17
20 shall be deposited into the Trauma Center Fund. Of the 6.948/17
21 deposited into the Trauma Center Fund from the 16.825%
22 disbursed to the State Treasurer, 50% shall be disbursed to the
23 Department of Public Health and 50% shall be disbursed to the
24 Department of Healthcare and Family Services. For fiscal year
25 1993, amounts deposited into the Violent Crime Victims
26 Assistance Fund, the Traffic and Criminal Conviction Surcharge

1 Fund, or the Drivers Education Fund shall not exceed 110% of
2 the amounts deposited into those funds in fiscal year 1991. Any
3 amount that exceeds the 110% limit shall be distributed as
4 follows: 50% shall be disbursed to the county's general
5 corporate fund and 50% shall be disbursed to the entity
6 authorized by law to receive the fine imposed in the case. Not
7 later than March 1 of each year the circuit clerk shall submit
8 a report of the amount of funds remitted to the State Treasurer
9 under this Section during the preceding year based upon
10 independent verification of fines and fees. All counties shall
11 be subject to this Section, except that counties with a
12 population under 2,000,000 may, by ordinance, elect not to be
13 subject to this Section. For offenses subject to this Section,
14 judges shall impose one total sum of money payable for
15 violations. The circuit clerk may add on no additional amounts
16 except for amounts that are required by Sections 27.3a and
17 27.3c of this Act, Section 16-104c of the Illinois Vehicle
18 Code, and subsection (a) of Section 5-1101 of the Counties
19 Code, unless those amounts are specifically waived by the
20 judge. With respect to money collected by the circuit clerk as
21 a result of forfeiture of bail, ex parte judgment or guilty
22 plea pursuant to Supreme Court Rule 529, the circuit clerk
23 shall first deduct and pay amounts required by Sections 27.3a
24 and 27.3c of this Act. Unless a court ordered payment schedule
25 is implemented or fee requirements are waived pursuant to court
26 order, the clerk of the court may add to any unpaid fees and

1 costs a delinquency amount equal to 5% of the unpaid fees that
2 remain unpaid after 30 days, 10% of the unpaid fees that remain
3 unpaid after 60 days, and 15% of the unpaid fees that remain
4 unpaid after 90 days. Notice to those parties may be made by
5 signage posting or publication. The additional delinquency
6 amounts collected under this Section shall be deposited in the
7 Circuit Court Clerk Operation and Administrative Fund to be
8 used to defray administrative costs incurred by the circuit
9 clerk in performing the duties required to collect and disburse
10 funds. This Section is a denial and limitation of home rule
11 powers and functions under subsection (h) of Section 6 of
12 Article VII of the Illinois Constitution.

13 (b) In addition to any other fines and court costs assessed
14 by the courts, any person convicted or receiving an order of
15 supervision for driving under the influence of alcohol or drugs
16 shall pay an additional fee of \$100 to the clerk of the circuit
17 court. This amount, less 2 1/2% that shall be used to defray
18 administrative costs incurred by the clerk, shall be remitted
19 by the clerk to the Treasurer within 60 days after receipt for
20 deposit into the Trauma Center Fund. This additional fee of
21 \$100 shall not be considered a part of the fine for purposes of
22 any reduction in the fine for time served either before or
23 after sentencing. Not later than March 1 of each year the
24 Circuit Clerk shall submit a report of the amount of funds
25 remitted to the State Treasurer under this subsection during
26 the preceding calendar year.

1 (b-1) In addition to any other fines and court costs
2 assessed by the courts, any person convicted or receiving an
3 order of supervision for driving under the influence of alcohol
4 or drugs shall pay an additional fee of \$5 to the clerk of the
5 circuit court. This amount, less 2 1/2% that shall be used to
6 defray administrative costs incurred by the clerk, shall be
7 remitted by the clerk to the Treasurer within 60 days after
8 receipt for deposit into the Spinal Cord Injury Paralysis Cure
9 Research Trust Fund. This additional fee of \$5 shall not be
10 considered a part of the fine for purposes of any reduction in
11 the fine for time served either before or after sentencing. Not
12 later than March 1 of each year the Circuit Clerk shall submit
13 a report of the amount of funds remitted to the State Treasurer
14 under this subsection during the preceding calendar year.

