



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0350

Introduced 1/29/2021, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

705 ILCS 135/5-10  
705 ILCS 135/5-20

Amends the Criminal and Traffic Assessment Act. Provides that before the court orders an assessment, the court shall make a determination of the defendant's ability to pay the assessment. Provides that if the court determines that the defendant is unable to pay the assessment, the court may reduce the assessment or waive the assessment in the court's discretion. Deletes language providing that that one hour of public or community service shall be equivalent to \$4 of assessment. Provides instead that one hour of public or community service shall be equivalent to the value of one hour of work at the State minimum wage or the minimum hourly wage in the municipality where the defendant resides, whichever is greater. Requires the Director of Labor to publish an up-to-date list of the Illinois minimum wage and the minimum wages of each municipality in the State that has enacted a minimum wage that is greater than the State minimum wage. Provides that the Director of Labor shall send the published minimum wage list and updates to the Administrative Office of the Illinois Courts to be provided to each judicial circuit in the State.

LRB102 10102 LNS 15423 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Criminal and Traffic Assessment Act is  
5 amended by changing Sections 5-10 and 5-20 as follows:

6 (705 ILCS 135/5-10)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 5-10. Schedules; payment.

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

1           (b) Before the court orders an assessment, the court shall  
2 make a determination of the defendant's ability to pay the  
3 assessment. If the court determines that the defendant is  
4 unable to pay the assessment, the court may reduce the  
5 assessment or waive the assessment in the court's discretion.

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

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

18           (c-3) Excluding any ordered conditional assessment, if the  
19 assessment is not paid within the period of probation,  
20 conditional discharge, or supervision to which the defendant  
21 was originally sentenced, the court may extend the period of  
22 probation, conditional discharge, or supervision under Section  
23 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as  
24 applicable, until the assessment is paid or until successful  
25 completion of public or community service set forth in  
26 subsection (b) of Section 5-20 of this Act or the successful

1 completion of the substance abuse intervention or treatment  
2 program set forth in subsection (c-5) of this Section.

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

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

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

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

20 (705 ILCS 135/5-20)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 5-20. Credit; time served; community service.

23 (a) Any credit for time served prior to sentencing that  
24 reduces the amount a defendant is required to pay shall be  
25 deducted from the fine, if any, ordered by the court.

1 (b) Excluding any ordered conditional assessment, a  
2 defendant who has been ordered to pay an assessment may  
3 petition the court to convert all or part of the assessment  
4 into court-approved public or community service. One hour of  
5 public or community service shall be equivalent to the value  
6 of one hour of work at the State minimum wage as provided in  
7 the Minimum Wage Law or the minimum hourly wage in the  
8 municipality where the defendant resides, whichever is  
9 greater, as calculated by the Department of Labor. On the  
10 effective date of this amendatory Act of the 102nd General  
11 Assembly and annually thereafter, the Director of Labor shall  
12 publish the Illinois minimum wage and the minimum wages of  
13 each municipality in this State that has enacted by ordinance  
14 a minimum wage that is greater than the State minimum wage. The  
15 Director of Labor shall update the list if the State or  
16 municipal minimum wage is changed by law or if a municipality  
17 enacts an ordinance increasing its minimum wage that is  
18 greater than the State minimum wage. The Director of Labor  
19 shall send the published minimum wage list and updates to the  
20 Administrative Office of the Illinois Courts to be provided to  
21 each judicial circuit in this State ~~\$4 of assessment~~. The  
22 performance of this public or community service shall be a  
23 condition of probation, conditional discharge, or supervision  
24 and shall be in addition to the performance of any other period  
25 of public or community service ordered by the court or  
26 required by law.

1 (Source: P.A. 100-987, eff. 7-1-19; 101-408, eff. 1-1-20.)