15 (c) In addition to any other fines and court costs assessed
16 by the courts, any person convicted for a violation of Sections
17 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
18 person sentenced for a violation of the Cannabis Control Act,
19 the Illinois Controlled Substances Act, or the Methamphetamine
20 Control and Community Protection Act shall pay an additional
21 fee of \$100 to the clerk of the circuit court. This amount,
22 less 2 1/2% that shall be used to defray administrative costs
23 incurred by the clerk, shall be remitted by the clerk to the
24 Treasurer within 60 days after receipt for deposit into the
25 Trauma Center Fund. This additional fee of \$100 shall not be
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not
2 later than March 1 of each year the Circuit Clerk shall submit
3 a report of the amount of funds remitted to the State Treasurer
4 under this subsection during the preceding calendar year.

5 (c-1) In addition to any other fines and court costs
6 assessed by the courts, any person sentenced for a violation of
7 the Cannabis Control Act, the Illinois Controlled Substances
8 Act, or the Methamphetamine Control and Community Protection
9 Act shall pay an additional fee of \$5 to the clerk of the
10 circuit court. This amount, less 2 1/2% that shall be used to
11 defray administrative costs incurred by the clerk, shall be
12 remitted by the clerk to the Treasurer within 60 days after
13 receipt for deposit into the Spinal Cord Injury Paralysis Cure
14 Research Trust Fund. This additional fee of \$5 shall not be
15 considered a part of the fine for purposes of any reduction in
16 the fine for time served either before or after sentencing. Not
17 later than March 1 of each year the Circuit Clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this subsection during the preceding calendar year.

20 (d) The following amounts must be remitted to the State
21 Treasurer for deposit into the Illinois Animal Abuse Fund:

22 (1) 50% of the amounts collected for felony offenses
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
25 Animals Act and Section 26-5 of the Criminal Code of 1961;

26 (2) 20% of the amounts collected for Class A and Class

1 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
2 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
3 for Animals Act and Section 26-5 of the Criminal Code of
4 1961; and

5 (3) 50% of the amounts collected for Class C
6 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
7 for Animals Act and Section 26-5 of the Criminal Code of
8 1961.

9 (e) Any person who receives a disposition of court
10 supervision for a violation of the Illinois Vehicle Code or a
11 similar provision of a local ordinance shall, in addition to
12 any other fines, fees, and court costs, pay an additional fee
13 of \$29, to be disbursed as provided in Section 16-104c of the
14 Illinois Vehicle Code. In addition to the fee of \$29, the
15 person shall also pay a fee of \$6, if not waived by the court.
16 If this \$6 fee is collected, \$5.50 of the fee shall be
17 deposited into the Circuit Court Clerk Operation and
18 Administrative Fund created by the Clerk of the Circuit Court
19 and 50 cents of the fee shall be deposited into the Prisoner
20 Review Board Vehicle and Equipment Fund in the State treasury.

21 (f) This Section does not apply to the additional child
22 pornography fines assessed and collected under Section
23 5-9-1.14 of the Unified Code of Corrections.

24 (g) Any person convicted of or pleading guilty to a serious
25 traffic violation, as defined in Section 1-187.001 of the
26 Illinois Vehicle Code, shall pay an additional fee of \$35, to

1 be disbursed as provided in Section 16-104d of that Code. This
2 subsection (g) becomes inoperative 7 years after the effective
3 date of Public Act 95-154.

4 (h) In all counties having a population of 3,000,000 or
5 more inhabitants,

6 (1) A person who is found guilty of or pleads guilty to
7 violating subsection (a) of Section 11-501 of the Illinois
8 Vehicle Code, including any person placed on court
9 supervision for violating subsection (a), shall be fined
10 \$750 as provided for by subsection (f) of Section 11-501.01
11 of the Illinois Vehicle Code, payable to the circuit clerk,
12 who shall distribute the money pursuant to subsection (f)
13 of Section 11-501.01 of the Illinois Vehicle Code.

14 (2) When a crime laboratory DUI analysis fee of \$150,
15 provided for by Section 5-9-1.9 of the Unified Code of
16 Corrections is assessed, it shall be disbursed by the
17 circuit clerk as provided by subsection (f) of Section
18 5-9-1.9 of the Unified Code of Corrections.

19 (3) When a fine for a violation of Section 11-605.1 of
20 the Illinois Vehicle Code is \$250 or greater, the person
21 who violated that Section shall be charged an additional
22 \$125 as provided for by subsection (e) of Section 11-605.1
23 of the Illinois Vehicle Code, which shall be disbursed by
24 the circuit clerk to a State or county Transportation
25 Safety Highway Hire-back Fund as provided by subsection (e)
26 of Section 11-605.1 of the Illinois Vehicle Code.

1 (4) When a fine for a violation of subsection (a) of
2 Section 11-605 of the Illinois Vehicle Code is \$150 or
3 greater, the additional \$50 which is charged as provided
4 for by subsection (f) of Section 11-605 of the Illinois
5 Vehicle Code shall be disbursed by the circuit clerk to a
6 school district or districts for school safety purposes as
7 provided by subsection (f) of Section 11-605.

8 (5) When a fine for a violation of subsection (a) of
9 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
10 greater, the additional \$50 which is charged as provided
11 for by subsection (c) of Section 11-1002.5 of the Illinois
12 Vehicle Code shall be disbursed by the circuit clerk to a
13 school district or districts for school safety purposes as
14 provided by subsection (c) of Section 11-1002.5 of the
15 Illinois Vehicle Code.

16 (6) When a mandatory drug court fee of up to \$5 is
17 assessed as provided in subsection (f) of Section 5-1101 of
18 the Counties Code, it shall be disbursed by the circuit
19 clerk as provided in subsection (f) of Section 5-1101 of
20 the Counties Code.

21 (7) When a mandatory teen court, peer jury, youth
22 court, or other youth diversion program fee is assessed as
23 provided in subsection (e) of Section 5-1101 of the
24 Counties Code, it shall be disbursed by the circuit clerk
25 as provided in subsection (e) of Section 5-1101 of the
26 Counties Code.

1 (8) When a Children's Advocacy Center fee is assessed
2 pursuant to subsection (f-5) of Section 5-1101 of the
3 Counties Code, it shall be disbursed by the circuit clerk
4 as provided in subsection (f-5) of Section 5-1101 of the
5 Counties Code.

6 (9) When a victim impact panel fee is assessed pursuant
7 to subsection (b) of Section 11-501.01 of the Vehicle Code,
8 it shall be disbursed by the circuit clerk to the victim
9 impact panel to be attended by the defendant.

10 (10) When a new fee collected in traffic cases is
11 enacted after the effective date of this subsection (h), it
12 shall be excluded from the percentage disbursement
13 provisions of this Section unless otherwise indicated by
14 law.

15 (i) Of the amounts collected as fines under subsection (b)
16 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
17 deposited into the Illinois Military Family Relief Fund and 1%
18 shall be deposited into the Circuit Court Clerk Operation and
19 Administrative Fund created by the Clerk of the Circuit Court
20 to be used to offset the costs incurred by the Circuit Court
21 Clerk in performing the additional duties required to collect
22 and disburse funds to entities of State and local government as
23 provided by law.

24 (j) (Blank).

25 (k) For any conviction or disposition of court supervision
26 for a violation of Section 11-1429 of the Illinois Vehicle

1 Code, the circuit clerk shall distribute the fines paid by the
2 person as specified by subsection (h) of Section 11-1429 of the
3 Illinois Vehicle Code.

4 (l) Any person who receives a disposition of court
5 supervision for a violation of Section 11-501 of the Illinois
6 Vehicle Code or a similar provision of a local ordinance shall,
7 in addition to any other fines, fees, and court costs, pay an
8 additional fee of \$50, which shall be collected by the circuit
9 clerk and then remitted to the State Treasurer for deposit into
10 the Roadside Memorial Fund, a special fund in the State
11 treasury. However, the court may waive the fee if full
12 restitution is complied with. Subject to appropriation, all
13 moneys in the Roadside Memorial Fund shall be used by the
14 Department of Transportation to pay fees imposed under
15 subsection (f) of Section 20 of the Roadside Memorial Act. The
16 fee shall be remitted by the circuit clerk within one month
17 after receipt to the State Treasurer for deposit into the
18 Roadside Memorial Fund.

19 (m) Of the amounts collected as fines under subsection (c)
20 of Section 411.4 of the Illinois Controlled Substances Act or
21 subsection (c) of Section 90 of the Methamphetamine Control and
22 Community Protection Act, 99% shall be deposited to the law
23 enforcement agency or fund specified and 1% shall be deposited
24 into the Circuit Court Clerk Operation and Administrative Fund
25 to be used to offset the costs incurred by the Circuit Court
26 Clerk in performing the additional duties required to collect

1 and disburse funds to entities of State and local government as
2 provided by law.

3 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
4 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
5 96-576, eff. 8-18-09; 96-578, eff. 8-18-09; 96-625, eff.
6 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10; 96-1175,
7 eff. 9-20-10; 96-1342, eff. 1-1-11; revised 9-16-10.)

8 Section 10. The Illinois Controlled Substances Act is
9 amended by adding Section 411.4 as follows:

10 (720 ILCS 570/411.4 new)

11 Sec. 411.4. Reimbursement of unit of government for
12 emergency response.

13 (a) As used in this Section, "emergency response" means the
14 act of collecting evidence from or securing a site where
15 controlled substances were manufactured, or where by-products
16 from the manufacture of controlled substances are present, and
17 cleaning up the site, whether these actions are performed by
18 public entities or private contractors paid by public entities.

19 (b) Every person convicted of violating Section 401, 407,
20 or 407.2 of this Act whose violation proximately caused any
21 incident resulting in an appropriate emergency response shall
22 be liable for the expense of an emergency response and shall be
23 assessed a fine of \$750, payable to the circuit clerk, who
24 shall distribute the money to the law enforcement agency that

1 made the arrest. If the person has been previously convicted of
2 violating Section 401, 407, or 407.2 of this Act, the fine
3 shall be \$1,000, and the circuit clerk shall distribute the
4 money to the law enforcement agency that made the arrest. In
5 the event that more than one agency is responsible for the
6 arrest, the amount payable to law enforcement agencies shall be
7 shared equally. Any moneys received by a law enforcement agency
8 under this Section shall be used for law enforcement expenses.

9 Any moneys collected for the Illinois State Police shall be
10 deposited into the Traffic and Criminal Conviction Surcharge
11 Fund.

12 Section 15. The Methamphetamine Control and Community
13 Protection Act is amended by changing Sections 10 and 90 as
14 follows:

15 (720 ILCS 646/10)

16 Sec. 10. Definitions. As used in this Act:

17 "Anhydrous ammonia" has the meaning provided in subsection
18 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

19 "Anhydrous ammonia equipment" means all items used to
20 store, hold, contain, handle, transfer, transport, or apply
21 anhydrous ammonia for lawful purposes.

22 "Booby trap" means any device designed to cause physical
23 injury when triggered by an act of a person approaching,
24 entering, or moving through a structure, a vehicle, or any

1 location where methamphetamine has been manufactured, is being
2 manufactured, or is intended to be manufactured.

3 "Deliver" or "delivery" has the meaning provided in
4 subsection (h) of Section 102 of the Illinois Controlled
5 Substances Act.

6 "Director" means the Director of State Police or the
7 Director's designated agents.

8 "Dispose" or "disposal" means to abandon, discharge,
9 release, deposit, inject, dump, spill, leak, or place
10 methamphetamine waste onto or into any land, water, or well of
11 any type so that the waste has the potential to enter the
12 environment, be emitted into the air, or be discharged into the
13 soil or any waters, including groundwater.

14 "Emergency response" means the act of collecting evidence
15 from ~~or~~ securing a methamphetamine laboratory site,
16 methamphetamine waste site or other methamphetamine-related
17 site and cleaning up the site, whether these actions are
18 performed by public entities or private contractors paid by
19 public entities.

20 "Emergency service provider" means a local, State, or
21 federal peace officer, firefighter, emergency medical
22 technician-ambulance, emergency medical
23 technician-intermediate, emergency medical
24 technician-paramedic, ambulance driver, or other medical or
25 first aid personnel rendering aid, or any agent or designee of
26 the foregoing.

1 "Finished methamphetamine" means methamphetamine in a form
2 commonly used for personal consumption.

3 "Firearm" has the meaning provided in Section 1.1 of the
4 Firearm Owners Identification Card Act.

5 "Manufacture" means to produce, prepare, compound,
6 convert, process, synthesize, concentrate, purify, separate,
7 extract, or package any methamphetamine, methamphetamine
8 precursor, methamphetamine manufacturing catalyst,
9 methamphetamine manufacturing reagent, methamphetamine
10 manufacturing solvent, or any substance containing any of the
11 foregoing.

12 "Methamphetamine" means the chemical methamphetamine (a
13 Schedule II controlled substance under the Illinois Controlled
14 Substances Act) or any salt, optical isomer, salt of optical
15 isomer, or analog thereof, with the exception of
16 3,4-Methylenedioxymethamphetamine (MDMA) or any other
17 scheduled substance with a separate listing under the Illinois
18 Controlled Substances Act.

19 "Methamphetamine manufacturing catalyst" means any
20 substance that has been used, is being used, or is intended to
21 be used to activate, accelerate, extend, or improve a chemical
22 reaction involved in the manufacture of methamphetamine.

23 "Methamphetamine manufacturing environment" means a
24 structure or vehicle in which:

- 25 (1) methamphetamine is being or has been manufactured;
26 (2) chemicals that are being used, have been used, or

1 are intended to be used to manufacture methamphetamine are
2 stored;

3 (3) methamphetamine manufacturing materials that have
4 been used to manufacture methamphetamine are stored; or

5 (4) methamphetamine manufacturing waste is stored.

6 "Methamphetamine manufacturing material" means any
7 methamphetamine precursor, substance containing any
8 methamphetamine precursor, methamphetamine manufacturing
9 catalyst, substance containing any methamphetamine
10 manufacturing catalyst, methamphetamine manufacturing reagent,
11 substance containing any methamphetamine manufacturing
12 reagent, methamphetamine manufacturing solvent, substance
13 containing any methamphetamine manufacturing solvent, or any
14 other chemical, substance, ingredient, equipment, apparatus,
15 or item that is being used, has been used, or is intended to be
16 used in the manufacture of methamphetamine.

17 "Methamphetamine manufacturing reagent" means any
18 substance other than a methamphetamine manufacturing catalyst
19 that has been used, is being used, or is intended to be used to
20 react with and chemically alter any methamphetamine precursor.

21 "Methamphetamine manufacturing solvent" means any
22 substance that has been used, is being used, or is intended to
23 be used as a medium in which any methamphetamine precursor,
24 methamphetamine manufacturing catalyst, methamphetamine
25 manufacturing reagent, or any substance containing any of the
26 foregoing is dissolved, diluted, or washed during any part of

1 the methamphetamine manufacturing process.

2 "Methamphetamine manufacturing waste" means any chemical,
3 substance, ingredient, equipment, apparatus, or item that is
4 left over from, results from, or is produced by the process of
5 manufacturing methamphetamine, other than finished
6 methamphetamine.

7 "Methamphetamine precursor" means ephedrine,
8 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
9 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
10 isomer, or salt of an optical isomer of any of these chemicals.

11 "Multi-unit dwelling" means a unified structure used or
12 intended for use as a habitation, home, or residence that
13 contains 2 or more condominiums, apartments, hotel rooms, motel
14 rooms, or other living units.

15 "Package" means an item marked for retail sale that is not
16 designed to be further broken down or subdivided for the
17 purpose of retail sale.

18 "Participate" or "participation" in the manufacture of
19 methamphetamine means to produce, prepare, compound, convert,
20 process, synthesize, concentrate, purify, separate, extract,
21 or package any methamphetamine, methamphetamine precursor,
22 methamphetamine manufacturing catalyst, methamphetamine
23 manufacturing reagent, methamphetamine manufacturing solvent,
24 or any substance containing any of the foregoing, or to assist
25 in any of these actions, or to attempt to take any of these
26 actions, regardless of whether this action or these actions

1 result in the production of finished methamphetamine.

2 "Person with a disability" means a person who suffers from
3 a permanent physical or mental impairment resulting from
4 disease, injury, functional disorder, or congenital condition
5 which renders the person incapable of adequately providing for
6 his or her own health and personal care.

7 "Procure" means to purchase, steal, gather, or otherwise
8 obtain, by legal or illegal means, or to cause another to take
9 such action.

10 "Second or subsequent offense" means an offense under this
11 Act committed by an offender who previously committed an
12 offense under this Act, the Illinois Controlled Substances Act,
13 the Cannabis Control Act, or another Act of this State, another
14 state, or the United States relating to methamphetamine,
15 cannabis, or any other controlled substance.

16 "Standard dosage form", as used in relation to any
17 methamphetamine precursor, means that the methamphetamine
18 precursor is contained in a pill, tablet, capsule, caplet, gel
19 cap, or liquid cap that has been manufactured by a lawful
20 entity and contains a standard quantity of methamphetamine
21 precursor.

22 "Unauthorized container", as used in relation to anhydrous
23 ammonia, means any container that is not designed for the
24 specific and sole purpose of holding, storing, transporting, or
25 applying anhydrous ammonia. "Unauthorized container" includes,
26 but is not limited to, any propane tank, fire extinguisher,

1 oxygen cylinder, gasoline can, food or beverage cooler, or
2 compressed gas cylinder used in dispensing fountain drinks.
3 "Unauthorized container" does not encompass anhydrous ammonia
4 manufacturing plants, refrigeration systems where anhydrous
5 ammonia is used solely as a refrigerant, anhydrous ammonia
6 transportation pipelines, anhydrous ammonia tankers, or
7 anhydrous ammonia barges.

8 (Source: P.A. 94-556, eff. 9-11-05.)

9 (720 ILCS 646/90)

10 Sec. 90. Methamphetamine restitution.

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

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

24 (1) first, to the agency responsible for the mitigation
25 of the incident ~~local agencies involved in the emergency~~

1 ~~response;~~

2 (2) second, to the local agencies involved in the
3 emergency response; ~~State agencies involved in the~~
4 ~~emergency response; and~~

5 (3) third, to the State agencies involved in the
6 emergency response; and ~~federal agencies involved in the~~
7 ~~emergency response.~~

8 (4) fourth, to the federal agencies involved in the
9 emergency response.

10 (c) In addition to any other penalties and liabilities, a
11 person who is convicted of violating any Section of this Act,
12 whose violation proximately caused any incident resulting in an
13 appropriate emergency response, shall be assessed a fine of
14 \$2,500, payable to the circuit clerk, who shall distribute the
15 money to the law enforcement agency responsible for the
16 mitigation of the incident. If the person has been previously
17 convicted of violating any Section of this Act, the fine shall
18 be \$5,000 and the circuit clerk shall distribute the money to
19 the law enforcement agency responsible for the mitigation of
20 the incident. In the event that more than one agency is
21 responsible for an arrest which does not require mitigation,
22 the amount payable to law enforcement agencies shall be shared
23 equally. Any moneys received by a law enforcement agency under
24 this Section shall be used for law enforcement expenses.

25 Any moneys collected for the Illinois State Police shall be
26 deposited into the Traffic and Criminal Conviction Surcharge

1 Fund.

2 (Source: P.A. 94-556, eff. 9-11-05.)